

September 18, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- a. Item Page -2003 (Comm. 14E-5)
COUNTY EXECUTIVE: ECSD No. 2 – Southwest Interceptor & Pumping Station
Facilities Evaluation – Change Order No. 7.
(5-0)
- b. Item Page -2003 (Comm. 14E-7)
COUNTY EXECUTIVE: ECSD No. 3 – Engineering Service Agreements – Work Order
PH-4.
(5-0)
- c. Item Page -2003 (Comm. 14M-1)
CITY OF BUFFALO: Copy of Certified Resolution Re: Memorializing EC to Adopt Anti-
Sprawl Measures – Water.
(5-0)
- d. Item Page -2003 (Comm. 15D-7)
DEP: SEQR – Negative Declaration – Greenmeadow Subtrunk & Elimination of
Greenmeadow Pumping Station.
(5-0)
- e. Item Page -2003 (Comm. 15E-63)
COUNTY EXECUTIVE: ECSD Nos. 1-6 – Section 270/271 Resolutions.
(5-0)
- f. Item Page -2003 (Comm. 15E-64)
COUNTY EXECUTIVE: EC/SSTA – Engineering Service Agreement Dated 6/1/02 –
Change Order No. 3 – Stearns & Wheler.
(5-0)
- g. Item Page -2003 (Comm. 15E-68)
COUNTY EXECUTIVE: ECSD No. 2 – Engineering Service Agreements – Work Order P-
3, Legislative Comm. 18E-41.
(5-0)

2. Item Page -2003 (Comm. 14E-6)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has approved Work
Order No. PH-3 with Pratt & Huth Associates, and

WHEREAS, there is available fund balance in Erie County Sewer District No. 5 to fund this Work Order.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Environmental and Planning will execute Work Order No. PH-3, and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$24, 273.52 from Erie County Sewer District No.5, Fund Balance 220 851 299 to use of Fund Balance 220 851 813 698 105 and Contractual Services 220 851 810 830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

3. Item Page -2003 (Comm. 15E-60)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has granted approval of the application allocating funding of \$106,500 over two years for the Seneca Bluffs Habitat Restoration Project; and

WHEREAS, the City of Buffalo has committed to \$100,000 in a cash contribution over two years for the Seneca Bluffs Wetland Restoration Project; and

WHEREAS, on May 2, 2002, the New York State Department of State – Great Lakes Coastal Watershed Restoration Program (NYSDOS) has granted approval of the application allocating funding of \$100,000 over two years for a Phase II – Seneca Bluffs Aquatic Habitat Restoration Project to be implemented in Erie County; and

WHEREAS, both the NYSDEC and the NYSDOS awarded grant funding based on the fact that the fifteen acres of riverfront property and de-certified paper streets, known as “Seneca Bluffs,” will be protected from development or other negative impact into perpetuity; and

WHEREAS, on July 22, 2003, the City of Buffalo Common Council voted to approve the transfer of title of the property to the County of Erie for the sum of \$1; and

WHEREAS, a full Environmental Assessment Form has been completed in accordance with SEQR, and it has found that no environmental liability is known to exist on the site; and

WHEREAS, the Cornell Cooperative Extension has awarded a \$4,000 grant to be used for restoration planting materials; and

WHEREAS, the ExxonMobil Foundation has awarded a \$5,000 grant for the Seneca Bluffs Project.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the City of Buffalo to accept title transfer of the property known as “Seneca Bluffs” for the sum of \$1; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the Cornell Cooperative Extension to accept \$4,000 for restoration planting materials; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the ExxonMobil Foundation to accept \$5,000 for the Seneca Bluffs Project; and be it further

RESOLVED, that the existing grant budget for the Seneca Bluffs Wetland Restoration Project (Project #578) is hereby revised to include the new grant resources as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
360	Other Local Share Revenue	\$100,000	\$5,000	\$105,000
553	State Aid - NYSDEC	106,500	0	106,500
553-400	State Aid - NYSDOS	100,000	0	100,000
641	Federal Aid (U.S. Department of Agriculture)	0	4,000	4,000
686-6200	Interfund Revenue-Environment and Planning	50,000	0	50,000
Total	Revenues	\$356,500	\$9,000	\$365,500

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$120,000	0	\$120,000
805	Fringe Benefits	33,000	0	33,000
824	Travel and Mileage	1,900	0	1,900
826	Other Expenses	1,100	0	1,100
830	Contractual Services	200,500	9,000	209,500
Total	Appropriations	\$356,500	\$9,000	\$365,500

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Lawrence D. Jasinski, Commissioner of Parks, Recreation & Forestry; the County Comptroller; the Deputy Commissioner-Director of Real Property Tax Services; and the County Attorney.

(5-0)

4. Item Page -2003 (Comm. 15E-61)

COUNTY EXECUTIVE

WHEREAS, Erie County is a member of Clean Communities of Western New York; and

WHEREAS, Erie County has taken a lead role in promoting alternative fuel vehicles in Western New York; and

WHEREAS, Daimler Chrysler has donated a Global Electric Motorcar (GEM) to Erie County; and

WHEREAS, Daimler Chrysler may seek to donate additional GEM's in the future; and

WHEREAS, there is no cost to the County to accept any donated GEM's into the County fleet.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to accept any donated GEM's from Daimler Chrysler; and be it further

RESOLVED, that the Division of Information and Support Services is authorized to register said vehicles; and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; the Director of Information and Support Services; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

5. Item Page -2003 (Comm. 15E-62)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has made a commitment to facilitate the Cooperative Pesticide Notification Program for a one-year pilot period (Comm. 10E-41 dated June 5, 2003); and

