

September 19, 2013

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-1 (2013)
ARCADE TOWN BOARD: "SEQR Lead Agency Coordination - Town of Arcade - Amendment to the Comprehensive Plan"
(5-0)
 - b. COMM. 14M-2 (2013)
NYSDEC: "Update: Proposal to Delete the Ameron Site - City of Buffalo from the Contaminated Site Registry"
(5-0)
 - c. COMM. 14M-3 (2013)
NYSDEC: "Public Notice: Applications & Remedial Investigation Work Plans from Carlo Group, LLC for Two Separate Sites known as 20 Wilkenson Way - City of Buffalo & 15 La Riviere Drive - City of Buffalo"
(5-0)
 - d. COMM. 14M-7 (2013)
THE KNOER GROUP, PLLC: "Letter to Clerk of Legislature Concerning Sheridan Park, Inc."
(5-0)
 - e. COMM. 15E-11 (2013)
COUNTY EXECUTIVE: "ECSD Nos.1-6 & 8 - Section 270/271 Resolutions"
(5-0)
 - f. COMM. 15D-8 (2013)
COMPTROLLER'S OFFICE: "Letter to Commissioner of Parks, Recreation & Forestry Concerning Audit of Residences Operated by Department of Parks, Recreation & Forestry"
(5-0)
 - g. COMM. 15D-13 (2013)
COMPTROLLER'S OFFICE: "Letter to Commissioner of Parks, Recreation & Forestry Concerning Audit"
(5-0)
 - h. COMM. 15D-19 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Former Friendship House Demolition - SEQR Notification"
(5-0)
 - i. COMM. 15M-2 (2013)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning the Extension of Review Date of Agricultural District No. 15"
(5-0)
 - j. COMM. 15M-6 (2013)
NYSDEC: "Fact Sheet: 432 Pearl St. Update - Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced"
(5-0)
 - k. COMM. 15M-7 (2013)
NYSDEC: "Fact Sheet: 275 Franklin St. Update - Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced"
(5-0)
 - l. COMM. 15M-8 (2013)
NYSDEC: "Notice: Comment Period for Site Known as Former Buffalo Forge Property"
(5-0)
 - m. COMM. 15M-9 (2013)
NYSDEC: "Notice: Comment Period for Site Known as Kensington Heights Apartments"
(5-0)
 - n. COMM. 15M-10 (2013)
NYSDEC: "Notice of Deletion: Spaulding Fibre - 310 Wheeler Street, City of Tonawanda"
(5-0)
 - o. COMM. 15M-12 (2013)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice for Site Known as Fourth Street MGP"
(5-0)

- p. COMM. 15M-20 (2013)
EVANS TOWN BOARD: “Copy of Resolution Requesting EC to Remove Local Sales & Use Tax on Commercial Solar Energy Systems”
(5-0)
- q. COMM. 15M-21 (2013)
THE KNOER GROUP, PLLC: “Letter to Clerk of Legislature Concerning Sheridan Park, Inc.”
(5-0)
- r. COMM. 15M-22 (2013)
NYSDEC: “Public Notice: Application, Draft Remedial Investigation & Alternative Analysis Work Plan from 847 Main Street, LLC for Site Known as the Former Trico Plant”
(5-0)

2. COMM. 15E-12 (2013)
COUNTY EXECUTIVE
WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections and evaluations as well as to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on October 6, 2011, at Meeting Number 20, Communication Number 18E-30 for the purpose of performing a County-wide Stream Maintenance Program and the Department of Public Works requests legislative approval to renew a contract with the Erie County Soil and Water Conservation District.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$100,000 to be allocated from Business Area 123, Cost Center 1231010, Fund 210, General Ledger Account 516020 – Professional Services, for technical services to reduce erosion, scour and localized flooding related risks to roads, bridges, culverts and rights-of-way at various locations; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.
(5-0)

3. COMM. 15E-13 (2013)
COUNTY EXECUTIVE
WHEREAS, the County is seeking to formalize and adopt the Ellicott Creek Park Island as a bark park; and

