

MARCH 5, 2009

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 17-6 (2008)
WHYTE: Investigation of Air Pollution and Negative Health Effects in Tonawanda and Riverside
(6-0)
 - b. COMM. 2E-35 (2009)
WHYTE: Copy of Article, Titled "The Suburban Challenge"
(6-0)
 - c. COMM. 3E-18 (2009)
IANNELLO: Letter to Governor Paterson Concerning Health Concerns Involving High Benzene Levels in the Town/City of Tonawanda
(6-0)
 - d. COMM. 3M-5 (2009)
ERIE COUNTY WATER AUTHORITY: Financial Statements for the Years Ended December 31, 2008 and 2007
(6-0)
 - e. COMM. 4E-7 (2009)
COUNTY EXECUTIVE: EC Sewer District Nos. 3 & 6 - Engineer Term Agreement
(6-0)
 - f. COMM. 4E-12 (2009)
COUNTY EXECUTIVE: Solid Waste Responsibility to be Incorporated Into the EC Integrated Pest Management Project
(6-0)
 - g. COMM. 4M-1 (2009)
NYS DEC: Public Meeting Notice Regarding Spaulding Composites Site, Tonawanda City Hall
(6-0)

- h. COMM. 4M-3 (2009)
CITY OF BUFFALO COMMON COUNCIL: Copy of Resolution Entitled, "Establishing A Special Committee of the Common Council to Address Parks Issues"
(6-0)
 - i. COMM. 4M-4 (2009)
NYS DEC: Public Meeting Notice Regarding Union Ship Canal Public Open Space, Valley Community Center, Buffalo
(6-0)
 - j. COMM. 4M-12 (2009)
ASSEMBLYMAN SAM HOYT: "Why I Support an Erie County Planning Board"
(6-0)
2. COMM. 23E-11 (2008)
COUNTY EXECUTIVE **AS AMENDED**
RESOLUTION NO. _____

RESOLUTION DATED _____, 2009

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2009.

(Adopted) _____, 2009.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 3 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer 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, said County Legislature duly adopted Resolution No. 17 on the 29th day of January, 2009, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 24th day of February, 2009, at 1:30 P.M. o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 3 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$570,000.

Section 2. The cost of the proposed modification expenditure is 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.

Section 3. This resolution shall take effect immediately.

(6-0)

3. COMM. 2E-8 (2009)

COUNTY EXECUTIVE

WHEREAS, the Buffalo and Erie County Greenway Fund – Standing Committee awarded Erie County \$205,000 to prepare a Shoreline Trail Signage – Riverwalk Section project; and

WHEREAS, said project will develop a signage site and amenity specification manual for all existing and future trail segments within the Niagara River Greenway area; and

WHEREAS, the Erie County Standing Committee will utilize the Community Foundation for Greater Buffalo as their contracting agent for fund disbursements; and

WHEREAS, the Buffalo Olmsted Parks Conservancy has requested that a park furnishings element be added to the project to ensure economies of scale within the project budget; and

WHEREAS, Wendel-Duchscherer has undertaken initial elements of the project through completion of a Shoreline Trail Signage and Wayfaring Study in 2004 on behalf of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a funding agreement with the Community Foundation for Greater Buffalo in an amount not to exceed \$205,000 for the purpose of carrying out the Shoreline Trail – Riverwalk Section Signage project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a funding agreement with the Buffalo Olmsted Parks Conservancy in an amount not to exceed \$7,800 for the purpose of undertaking the park furnishings element of the aforementioned project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a professional services contract with Wendel-Duchscherer for an amount not to exceed \$54,000 for the purposes of design and construction inspection services associated with the Shoreline Trail – Riverwalk Section – Signage and Park Furnishing System; 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 agreement is a continuation of work actions undertaken as part of the 2004 Shoreline Trail Signage Wayfaring Study; and be it further

RESOLVED, that authorization is hereby provided to establish a capital account to be known as the Shoreline Trail – Riverwalk Section Signage and Park Furnishing System for the period March 1, 2009 to December 31, 2011 as follows:

<u>Revenue:</u>	
420499 - Community Foundation for Greater Buffalo (other local source revenue)	\$205,000
420499 - Buffalo Olmsted Parks Conservancy (other local source revenue)	\$ 7,800
 <u>Appropriations:</u>	
516020 – Professional Services Contracts and Fees	\$212,800
 Total Appropriations:	 \$212,800

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 Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

4. COMM. 2E-9 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them to comply with environmental regulations; and

WHEREAS, the ECDEP has previously been contracted by the County’s two solid waste management boards to assist with compliance with their solid waste management plans; and

WHEREAS, Erie County’s two solid waste management boards have signed separate Memorandums of Understanding (MOU) for the ECDEP to provide the necessary services for compliance with each Solid Waste Management Plan; and

