

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

1. RESOLVED, the following items are hereby received and filed:
- a. INTRO 6-6 (2008)
 WHYTE: Establishment of Niagara River State Park
(5-0)

b. INTRO 17-5 (2008)
 WHYTE: EC Lead Inspection Records
(5-0)

c. COMM. 17M-26 (2008)
 NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: Reclassification of
 Lehigh Valley Railroad
(5-0)

d. COMM. 17M-28 (2008)
 MAYOR OF DENVER: Executive Orders Pertaining to Greenprint Denver Office and
 Sustainability Policy
(5-0)

e. COMM. 18E-9 (2008)
 COUNTY EXECUTIVE: Appointments to the EC Environmental Management Council
(5-0)

f. COMM. 18E-17 (2008)
 COUNTY EXECUTIVE: Construction Inspection Services - Donald Gallo Consultant
 Engineer, PC - Agreement Contract Close Out
(5-0)

g. COMM. 19E-9 (2008)
 REYNOLDS: Availability of Grant Funds for County Agricultural and Farmland Protection Plan
 Development
(5-0)

- h. COMM. 19M-2 (2008)
 CONGRESSMEMBER LOUISE SLAUGHTER: Letter in Support of Sherwood Greenway
 Path Project
(5-0)

i. COMM. 19M-4 (2008)
 NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: NYS Fish, Wildlife &
 Marine Resource Goals for 2010 - 7/15/2008-8/15/2008
(5-0)

j. COMM. 19M-5 (2008)
 NYS FISH & WILDLIFE MANAGEMENT BOARD: Region 9 FWMA Board Meeting
 Minutes for September 4, 2008
(5-0)

k. COMM. 21E-8 (2008)
 REYNOLDS: Letter to Town of Clarence Supervisor Concerning Farmland Protection
(5-0)

l. COMM. 21D-4 (2008)
 DEPUTY COMPTROLLER - AUDIT & CONTROL: Sewerage Mgt. & EC Sewer Dist. No.
 3 - Report for Period 1/1/07 to 5/31/08
(5-0)

m. COMM. 21D-7 (2008)
 ACTING COMMISSIONER, ENVIRONMENT & PLANNING: Comments Concerning
 Comptroller's Audit of EC Sewer Dist. No. 3
(5-0)

n. COMM. 21M-7 (2008)
 NYS DEPT. OF AGRICULTURE & MARKETS: Required Review of EC Agricultural Dist.
 No. 11
(5-0)

o. COMM. 21M-8 (2008)
 TOWN OF HAMBURG: Resolution Concerning EC Recycling Coordinator Position
(5-0)

p. COMM. 21M-11 (2008)
 TOWN OF NEWSTEAD: Resolution Concerning EC Recycling Coordinator Position
(5-0)

- q.

COMM. 22E-10 (2008)
COUNTY EXECUTIVE: EC Sewer Dist No. 3 - Proposed Modifications of Plans - EC Sewer Agency Report
(5-0)
- r.

COMM. 22M-16 (2008)
NYS DEPT. OF ENVIRONMENTAL CONSERVATION: Fact Sheet Concerning Cleanup Activities - Business Park Site in Lackawanna
(5-0)
- s.

COMM. 22M-17 (2008)
CITY OF NIAGARA FALLS: Copy of Certified Resolution in Opposition to Adding Any Hazardous Waste Land Disposal Capacity in NYS
(5-0)
- t.

COMM. 22M-18 (2008)
NYS DEPT. OF ENVIRONMENTAL CONSERVATION: NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection
(5-0)
2.

RESOLVED, the following item is hereby received and filed, and referred to the HEALTH & HUMAN SERVICES COMMITTEE:

a.

INTRO 14-6 (2008)
WHYTE: Socialization and Recreational Opportunities for Seniors
(5-0)
3.

