

FEBRUARY 28, 2008

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 22E-2 (2007)
COUNTY EXECUTIVE: Appropriation of Funds for Carvings for a Cause (6-0)
 - b. COMM. 26E-5 (2007)
COUNTY EXECUTIVE: Authorization for County Executive to Negotiate and Enter into a Development and Funding Agreement for the Frank Lloyd Wright Rowing Boat House (6-0)
 - c. COMM. 2M-6 (2008)
NYS DEC: Appointments to the Region 9 Fish and Wildlife Management Board (6-0)
 - d. COMM. 3E-37 (2008)
COUNTY EXECUTIVE: Semi-Annual Attendance Records – Board of Managers – EC Sewer Districts (6-0)
 - e. COMM. 3M-5 (2008)
ERIE COUNTY WATER AUTHORITY: Unaudited Comparative Financial Statements for Years Ended 12/31/07 & 2006 (6-0)

2. COMM. 14E-35 (2007) **AS AMENDED**
COUNTY EXECUTIVE
 WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Route 391 Sanitary Sewer Extension Project, Contract 28E, at 2:00 P.M. on February 13, 2008.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 28E	Tom Greenauer Development, Inc. P.O. Box 250 Springbrook, New York 14140	\$184,310.00

and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Route 391 Sanitary Sewer Extension Project, Contract No. 28E, be awarded to Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140, in the not-to-exceed amount of \$184,310.00; 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 Comptroller is authorized and directed to allocate \$184,310.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00066 for Contract 28E; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget and Management; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10th Floor. (6-0)

3. COMM. 26E-5 (2007)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Legislature had awarded Contract No. 37, to Accadia Site Contracting, Inc. for the installation of new sanitary sewers to provide service to existing homes; 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. 37, Didion Road and Brunck Road Sewer Extension, in the final contract amount of \$506,917.45, which includes change order No. 1 (final), a decrease of \$19,339.30 in the Erie County Sewer District No. 4 Bond Account C.00063 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 37, Didion Road and Brunck Road Sewer Extension between the County of Erie and Accadia Site Contracting, Inc., 5636 Transit Road, Depew, N.Y. 14043 is accepted in the amount of \$506,917.45, which includes Change Order No. 1 (final), a decrease of \$19,339.30 in the Erie County Sewer District No. 4 Bond Account C.00063 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 37, Didion Road and Brunck Road Sewer Extension, between the County of Erie and Accadia Site Contracting, Inc. in the amount of \$506,917.45 and release all retention; 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., 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.
(6-0)

4. INTRO 3-2 (2008)

MARINELLI

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointments to the Erie County Region 9 Fish and Wildlife Management Board; and

WHEREAS, the proper functioning of the Fish and Wildlife Management Board on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Environmental Conservation Law, the Fish and Wildlife Management Board shall consist of three members from each county within the region which has appointed its members, and in each county one member shall be a member of or represent the county legislative body, one member shall represent the landowners of the county and one member shall represent the sportsmen of the county; and

WHEREAS, Alternate Board Members representing the county legislative body, the county landowners and sportsmen of the county shall also be appointed; and

WHEREAS, the current members representing the Erie County Legislature and county sportsmen cannot seek reappointment to terms on the board due to New York State Environmental Conservation Law (ECL) (11-0501(4a) which states that representatives to the board can only serve eight (8) years and then must take a one term break (two years) before again being reappointed; additionally, the board member representing county landowners has indicated a desire to retire from service to the board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Legislator Daniel M. Kozub (5172 Abbott Rd., Hamburg, N.Y. 14075) as the Legislative Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board for a term which will expire on December 31, 2009; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Kenneth Brown (6550 Vermont Hill Road, South Wales, N.Y. 14139), as the county Landowner Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board to complete a term that will expire on December 31, 2008; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Thomas Carrow (52 W. Bihrowd Drive, West Seneca, N.Y. 14224), as the county Sportsmen Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board for a term which will expire on December 31, 2009; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Legislator John J. Mills (80 Highland Ave., Orchard Park, N.Y. 14127) as the Alternate Legislative Board Member appointment; Mr. James H. Agle (7915 State Road, Eden, N.Y. 14057) as the county Alternate Landowner Board Member appointment; and Mr. Paul Soos (1845 Clinton Street, Buffalo, N.Y. 14206) as the Alternate Sportsmen Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board for terms which will expire on December 31, 2008; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Erie County Region 9 Fish and Wildlife Management Board (c/o Russell D. Biss, Natural Resources Supervisor, 182 E. Union, Suite #3, Allegany, N.Y. 14706-1328), Board Member appointees at the addresses listed in this resolution, and the office of Erie County Executive Chris Collins.
(6-0)

5. COMM. 3E-38 (2008)

COUNTY EXECUTIVE

WHEREAS, the Town of Clarence, on behalf of Town Sewer District No. 9, has requested sanitary sewer operations and maintenance service from Erie County on behalf of Erie County Sewer District No. 5; and

WHEREAS, the Department of Environment and Planning recommends the execution of the Agreement to provide the sanitary sewer services requested by the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute a sanitary sewer system operations and maintenance service agreement 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, between Erie County on behalf of Erie County Sewer District No. 5 and the Town of Clarence on behalf of Clarence Town Sewer District No. 9, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, Gregory Dudek, Assistant County Attorney, and two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

6. **COMM. 3E-39 (2008)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities and institutions to assist them in complying with environmental regulations; and

WHEREAS, the United States Environmental Protection Agency (USEPA) granted Erie County \$298,960 to establish the Erie County Clean School Bus Initiative Project; and

