

September 29, 2009

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 6-4 (2009)
RATH: "Opposing Upstate Rate Increases by the New York State Power Authority"
(6-0)
 - b. COMM. 8M-6 (2009)
NYSDEC: "NYS Nonattainment Area Recommendation for the 2008 Revised Ozone National Ambient Air Quality Standard"
(6-0)
 - c. COMM. 18E-4 (2009)
COUNTY EXECUTIVE: "ECSD #4, EC Sewer Agency Report, Increase & Improvement of Facilities (2009)"
(6-0)
 - d. COMM. 18M-1 (2009)
NYS FISH & WILDLIFE MANAGEMENT BOARD: "Agenda Items for Region 9 Board Meeting Held 9/3/09"
(6-0)
 - e. COMM. 18M-5 (2009)
NYSDEC: "Region 9 Fish & Wildlife Highlights - 7/16/09 - 8/15/09"
(6-0)
 - f. COMM. 18M-7 (2009)
NYSDEC: "Fact Sheet - Investigation & Cleanup to Begin at the 1318 Niagara St. Site"
(6-0)
 - g. COMM. 18M-8 (2009)
ALLEGANY COUNTY BOARD OF LEGISLATORS: "Copy of Resolution to Request Governor Paterson & NYS Legislature to Advance Funding and Expedite the Timetables to Complete Parts of the Appalachian Development Highway System"
(6-0)

2. COMM. 12E-26 (2009)

COUNTY EXECUTIVE

WHEREAS, household hazardous waste is being generated by residents in Erie County; and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County; and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community; and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 48,000 residents within Erie County; and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Erie County HHW Program is dependent upon State Aid assistance for partial funding; and

WHEREAS, Erie County deems it to be in the public interest and benefit to file an application for State Aid; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for State assistance for the HHW Collection Program in the form required by the State of New York in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive is directed and authorized to enter into agreement and sign the resulting contract for partial reimbursement for expenses incurred conducting the Erie County HHW Program, if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees to fund the cost of said HHW Collection Program and will be reimbursed by the State for the State's share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application; 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, AICP, the Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Paul B. Kranz, P.E., Associate Engineer; the County Comptroller; and the County Attorney.
(6-0)

3. COMM. 18E-5 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 4, 2001 with Pratt & Huth Associates in the final contract amount of \$141,805.21.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 4, 2001 between the County of Erie and Pratt & Huth Associates be formally closed in the final amount of \$141,805.21; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 4, 2001, between the County of Erie and Pratt & Huth Associates; 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 Eric Ziobro, Assistant County Attorney.
(6-0)

4. COMM. 18E-6 (2009)
COUNTY EXECUTIVE

WHEREAS, approval of a resolution to authorize the transfer of funds from Erie County Sewer District Nos. 3/8 Professional Service Account and Maintenance Contract Account to the Maintenance &

Repair Account is needed due to increases in chemicals, specifically, Ferric Chloride for the remainder of Fiscal Year 2009.

NOW, THEREFORE, BE IT

RESOLVED, that in order to implement this request, the budget revisions will be submitted to the Budget Office to transfer available funds within the Erie County Sewer District Nos. 3/8 Budget to the appropriate account codes; and be it further

RESOLVED, that authorization is hereby provided to make the following budget adjustments:

Fund 220 – Sewers – Fund Center 18310 SD3/SD8

	<u>Increase</u>
Expense 506200 Maintenance & Repair	\$200,000
	<u>Decrease</u>
Expense 516020 Professional Services	(\$100,000)
Expense 516030 Maintenance Contracts	<u>(\$100,000)</u>
	-0-

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Director of Budget and Management, Erie County Comptroller and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

5. COMM. 18E-7 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of DiDonato Associates to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 21, 2004 with DiDonato Associates in the final contract amount of \$235,523.90.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 21, 2004 between the County of Erie and DiDonato Associates be formally closed in the final amount of \$235,523.90; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 21, 2004, between the County of Erie and DiDonato Associates; 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 Eric Ziobro, Assistant County Attorney.
(6-0)

6. **COMM. 18E-8 (2009)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie/Erie County Sewer District No.4 has initiated plans to undertake the rehabilitation of the existing sanitary sewer in Parkdale and Glendale Roads and Broadway Avenue located in the Town of Lancaster; and

WHEREAS, the Town of Lancaster has requested Erie County to include the gravity sewer rehabilitation project within the Town's road rehabilitation of Glendale and Parkdale Roads and Broadway Avenue; and

WHEREAS, the County of Erie/Erie County Sewer District No.4 has estimated the cost of the sanitary sewer installation to be \$577,000.00 including General Services During Construction and Resident Inspection; and

WHEREAS, the Erie County/Erie County Sewer District No.4 and the Town of Lancaster 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.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No.4 and the Town of Lancaster to include the sanitary sewer rehabilitation of the existing sanitary sewer for Glendale and Parkdale Roads and Broadway Avenue within the Town of Lancaster at a cost not to exceed \$577,000.00 is hereby approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate funds for the sanitary sewer portion of the work from Sewer Capital, Erie County Sewer District No.4, Account C.00063; 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 Eric Ziobro, Assistant County Attorney.
(6-0)

7. **COMM. 18E-9 (2009)**
COUNTY EXECUTIVE

WHEREAS, County of Erie/Erie County Sewer District No. 4, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Aurora North Subtrunk Sanitary Sewer, identified as CWSRF Project No. 6699-09; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit

corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Eric Ziobro, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Sewage Treatment Plant Upgrade/Expansion, identified as CWSRF Project No. 6647-08; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance,

to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Eric Ziobro, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.
(6-0)

DANIEL M. KOZUB
CHAIR