WHEREAS, the County would like to formally open the bark park as soon as possible, while promoting it as such, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute an agreement with the Friends of Ellicott, Inc. for the purpose of maintaining and operating the Bark Park within the County’s Ellicott Creek Park in the Town of Tonawanda; and be it further

RESOLVED, that unless agreed upon separately, costs associated with the license agreement will be the responsibility of the Friends of Ellicott, Inc.; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller’s Office and the County Attorney.
(5-0)

4. COMM. 15E-24 (2013)
COUNTY EXECUTIVE
WHEREAS, The Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern; and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Erie County Natural Habitat Parks; and

WHEREAS, the USEPA approached DEP to apply for the USEPA's Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan and implementing habitat restoration projects; and

WHEREAS, Buffalo Niagara Riverkeeper through their past experience successfully managing and coordinating the Buffalo River Remedial Action Plan (RAP) was identified in the USEPA approved work plan as a specific sub-contractor to Erie County to provide these services; and

WHEREAS, the United States Environmental Protection Agency (USEPA) awarded Erie County a Great Lakes Restoration Initiative of \$1,948,464.00 to complete a three-year "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project"; and

WHEREAS, the addition of this habitat restoration initiative necessitates the execution of a grant contract with the USEPA, the adoption of a grant budget; the creation of an Environmental Compliance Specialist (JG-9) position within the DEP which will be 100 % grant funded; and the execution of a contract with Buffalo Niagara Riverkeeper.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$1,948,464.00 from the United States Environmental Protection Agency for the purpose of establishing a three-year "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project"; and be it further

RESOLVED, that the grant budget and project period for the United States Environmental Protection Agency Great Lakes Restoration Initiative Grant is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project" (Grant Period: 10/1/2013 – 9/30/2016), SAP Grant Account #162BRRPM0916

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	(\$1,948,464)
TOTAL REVENUE		(\$1,948,464)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$139,200
502000	Fringe Benefits	\$93,264
510000	Local Travel & Mileage	\$400
505000	Supplies	\$200
516020	Professional Services Contract	\$1,715,400
TOTAL APPROPRIATIONS:		\$ 1,948,464

and be it further

RESOLVED, that the following position, for which sufficient funding through United States Environmental Protection Agency grant funding for personal services and fringe benefits exists, will be created in the above grant:

Environmental Compliance Specialist (JG-9)
B-100 No. 000 000 7402
Budgeted Annual Salary: \$46,400

and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo Niagara Riverkeeper for \$309,000 to manage the Buffalo River RAP over the 3-year project period; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of Environment and Planning; and Bonnie Lawrence, Coordinator – Pollution Prevention Program.
(5-0)

5. COMM. 15E-38 (2013)
COUNTY EXECUTIVE

WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and

WHEREAS, the County is embarking on a \$2.1 million multi-phased improvement project to Black Rock Canal Park; and

WHEREAS, Erie County is looking to complete Phase II improvements which includes enhancements to the main parking area and entry road, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Construction Management Services with Nussbaumer and Clarke, Inc. for Phase II Improvements to Black Rock Canal Park, in an amount not to exceed \$172,400.00; and be it further

RESOLVED, that an amount of \$172,400.00 be allocated from SAP Account A.21016 for Engineering and Construction Management Services an additional amount of \$17,200.00 be allocated for a Department of Environment and Planning design contingency fund with authorization for the County

Executive to approve contract amendments with Nussbaumer and Clarke, Inc., not to exceed \$17,200.00 also to be allocated from SAP Account A.21016; and be it further

RESOLVED, that the source of said funds are available within the Erie County Department of Environment and Planning Budget in SAP Account No. 21016, Black Rock Canal Park; and be it further

RESOLVED, that the requirement for a request for proposal in Section 19.08 of the Erie County Administrative Code is hereby waived due to the unique knowledge and experience of Nussbaumer and Clarke, Inc. concerning conditions at Black Rock Canal Park and their ability to expedite the design process in a manner consistent with the completion timeframes established by various grantor agencies; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(5-0)

TERRENCE D. McCracken
CHAIR