WHEREAS, as part of the Erie County Clean School Bus Initiative work plan and contract with the USEPA, it is necessary to enter into an agreement with Akron Central School District for \$2,600 to install 26 Crank Case Ventilation Filters; and

WHEREAS, as part of the Erie County Clean School Bus Initiative work plan and contract with the USEPA, it is necessary to enter into an agreement with Sweet Home Central School District for \$2,100 to install 15 Crank Case Ventilation Filters and 6 Diesel Oxidation Catalysts; and

WHEREAS, as part of the Erie County Clean School Bus Initiative work plan and contract with the USEPA, it is necessary to enter into an agreement with University at Buffalo Chapter of Engineers for a Sustainable World for \$2,000 to conduct air quality testing before and after retrofits; and

WHEREAS, Akron Central School District; Sweet Home Central School District and the University at Buffalo Chapter of Engineers for a Sustainable World will be required to work in accordance with a workplan approved by DEP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Akron Central School District for \$2,600 to install 26 Crank Case Ventilation Filters; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with Sweet Home Central School District for \$2,100 to install 15 Crank Case Ventilation Filters and 6 Diesel Oxidation Catalysts; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the University at Buffalo Chapter of Engineers for a Sustainable World for \$2,000 to conduct air quality testing before and after retrofits; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Holly A. Sinnott, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(6-0)

7. **COMM. 3E-40 (2008)**
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual grant and program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2008 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2008 Action Plan dollar amounts as indicated.

1. Erie County Consortium Community Development Block Grant Program: \$3,238,029
2. Emergency Shelter Grant Program: \$127,877
3. HOME Investment Partnership Program: \$1,085,667
4. Town of Hamburg Community Development Block Grant Program: \$467,122

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, non-profit, and for-profit agencies, necessary to implement the above programs with the exception that any proposed agreement that transfers

all or a portion of the administrative functions of the grant from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Block Grant Consortium and the Erie County Legislature; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(6-0)

8. COMM. 3E-41 (2008)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the Erie County Department of Environment and Planning provides support to solid waste management planning units, including the City of Buffalo, to assist them in meeting their mandated New York State Solid Waste Management Plans; and

WHEREAS, on March 1, 2007, the County Executive was authorized by Legislative resolution (Comm. 4E-9) to apply for and to enter into the necessary agreement to accept grant funding for the Erie County Recycling/Education for the City of Buffalo Program; and

WHEREAS the NYSDEC awarded Erie County a three-year grant beginning January 1, 2007, for \$179,677 to implement a municipal waste reduction and recycling program for the City of Buffalo; and

WHEREAS, a City of Buffalo resolution entitled "Authorizing Inter Municipal Agreement Recycling Coordination/Outreach Funding and Project Description," was passed on January 8, 2008, authorizing the transfer of \$70,000 to the County of Erie as part of the local share of the NYSDEC Grant, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept \$70,000 in resources from the City of Buffalo and other agreements to support the Erie County Waste Reduction and Recycling program for the City of Buffalo, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the contract necessary to accept \$179,677 from the NYSDEC (Contract No. C302847) to assist in funding the Erie County Waste Reduction and Recycling Program for the City of Buffalo, and be it further

RESOLVED, that the following Program budget is hereby appropriated in the grant fund as follows:

Account Description	Budget
479000 County Share Contributions	\$ 74,677
409000 State Aid Revenue	179,677
420499 Other Local Source Revenue	<u>105,000</u>
TOTAL REVENUE	\$359,354
500000 Personal Services	\$144,473
502000 Fringe Benefits	60,679
516020 Professional Services	142,702
510200 Training & Education	4,500
530000 Other Expenses	<u>7,000</u>
TOTAL APPROPRIATIONS	\$359,354

and be it further,

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

RESOLVED, that the following occupied position from a previous grant (the funds of which are fully expended) will be created under this project:

Assistant Coordinator-Solid Waste Recycling Project (JG-9) position
B-100 No. 3523
Budgeted Annual Salary: \$46,377

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Holly A. Sinnott, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(6-0)

9. COMM. 4E-6 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature hereby confirms the appointment of David Barus (2246 Center Street, East Aurora, NY 14052) to the Erie County Fisheries Advisory Board for a term that will expire on December 31, 2010.

(6-0)

10. COMM. 4E-7 (2008)

COUNTY EXECUTIVE

WHEREAS, the County of Erie/Erie County Sewer District No. 6 has initiated plans to undertake the rehabilitation of the existing sanitary sewer in Holland, Wilson, and Wilmuth Avenues located in the City of Lackawanna; and

WHEREAS, the City of Lackawanna has requested Erie County to include the mill and pave portion of the sanitary sewer project with the City's road rehabilitation of Holland Avenue; and

WHEREAS, the Erie County/Erie County Sewer District No. 6 and the City of Lackawanna desire to enter into an intermunicipal agreement to coordinate and facilitate the sanitary sewer rehabilitation project and the road rehabilitation project in order to achieve cost containment and efficiency and to minimize inconvenience to the public; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has recommended entering into an intermunicipal agreement for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to transfer the costs for the County's planned mill and pave in Holland Avenue with the City of Lackawanna road rehabilitation is hereby approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate funds, not to exceed \$40,000 for road rehabilitation associated with the sanitary sewer portion of the work from Sewer Capital, Erie County Sewer District No. 6, Account C.00064; 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 Management and Gregory Dudek, Assistant County Attorney.

(6-0)

**DANIEL M. KOZUB
CHAIR**