INTRO 14-3 (2008)
IANNELLO, WHYTE & REYNOLDS
WHEREAS, governments, businesses and private citizens are all concerned about the rising cost of energy and the increase in demand for energy; and

WHEREAS, along with this increase in demand, the environment and the health of the world’s population is directly affected by the rise in carbon dioxide emissions related to the world’s energy use; and

WHEREAS, one of the fastest growing energy consumption uses by government, business and private individuals is the use of the personal computer (pc); and

WHEREAS, Erie County employees use or have access to approximately 4000 personal computers, according to Erie County’s 2008 adopted budget; and

WHEREAS, currently, no requirement exists for employees to turn their personal computers off at the end of the work day or on weekends; and

WHEREAS, most of us are under the impression that screen savers are energy savers which according to the US Department of Energy is a costly misconception; and

WHEREAS, turning off monitors if they are not being used is more beneficial as opposed to the use of the more costly screen savers; and

WHEREAS, turning off one personal computer at night can save Erie County approximately \$75 to \$100 per year; and

WHEREAS, the County of Erie could realize additional savings by making use of such energy saving features that allow the computer to ‘hibernate or sleep’ when not in use for a specified period of time; and

WHEREAS, if this savings is multiplied by 4000 computers in use by Erie County Government, the County could realize a potential savings of \$300,000 to \$400,000 at today’s energy costs; and

WHEREAS, it takes between 60 and 300 trees to absorb the yearly carbon dioxide emissions produced by one computer left on 24 hours a day; and

WHEREAS, the environment and human health factors would also realize the benefits of turning off the personal computers; and

WHEREAS, the US Department of Energy recommends instituting such energy and cost saving measures immediately, creating a win-win for taxpayers and the environment; and

WHEREAS, the US Department of Energy predicts that by the year 2010, just 18 months from now, 20% of each American’s electricity bill will come from appliances on standby, the largest portion from personal computers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature institute by formal resolution the following three measures:

- All Erie County employees turn off computers at the end of the work day and on weekends

- All Erie County employees turn off their pc monitor if not using it for more than 20 minutes, i.e. lunch or a meeting
- All Erie County employees to discontinue the use of screen savers for a length of time as they are not energy saving devices; and be it further

RESOLVED, that these measures can be implemented with not only the use of government or business computers but, use of private personal computers in homes, resulting in personal savings on energy bills with an additional benefit to our environment; and be it further

RESOLVED, that these measures take effect in 30 days of this legislation as a requirement for all Erie County employees using County owned personal computers in their job performance; and be it further

RESOLVED, that this resolution be considered a further action to make Erie County a “Green County,” and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, all County Legislators and their staff, all department heads of Erie County, all employees of Erie County, President of Erie Community College and the director of ECMCC.
(5-0)

4. INTRO 17-3 (2008)
IANNELLO, REYNOLDS & WHYTE

WHEREAS, national health organizations, environmental agencies, and physical fitness activists believe increased bicycling and walking to be of national interest not only for health purposes, but also as a mode of transportation; and

WHEREAS, the development of transportation, environmental and public health policies promoting bicycling and walking as a means of transportation should be the concern of local, county, and state governments; and

WHEREAS, persons with disabilities, pedestrians, bicyclists, motorists and transit riders should be able to safely move along and across a ‘complete street;’ and

WHEREAS, complete streets are defined as facilities that are designed and operated to enable safe access for all users comprehensive across the life span for both recreational and transportation; and

WHEREAS, a complete street is one that has improved safety conditions that encourages users to reduce the number of motor vehicle miles traveled whenever possible through increased use of bicycling or walking trips; and

WHEREAS, the County of Erie is in concert with this philosophy for the safety, health and environmental integrity of all residents, visitors and the community as a whole; and

WHEREAS, school aged youth ages 5 to 17 years old (2006), represents an astonishing 29.4% of the total percentage of bicyclists and 19.8% of pedestrians both injured and killed in New York State; and

WHEREAS, New York State should designate its percentage of safety dollars to be commensurate with the percentage of traffic related deaths that are pedestrians and bicyclists; and

WHEREAS, increased bicycling and walking trips will not only help to reduce the carbon footprint in America, but its intention is also to provide exercise to our children and adults as recent surveys have stated that as many as 65% of the US population is overweight; and

WHEREAS, bicycle commuters save annually on average \$1,825 in auto related costs, carbon emissions by 128 pounds, conserve 145 gallons of gasoline and avoid 50 hours of gridlock traffic; and

WHEREAS, we are a nation of over 300 million people with an expected number of 365 million people by 2030, and 465 million by 2050; and

WHEREAS, the vast majority of that growth is occurring in urban areas where there are significant limitations on accommodating the ever increasing motor vehicle travel; and

WHEREAS, over 200 cities in the United States, representing 35 million people, have committed to action plans to increase bicycling and walking as a mode of transportation utilizing health and quality of life as a performance measure; and