WHEREAS, each MOU represents a two-year commitment of \$10,125 from each Board per year for a total of \$40,500; and

WHEREAS, a United States Environmental Protection Agency (USEPA) grant-funded program for the Erie County Integrated Pest Management (IPM) Project to begin on January 1, 2009, has been established through Comm. 5E-20; and

WHEREAS, the USEPA program can be effectively combined with the services required by the MOU’s submitted by the two solid waste management boards; and

WHEREAS, the current position of JG-7, RPT, managing the USEPA grant program will assume the additional responsibilities associated with the two MOU’s; and

WHEREAS, it is necessary to revise the USEPA Budget 162INTEGPESTMG0810 (Fund 281) to incorporate the additional funding; and

WHEREAS, it is necessary to change the existing JG-7, RPT, to a full time position retroactive to January 1, 2009, to effectively meet the objectives of the County’s solid waste boards.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into separate agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to accept the combined funds not to exceed \$40,500; and be it further

RESOLVED, that these funds will be added to the Erie County IPM Project Budget 162INTEGPESTMG0810 (Fund 281) in Personnel/Salaries and Fringe Benefits; and be it further

RESOLVED, that the grant budget for the Erie County IPM Project will be revised as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
414000	Federal Aid -- USEPA	\$ 98,340	0	\$ 98,340
420499	Other local source revenue	\$	40,500	\$ 40,500
Total Revenues:		\$ 98,340	\$40,500	\$138,840

APPROPRIATIONS:

Department of Environment & Planning – 162INTEGPESTMG0810 (Fund 281)

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel/Salaries	\$ 52,000	\$28,520	\$ 80,520

502000	Fringe Benefits	\$ 21,840	11,980	\$ 33,820
505000	Supplies	\$ 1,000	-	\$ 1,000
510000	Travel -- Mileage	\$ 1,500	-	\$ 1,500
510200	Professional Services/Contractual	\$ 22,000	-	\$ 22,000
Total Appropriations		\$98,340	\$40,500	\$138,840

and be it further

RESOLVED, that the current position of JG-7, RPT, be changed to a full-time position

Change: Project Coordinator – Integrated Pest Management (JG 7, RPT)
 Budgeted Salary: \$26,000
 To: Project Coordinator – Integrated Pest Management (JG 7)
 Budgeted Salary: \$39,293
 (B-100 # 4443);

and be it further

RESOLVED, that the Director of Budget and Management 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 certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Esther W. Brennan, Environment and Planning; the County Comptroller; and the County Attorney.
 (6-0)

5. **COMM. 3E-12 (2009)**
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2008-2009 snowmobile season for funding in an amount not to exceed \$219,575.00; and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2009 Adopted Budget of the Division of Parks; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$219,575.00 as pertains to snowmobile trail maintenance performed during the 2008-2009 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$208,350.00 for the purpose of snowmobile trail maintenance on club trails during the 2008-2009 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$23,750.00
Eden Trail Blazers Inc.	\$16,300.00
Grand Island Snowmobile Club Inc.	\$ 7,200.00
Hamburg Snowmobile Club Inc.	\$21,225.00
Holland Sno-Rascals Inc.	\$25,825.00
Marilla Sno-Mob Inc.	\$19,425.00
Northern Erie Snowseekers Inc.	\$21,900.00
Pioneer Sno-Surfers Inc.	\$11,175.00
Southern Tier Snowdrifters Inc.	\$26,675.00
WNY Snowmobile Club of Boston Inc.	\$34,875.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$219,575.00, of which \$11,225.00 will be Park revenue, and an increase in appropriations in the amount of \$208,350.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; 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, the Commissioner of the Department of Environment and Planning, the Office of the Erie County Comptroller and Assistant County Attorney, Stephanie Calhoun, of the Law Department.

(6-0)

6. COMM. 3E-13 (2009)

COUNTY EXECUTIVE

WHEREAS, Erie County is currently a leading member of the "Niagara 10" and fully participates on all levels in the interest of fostering and supporting numerous bi-national, Niagara Region initiatives; and

WHEREAS, Erie County and the bi-national Niagara Region have a common interest in shared waterways and water stewardship; and

WHEREAS, the International Joint Commission is holding its centennial celebrations in the Niagara Region in 2009, creating focus on the issues that surround water stewardship in the Niagara Region and the Great Lakes Basin; and

WHEREAS, the "Niagara 10" recommendations include a proposal to develop a political strategy for building the profile of the cross-border Niagara region. This includes efforts to coordinate water stewardship practices across the Niagara area border.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County declares 2009 the "Year of Our Shared Waters" in the bi-national Niagara Region; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Holly A. Sinnott, AICP, Department of Environment and Planning, and one certified copy to the County Executive.

(6-0)

**DANIEL M. KOZUB
CHAIR**