WHEREAS, the negotiated work plan includes a third party evaluation of the Program; and

WHEREAS, Erie County has committed \$18,000 for evaluation of the Cooperative Pesticide Notification Program (DAC 110 9456208301768); and

WHEREAS, in accordance with Article 19.08 of the County Administrative Code, the Department of Environment and Planning issued a formal Request for Proposals/Qualifications soliciting the services of a consultant to develop and conduct an evaluation of the Cooperative Pesticide Notification Program; and

WHEREAS, proposals received from three qualified consulting firms were reviewed and rated by a consultant selection committee; and

WHEREAS, based upon the Committee's discussions, it is recommended that the County contract with Goldhaber Research Associates, LLC to develop and conduct an evaluation of the pilot Cooperative Pesticide Notification Program.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with Goldhaber Research Associates, LLC for an amount not to exceed \$18,000 to develop and conduct an evaluation of the pilot Cooperative Pesticide Notification Program; and be it further

RESOLVED, that the source of the funds for this contract shall be money appropriated for this purpose in the budget of the Department of Environment and Planning under DAC 110 9456208301768; and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

6. Item Page -2003 (Comm. 15E-65)

COUNTY EXECUTIVE

WHEREAS; the 2003 Erie County Budget stipulated that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive.

NOW, THEREFORE, BE IT

RESOLVED, that the resolution approved by the Erie County Legislature on February 24, 2003 is hereby amended and approved to add the title of Sanitary Engineer at a Job Group 14, Step 3; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; Nancy A. Naples, Erie County Comptroller; Joseph Passafiume, Director Budget and Management; and John Greenan, Commissioner of Personnel.

(5-0)

7. Item Page -2003 (Comm. 15E-66)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature did award Contract 7A to Tom Greenauer Development, Inc. for the Erie County Sewer District No. 5 Thompson Extension; 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 7A in the final contract amount of \$43,651.00 which includes Change Order No. 1 (final) a decrease of \$8,669.00, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 7A between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York, 14140 is accepted in the amount of \$43,651.00, which includes Change Order No. 1(final) a decrease of \$8,669.00, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract 7A between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$43,651.00 and make final payment from Sewer Operating Account of Erie County Sewer District No. 5, No. 220 851 810 826 and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
(5-0)

8. Item Page -2003 (Comm. 15E-67)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Program Opportunity Notice (PON) No. 786-03 offering to fund projects for the implementation of innovative and energy efficient wastewater technologies at municipal wastewater treatment facilities; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding these opportunities under NYSERDA's PON No. 786-03; and

WHEREAS, it is anticipated that NYSERDA will contribute up to \$250,000 for project approval with the balance of the project costs to be paid by the Erie County/Southtowns Sewage Treatment Agency; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) routinely solicits for proposals for various PONs that the Department of Environment & Planning may be able to make benefit of on behalf of the County; and

WHEREAS, the Department of Environment & Planning has advised the Legislature that there are advantages to making application to the NYSERDA for the various applicable PONs as they become available.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make applications to NYSERDA for funding under PON No. 786-03 in the estimated amount of \$250,000 to implement innovative and energy efficient wastewater technologies at the Southtowns Advanced Wastewater Treatment Facility; and be it further

RESOLVED, that past NYSERDA applications for funding made by the Department of Environment & Planning on behalf of the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency be hereby ratified; and be it further

RESOLVED, that an agreement with NYSERDA to implement the innovative and energy efficient technology under PON-786-03 is hereby approved subject to a grant offer being made by NYSERDA; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County's Department of Environment & Planning be authorized and directed to make applications to NYSERDA for various program opportunity notices as may be deemed beneficial to the County and as they become available from NYSERDA; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney. (5-0)

9. Item Page -2003 (Comm. 15E-69)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 5 desires to retain the services of Fox and Company – Buffalo to provide accounting/auditing services for the analysis of their 1997 through 2003 sewage treatment bills from the Town of Amherst; and

WHEREAS, Fox and Company – Buffalo was awarded a contract in 1997 to audit Erie County Sewer District No. 5's 1996 bills from the Town of Amherst which showed significant overcharges; and

WHEREAS, Erie County Sewer District No. 5 wants to be assured that said overcharges are not continued for 1997 through 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the existing agreement with the firm of Fox and Company – Buffalo be amended at a cost not to exceed \$38,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amended agreement with the firm of Fox and Company – Buffalo, 810 Sheridan Drive, Tonawanda, New

York to provide the needed accounting/auditing services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$38,000.00 from Erie County Sewer District NO. 5, Fund Balance (220851299) to Use of Fund Balance Fund 220 Project, 851 Dept. 813 Account 698-105 and Contractual Services Fund 220 Project 851 Dept. 810 Account 830; and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, Comptroller and Gregory Dudek, Assistance County Attorney.

(5-0)

10. Item Page -2003 (Comm. 15E-70)

COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2003 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, Buffalo, NY, at 1:30 p.m., local time, on November 13, 2003, for the purpose of meeting to hear and consider any objections which may be made to the 2004 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 5, 2003; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek Assistant County Attorney.

(5-0)

11. Item Page -2003 (Comm. 15E-71)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates, to assist with the analysis of the Windom Trunk in the Erie County Sewer District No.3, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of A/E Agreement dated October 17, 1991 with Pratt & Huth Associates, at the final contract amount of \$59,084.65.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated October 17, 1991 between the County of Erie/Erie County Sewer District No. 3 and Pratt & Huth Associates be formally closed-out in the final contract amount of \$59,084.65; and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller.
(5-0)

DALE W. LARSON
CHAIRMAN