WHEREAS, a national network of interconnected urban and rural bikeways can provide valuable community benefits, including low cost recreation and alternative transportation options for people of all ages; and

WHEREAS, such networking designs must include safe and expanded areas for bicycles and pedestrians and moreover this must begin on the local level of government policy.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County join in concert with the 200 US cities to implement a bicycle and pedestrian friendly action plan to achieve the intended goals of good health, improved safety, lessen the

carbon imprint while increasing bicycling and walking as a standard mode of transportation; and be it further

RESOLVED, that the Erie County Commissioner of Public Works shall include pedestrian and bicycle facilities in all new street construction, street reconstruction and park projects undertaken by the County of Erie, where fiscally feasible; and be it further

RESOLVED, that if the cost is prohibited due to disproportionate use, meaning that if the cost of the bicycle or pedestrian way exceeds more than 20% of the project, that such bikeways and pathways be omitted from such projects; and be it further

RESOLVED, that if an existing right of way does not grant access for sidewalks, bike lanes or other improvements, that alternative routes be explored and provided whenever possible; and be it further

RESOLVED, that all bicycle and pedestrian walkways be planned, designed, developed and maintained in accordance with the United States Department of Transportation, the New York State Department of Transportation and other guidelines adhered to by Erie County; and be it further

RESOLVED, that the entire focus be on improving human health, decreasing carbon emissions, enhancing safety and increasing walking and bicycle trips as a mode of transportation; and be it further

RESOLVED, that these actions will enable Erie County to become a “Clean Streets County” with “Complete Streets” policies and a leader in New York State; and be it further

RESOLVED, that this only take place if bicyclists and pedestrians are not prohibited by law from using the facility; and be it further

RESOLVED, that we call upon our Federal and State legislators to provide incentives for local governments to adopt and implement “Complete Street” policies designed to accommodate all users; and be it further

RESOLVED, that certified copies of this resolution be sent to Senators Schumer and Clinton as well as Congressional members of Western New York in addition to our Western New York delegation in Albany and Governor Patterson of New York.
(5-0)

5. COMM. 17E-25 (2008)
COUNTY EXECUTIVE

WHEREAS, the 2009 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2008; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 5, 2008 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2009 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment & Planning.
(5-0)

6. COMM. 19E-11 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County has secured the services of Stearns & Wheler LLC, to provide engineering services for Erie County Sewer District No. 2; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that engineering services have been completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC, dated July 16, 2003 at the final contract amount of \$311,564.50.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated July 16, 2003 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC, be formally closed-out in the final contract amount of \$311,564.50 allocated in the Erie County Sewer District Sewer No. 2 Sewer Capital Fund No. C.00028; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC, dated July 16, 2003; 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 Gregory Dudek, Assistant County Attorney.
(5-0)

7. COMM. 19E-17 (2008)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry is contractually obligated to reimburse the Olmsted Conservancy for 70% of the salary and fringe benefits resulting from the retirement of County employees assigned to the Olmsted location; and

WHEREAS, Park employees Patrick McParlane and Herbert Hatchen retired from County service in 2008 with their positions being deleted in the 2009 budget; and

WHEREAS, Funds in the amount of \$44,511.78 must be transferred from the Personnel Services account 500000 to the Buffalo Olmsted Conservancy Account 516010 in order for the reimbursement of wages to be made.

NOW, THEREFORE, BE IT

RESOLVED, that within the budget of the Division of City Parks, 16440, the amount of \$44,511.78 shall be taken from the Full Time Salaries personnel service account 500000 and transferred to the Buffalo Olmsted Conservancy contractual account 516010; and be it further

RESOLVED, that payment will be made to the Buffalo Olmsted Conservancy for the reimbursement of 70% of retired employee’s wages; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and the Office of the Erie County Comptroller.
(5-0)

8. COMM. 21E-10 (2008)
COUNTY EXECUTIVE
WHEREAS, the engineering firm of Conestoga-Rovers & Associates Infrastructure and Engineering, Inc. is recommended by the Department of Environment and Planning, Division of Sewerage Management to provide On-line Flow Monitoring services in Erie County Sewer Districts (ECSD) Nos. 1, 3, 4, & 5 for a two (2) year period at a cost not to exceed \$43,695.56; and

