

JULY 19, 2007

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-3 (2007)
NYS DEPT. OF AGRICULTURE & MARKETS: Erie County Agricultural District No. 8 (4-0)
 - b. COMM. 13E-8 (2007)
WHYTE: Citizen's Guide to Parks within the City of Buffalo (4-0)
 - c. COMM. 13E-23 (2007)
COUNTY EXECUTIVE: ECSD No. 5 - Erie County Sewer Agency Report - Town of Clarence Sewer Districts Nos. 2, 6, 7 & 9 - Extension and the Consolidation of ECSD No. 5 and its Extension (4-0)
 - d. COMM. 13E-24 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Woodlawn Sewer District Extension (4-0)
 - e. COMM. 13E-25 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Town of Hamburg Sewer Districts Extension (4-0)
 - f. COMM. 13E-26 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Wanakah Sewer District Extension (4-0)
2. COMM. 13E-22 (2007)
COUNTY EXECUTIVE
WHEREAS, the County of Erie desires to lead the effort to revitalize the Buffalo River Urban Canoe Trail and enhance public access to waterfront points of interest; and

WHEREAS, the Buffalo River Water Trail Project will promote public access along the Buffalo River waterfront by offering canoe, kayak, and boating enthusiasts a unique opportunity to experience historical, environmental, and industrial points of interest along the river; and

WHEREAS, the Project complements the River's Greenway Trail, as well as similar efforts to link existing and planned waterfront projects on the Buffalo River with those in the downtown area; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation, through funding made available by the 2007 New York State Environmental Protection Fund and the 2008 Federal Land and Conservation Fund, solicited applications for parks development projects that protect natural resources and enhance environmental infrastructure; and

WHEREAS, the objectives of Buffalo River Water Trail Project meet the criteria for funding through the New York State Office of Parks, Recreation and Historic Preservation, Parks Grant Programs, and an application for funding has been prepared by the Erie County Department of Environment and Planning (ECDEP); and

WHEREAS, the ECDEP will return to the County Legislature to authorize the County Executive to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation and to approve \$175,000 in matching funds if the project is selected for funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965 in an amount not to exceed \$175,000, and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to this County of Erie for the Buffalo River Water Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

3. COMM. 13E-27 (2007)
COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,192,485 for fiscal year 2005 and \$1,144,739 for fiscal year 2006 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs)

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with People Community Housing Development Corporation (People) to develop the Angola Senior Housing Project in the Village of Angola, New York and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not exceed \$179,973 to People; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing projects.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; 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, Management, and Finance; the County Comptroller; and the Commissioner of the Department of Environment and Planning.

(4-0)

4. COMM. 13E-28 (2007)
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County has received \$7,500 in supplemental Tribal Community Reducing Toxic Air Pollutants Project (162TRIBECOMM0507) funding; and

WHEREAS, the current budget established by Legislative resolution on October 12, 2006, (Comm. 17E-22) requires revision to maintain program continuity and allow the County to most efficiently utilize the additional grant resources.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Erie County SIRG 11 Program will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel/Salaries	\$144,750.00	\$5,000	\$149,750.00
502000	Fringe Benefits	65,045.13	2,500	67,545.13

505800	Supplies (Medical and Health)	8,926.87	0	8,926.87
510100	Travel (Local Mileage)	1,075.00	0	1,075.00
516020	Professional Services Dues/Fees	750.00	0	750.00
545000	Rental	250.00	0	250.00
561410	Equipment (Lab & Tech)	700.00	0	700.00
916290	ID DEP Grant	(53,172.00)	(7,500)	(60,672.00)
TOTAL APPROPRIATIONS:		\$168,325.00	0	\$168,325.00

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

5. COMM. 13E-29 (2007)
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative

and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County received notification of award from the NYSDOH on June 4, 2007, for \$131,300 in grant funding for the State Indoor Radon Grant (SIRG) Program 12; and

WHEREAS, the additional grant funding will extend the SIRG Program through June of 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a contract to accept funds in the amount of \$131,300 from the NYSDOH for the SIRG 12 Program, and be it further

RESOLVED, that the grant budget for the Erie County SIRG 12 Program will be established as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
407500	State Aid – New York State DOH	\$131,300
422010	Minor Sales – Radon Testing Kits	5,000
TOTAL REVENUE:		\$136,300

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel/Salaries	\$84,300
502000	Fringe Benefits	43,000
505800	Supplies (Medical and Health)	2,500
516020	Professional Services Dues/Fees	2,500
505000	Office Supplies	1,000
510000	Local Mileage	1,000
510200	Training and Education	1,000
545000	Rental Charges	1,000

TOTAL APPROPRIATIONS: \$136,300

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

6. COMM. 13E-42 (2007)
COUNTY EXECUTIVE

WHEREAS, Title II of the National Affordable Housing Act of 1990, authorizes the Secretary of the United States Department of Housing and Urban Development (HUD) to make grants to units of general local government through the federal HOME Investment Partnership Program (HOME); and

WHEREAS, the Erie County/Town of West Seneca/Town of Hamburg HOME Consortium has been designated a participating jurisdiction for the HOME program by HUD; and

WHEREAS, Erie County has established a First Time Home Buyer Program (FTHB) through funding assistance from the federal HOME Investment Partnership Program; and

WHEREAS, the County desires to enter into an agreement with a preferred lender for the purpose of providing home mortgages and related services to applicants participating in the First Time Home Buyer Program; 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 County Executive is hereby authorized to enter into all necessary agreements with M & T Mortgage Corporation for the purpose of serving as a preferred home mortgage lender under the Erie County First Time Home Buyer Program; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller and the County Attorney.
(4-0)

7. COMM. 13E-47 (2007)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and Norfolk Southern Railway Company have license agreements for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays these license agreement fees on an annual basis; and

WHEREAS, the County of Erie and Norfolk Southern Railway Company have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and Norfolk Southern Railway Company will amend the license agreements and the County will make a final payment of \$15,770.00.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreements between the County of Erie, on behalf of Erie County Sewer Districts Nos. 1,2,3,4 & 6 in the amount of \$15,770.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the amended license agreements with the Norfolk Southern Railway Company subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED, that the Comptroller be authorized to allocate from Professional Services, Contracts and Fees (516020), SD #1 & 4 (1811010), \$7,770.00, SD #2 (1821010), \$5,000.00, SD #3 (1831010), \$1,500.00, SD #6 (1861010), \$1,500.00, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment & Planning; and one certified copy each to the County Executive; the Erie County Comptroller; the Director of Budget, Management and Finance; and Gregory Dudek, Assistant County Attorney.
(4-0)

THOMAS A. LOUGHRAN
CHAIRMAN