

JANUARY 15, 2009

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 1

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5D-6 (2008)
COMMISSIONER OF PARKS, RECREATION & FORESTRY: Letter Concerning INTRO 3-21 (2008) - Regarding Snowboarding in Erie County Parks (6-0)
 - b. COMM. 23E-7 (2008)
COUNTY EXECUTIVE: EC Div. Sewerage Mgt., Engineering Service Agreement (6-0)
 - c. COMM. 23E-10 (2008)
COUNTY EXECUTIVE: EC Sewer Dist. 1-6 and 8, User Charge Rates (6-0)
 - d. COMM. 23E-12 (2008)
COUNTY EXECUTIVE: Creation of Open Item for Award of Sewer District Construction Contracts in EE Committee (6-0)
 - e. COMM. 23M-7 (2008)
NYS DEPT. OF ENVIRONMENTAL CONSERVATION: NY Fish, Wildlife & Marine Resource - Goals for 2010 - 9/16 to 10/15 - Ecosystem Protection (6-0)
 - f. COMM. 23M-8 (2008)
SCOTT TECHNOLOGIES, INC.: Fact Sheet - Brownfield Cleanup Program - 225 Erie St., Lancaster, NY (6-0)
 - g. COMM. 28E-7 (2008)
COUNTY EXECUTIVE: Sewerage Management - Capital Improvement Planning Process - Centralized Maintenance Mgt. System Services (6-0)

- h. COMM. 1M-4 (2009)
NYS DEC: NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection (6-0)

2. COMM. 2E-29 (2008)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 3 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 3 in said County, consisting of the replacement of the Southtowns Sewerage Treatment Plant's roof and the rehabilitation of treatment plant infrastructure, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$570,000, to be apportioned by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law.

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK,
AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of February, 2009, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of February, 2009, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 3 in said County (the "District").

The modification of plans for the increase and the improvement of the facilities consists of the replacement of the Southtowns Sewerage Treatment Plant's roof and the rehabilitation of treatment plant infrastructure, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated October 8, 2008, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$570,000, to be apportioned by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

There will be no additional costs to properties serviced by the Sewer District for items such as connection charges of fees or the need to pay for connection to the sewer system due to said proposed modification of plans.

Dated: Buffalo, New York, _____, 2009.
(6-0)

3. 23E-13 (2008)

COUNTY EXECUTIVE AS AMENDED

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 2009 for properties in the same manner and fashion as the regular sewer district taxes as has 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 2009 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 | \$ 857,498.43 |
| Sewer District #2 | \$ 155,741.96 |
| Sewer District #3 | \$1,041,952.44 |
| Sewer District #4 | \$ 527,382.60 |
| Sewer District #5 | \$ 341,772.60 |
| Sewer District #6 | \$1,162,898.44 |
| Sewer District #8 | \$ 606,427.25 |
| | <u>\$4,693,673.72</u> |

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, the County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

4. COMM. 26E-10 (2008)

COUNTY EXECUTIVE

WHEREAS, Erie County prepared a 1996 plan entitled Erie County Farms for the Future: An Agricultural and Farmland Protection Strategy; and

WHEREAS, said plan contains outdated information and requires alignment with those policies defined in the Erie and Niagara Counties Framework for Regional Growth; and

WHEREAS, Erie County is desirous of applying for State assistance to update the 1996 plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to submit an application to the New York State Department of Agriculture and Markets for preparation of an Erie County Farmland Protection Plan in an amount not to exceed \$50,000; and be it further

RESOLVED, that said State monies will be matched with \$17,500 in federal Community Development Block Grant monies available to Erie County, and \$32,500 in in-kind services to be provided by the Erie County Department of Environment and Planning; 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.
(6-0)

5. COMM. 28E-8 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 16 to Kandey Company, Inc. for the rehabilitation of existing sanitary sewers; 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. 16, Transit Road Sanitary Sewer Rehabilitation, in the final contract amount of \$481,863.59 which includes Change Order No. 1 (final), a decrease of \$3,493.41 in the Erie County Sewer District No. 5 Bond Account C.00035 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 16, Transit Road Sanitary Sewer Rehabilitation between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224 is accepted in the amount of \$481,863.59, which includes Change Order No. 1 (final), a decrease of \$3,493.41 and return the unused portion to unallocated in the Erie County Sewer District No. 5 Bond Account C.00035; 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.
(6-0)

6. COMM. 28E-10 (2008)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Laurence Heininger (Town Engineer, Town of Amherst, 5583 Main St., Williamsville, NY 14221) as a Member of the Board of Managers for Erie County Sewer District No. 5.
(6-0)

7. INTRO 1-10 (2009)
**KOZUB, WHYTE, MILLS, MILLER-WILLIAMS,
KONST, REYNOLDS & LOUGHRAN AS AMENDED**

WHEREAS, the deepening national recession is receiving the immediate attention of President-elect Barack Obama and the Congressional Leadership; and

WHEREAS, the proposed federal economic stimulus package for 2009 includes a combination of tax cuts for businesses and individuals, as well as investments in various infrastructure projects such as roads and bridges and the development of alternative energy programs; and

WHEREAS, this Honorable Body commends government leaders in Washington D.C. for prioritizing the much-needed rehabilitation of roads and bridges as one key area of capital investment in the economic stimulus proposal now under consideration; and

WHEREAS, as the elected representatives of a number of urban and first-ring suburban communities with aging and deteriorating water and sewer systems, county legislators want to stress the importance of making strategic investments and improvements to "below-the-surface" infrastructure systems whose deterioration is not as visible to the eye; and

WHEREAS, the members of the Erie County Legislature believe the proposed federal economic stimulus program may provide the opportunity to address some of these very costly yet essential repairs to municipal water and sewer systems as an initial step toward consolidating or regionalizing these services once they are upgraded, thereby realizing substantial long-term cost savings.

NOW, THEREFORE, BE IT

RESOLVED, the members of the Erie County Legislature request that our elected federal representatives strongly advocate on behalf of water and sewer infrastructure improvements, including a build-out to the Outer Harbor of Buffalo, as underlying capital needs in the cities of Buffalo, Lackawanna and Tonawanda and the first-ring suburbs of Erie County's urban areas, thereby qualifying these capital

projects – in addition to road and bridge rehabilitation – for investment under the proposed federal economic stimulus program now under development; and be it further

RESOLVED, that copies of this resolution be conveyed to President-elect Barack Obama, House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid, U.S. Senators Charles Schumer and Hillary Clinton, and the members of the Western New York Congressional Delegation.

(6-0)

DANIEL M. KOZUB
CHAIR