WHEREAS, the share of each Erie County Sewer District are as follows: ECSD Nos. 1, 4, & 5 totaling \$28,593.09 and ECSD No. 3 totaling \$15,102.47; and

WHEREAS, the selection and recommendation is in conformance with Section 19.08 of the Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$43,695.56 from Erie County Sewer Budget Fund 220, Account No. 516020, Professional Service Contracts & Fees; as follows:

SD Nos. 1, 4, & 5	Fund Center 181	\$28,593.09
SD No. 3	Fund Center 183	\$15,102.47

and be it further

RESOLVED, that an agreement for On-line Flow Monitoring with Conestoga-Rovers & Associates Infrastructure and Engineering, Inc., 285 Delaware Avenue, Suite 500, Buffalo, New York, not to exceed \$43,695.00, is hereby approved and the County Executive is authorized to execute the agreement subject to approval as to form by the County Attorney’s Office, and the payment for these engineering services shall be made from the established Sewer Budget Fund 220, Account No. 516020, Professional Service Contracts & Fees; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to, the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.
(5-0)

9. COMM. 21E-13 (2008)
COUNTY EXECUTIVE
WHEREAS, the County of Erie/Erie County Sewer District No. 3 has initiated plans to undertake the elimination of the Greenmeadow Pumping Station located in the Town of Orchard Park; and

WHEREAS, the County, in order to eliminate the pumping station has to connect to the Town’s sanitary sewer system; and

WHEREAS, the Erie County/Erie County Sewer District No. 3 and the Town desire to enter into an intermunicipal agreement to coordinate and facilitate the construction of the Greenmeadow Sanitary Sewer Subtrunk and subsequent connection into the Town of Orchard Park sewer; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 3 has recommended entering into an intermunicipal agreement for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approve an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3 and the Town of Orchard Park to allow the County to connect its Greenmeadow Subtrunk to the Town’s sanitary sewer system; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said intermunicipal agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; 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 Gregory Dudek, Assistant County Attorney.
(5-0)

10. COMM. 21E-15 (2008)
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. 3, Greenmeadow Subtrunk Sanitary Sewer, Contract No. 12AM, at 2:00 P.M. on October 30, 2008:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
12AM	Paul J. Gallo Contracting, Inc. 4244 Ridge Lea Road Amherst, New York 14226	\$531,512.00

and

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

WHEREAS, there is adequate Fund Balance in Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that the Greenmeadow Subtrunk Sanitary Sewer, Contract No. 12AM be awarded to Paul J. Gallo Contracting, Inc., 4244 Ridge Lea Road, Amherst, New York 14226, in the not-to-exceed amount of \$531,512.00; 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 from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller’s Office; and be it further

RESOLVED, that the Director of Budget is authorized and directed to allocate \$531,512.00 from Sewer Capital, Erie County Sewer District No. 3, Account No. C.00003; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to send one certified copy each of this Resolution to the County Executive, Director of Budget, Comptroller’s Office, County Attorney’s Office and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

11. COMM. 21E-16 (2008)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has identified the need to execute an energy performance contract for the implementation of energy and cost savings at pumping stations and treatment facilities within Erie County Sewer District Nos. 3 & 6; and

WHEREAS, Siemens Building Technologies is a preferred energy performance contractor for work at County owned facilities per Legislature Communication 12E-20 (c), dated July 5, 2001; and

WHEREAS, after a completion of a comprehensive energy audit, Siemens Building Technologies has recommended facility improvement measures at Erie County Sewer District Nos. 3 & 6 treatment plants and pumping stations and will guarantee the identified cost savings at these locations; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York, 14228 to implement the recommended facility improvement measures.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Siemens Building Technologies, be retained at a cost not-to-exceed \$1,017,701; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, to complete the energy performance contract, subject to approval as to content by 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, that the Director of Budget and Management be directed to allocate funds accordingly, as follows:

- Erie County Sewer District No. 3, Sewer Capital Fund No. C.00015, \$622,450.
- Erie County Sewer District No. 6, Sewer Capital Project C.00001, \$395,251.

and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to, the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Gregory Dudek, Assistant County Attorney.
(5-0)

12. COMM. 22E-9 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$23,300 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$21,000; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Project J.00507, WBS element J.00507.1.9; 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; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

**DANIEL M. KOZUB
CHAIR**