

MARCH 9, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLS.

- 1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 32E-8 (2006)
COUNTY EXECUTIVE: Parks, Recreation & Forestry - Recreational Event Funding Report (3-0) Legislator Kozub not present.
 - b. COMM. 5E-22 (2006)
COUNTY EXECUTIVE: ECSD No. 6/ STSTA - Disinfection Improvements - Contract No. 6ST-D - Change Order No. 1 (3-0) Legislator Kozub not present.
 - c. COMM. 5E-23 (2006)
COUNTY EXECUTIVE: ECSD No. 6/ STSTA - Disinfection Improvements - Contract No. 6ST-A - Change Order No. 5 (3-0) Legislator Kozub not present.

2. INTRO 4-1 (2006) **AS AMENDED**
LOUGHRAN

WHEREAS, Erie County has a continuing need to monitor and limit its discretionary spending in an effort to insure that all vital and mandated services are provided to the residents of Erie County without adversely affecting the County's 2006 budget and insuring that the 2006 budget remains balanced; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has requested authorization to spend \$60,000.00 (Comm. 32E-8) for the funding of certain activities; and

WHEREAS, the programs and activities for which the Department seeks to fund are discretionary services provided to residents of Erie County and are not required by local, state or federal law; and

WHEREAS, Erie County has a large number of civic, community, and not-for-profit organizations in our community who could serve as partners with the County in providing these services to the community; and

WHEREAS, the Erie County Legislature is committed to identifying alternative methods of providing discretionary services to Erie County residents in the most effective and cost-efficient manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Erie County Department of Parks, Recreation and Forestry to seek partners from the private sector to assist the Department with the provision of discretionary services for the residents of Erie County, and be it further

RESOLVED, that the Department of Parks, Recreation, and Forestry shall notify the Legislature of its efforts to develop this public-private partnership for the provision of these discretionary services on a monthly basis in writing to the Legislature's Energy & Environment Committee, and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, the County Attorney and the Commissioner of Parks, Recreation and Forestry. (3-0) Legislator Kozub not present.

2. COMM. 5E-17 (2006)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Board of Managers for Erie County Sewer District #5 to replace Charles Alessi who has resigned:

<u>Name and Address</u>	<u>Term Expiration</u>
Mr. Michael Quinn, P.E. Assistant Deputy Commissioner 95 Franklin Street, 10 th Floor Buffalo, New York 14202 (3-0) Legislator Kozub not present.	December 31, 2007

- 3. COMM. 5E-20 (2006)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to complete a real-time, web-based wireless flow monitoring and online flow model project in Erie County Sewer District No. 1; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management completed a professional services selection process, and has recommended the firm of GEOtivity Incorporated, 801 Dalton Road, Kelowna, British Columbia, Canada V1X 7X3.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of GEOTivity Incorporated, be retained at a cost not-to-exceed \$100,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of GEOTivity Incorporated, 801 Dalton Road, Kelowna, British Columbia, Canada V1X 7X3, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate \$100,000.00 from Erie County Sewer District No. 1 Capital Account C.00057; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Mark C. Poloncarz, County Comptroller, one copy to Kenneth Vetter, Director of Budget, Management and Finance, and one copy to Gregory J. Dudek, Assistant County Attorney. (3-0) Legislator Kozub not present.

4. **COMM. 5E-21 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to complete a real-time, web-based wireless flow monitoring and online flow model project in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management completed a professional services selection process, and has recommended the firm of CRA Infrastructure & Engineering, Inc, 268 Main Street, Suite 600, Buffalo, NY 14202.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of CRA Infrastructure & Engineering, Inc., be retained at a cost not-to-exceed \$100,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc, 268 Main Street, Suite 600, Buffalo, NY 14202, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate \$100,000.00 from Erie County Sewer District No. 6 Capital Account C.00064; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Mark C. Poloncarz, County Comptroller, one copy to Kenneth Vetter, Director of Budget, Management and Finance, and one copy to Gregory J. Dudek, Assistant County Attorney. (3-0) Legislator Kozub not present.

5. **COMM. 5E-24 (2006)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Donald Gallo Consulting Engineer, P.C. to provide construction inspection services throughout Erie County Sewer District Nos. 1-6 and Southtowns Sewage Treatment Agency; 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 June 16, 2001 with Donald Gallo Consulting Engineer, P.C., in the amount of \$233,090.53.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated June 16, 2001 between Erie County Sewer District Nos. 1-6 and Southtowns Sewage Treatment Agency and Donald Gallo Consulting Engineer, P.C., be formally closed-out in the final amount of \$233,090.53; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the various Sewer Capital Accounts, between Erie County Sewer District Nos. 1-6 and Southtowns Sewage Treatment Agency and Donald Gallo Consulting Engineer, P.C.; 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 (1) certified copy each Joel Giambra, County Executive; Ken Vetter, Director of Budget and Management; Mark C. Poloncarz Erie County Comptroller; and Gregory Dudek, Assistant County Attorney. (3-0) Legislator Kozub not present.

6. **COMM. 5E-25 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Southtowns Sewage Treatment Agency was issued a 25 year easement for its 66-inch diameter outfall pipe into Lake Erie by the New York Office of General Services,

as recorded in the Department of State, Volume 21 of Miscellaneous Deeds and Title Papers at Page 692; and

WHEREAS, the existing easement term was extended to December 1, 2053; and

WHEREAS, the outfall pipe must be extended an additional 1,000 feet into the lake; and

WHEREAS, an additional 1,000 feet of easement is required.

NOW, THEREFORE, BE IT

RESOLVED, that an application to request an additional easement be made to the New York Office of General Services for the longest term allowable; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the New York Office of General Services, care of Thomas A. Pohl, Senior Attorney, Office of General Services, Mayor Erastus Corning 2nd Tower, Albany, New York 12242; one certified copy of this Resolution to County Executive, Joel Giambra; two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Gregory Dudek, Assistant County Attorney.
(3-0) Legislator Kozub not present.

7. COMM. 5E-36 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, on behalf of the Erie County Sewer Districts, has been requested to consider merger of wastewater services with several Erie County communities that currently provide service to their ratepayers independently; and

WHEREAS, the effects and feasibility of these mergers will be evaluated by retaining a consultant; and

WHEREAS, costs will be incurred to complete these studies; and

WHEREAS, these costs may be shared between the County Sewer Districts and the interested municipalities; and

WHEREAS, intermunicipal agreements are necessary to allow for the Erie County Sewer Districts and the interested municipalities to share the study costs.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to execute intermunicipal agreements between the County of Erie, on behalf of the Erie County Sewer Districts, and each interested municipality, subject to approval as to content by the Commissioner of the Department of Environment & Planning, and approval as to form by the County Attorney; 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., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive, Marc Polancarz, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Kenneth Vetter, Director of Budget, Management and Finance.
(3-0) Legislator Kozub not present.

THOMAS J. LOUGHRAN
CHAIRMAN