

MAY 12, 2005

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 8E-50 (2005)
COUNTY EXECUTIVE: Personal Services Contract - County Planning Services (5-0)
 - b. COMM. 9M-1 (2005)
ROBERT J. LICHTENTHAL, JR.: Letter to Chairman Holt Re: Request For Consideration For Reappointment As Commissioner of ECWA (5-0)
 - c. INTRO 11-10 (2005)
WEINSTEIN: Assessing Legality of Parks Closure (5-0)
 - d. INTRO 11-19 (2005)
HOLT: Appointment To The Erie County Water Authority (5-0)
 - e. COMM. 11E-13 (2005)
HOLT: Letter to Ranzenhofer Re: Reappointment of Commission to ECWA (5-0)
 - f. COMM. 11M-10 (2005)
NYS OFFICE OF PARKS, RECREATION, & HISTORIC PRESERVATION: Letter to Legislator Weinstein Re: Alienation Guide (5-0)
 - g. COMM. 12E-44 (2005)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency - Southtowns Sand Filter Project - Contract No. 1ST-E - Change Order No. 1 - O'Connell Electric Company (5-0)
2. COMM. 8E-56 (2005)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the New York Power Authority (NYPA) is a state-created public authority under the New York State Public Authorities law, and

WHEREAS, NYPA operates several coal-generated and hydroelectric power plans throughout the state of New York, and

WHEREAS, one such power plant is in Western New York, the Niagara Power Project, which is located in Youngstown, Niagara County, and

WHEREAS, it is generally accepted that the Niagara Power Project generates some of the cleanest, cheapest electricity in the world, and

WHEREAS, the license for operation of the Niagara Power Project by NYPA is set to expire in 2007, at which time NYPA will seek federal authorization to relicense for another 50-year term, and

WHEREAS, one factual complaint lodged against NYPA's stewardship of the Niagara Power Project and its power generating ability is the large percentage of Niagara-generated power that leaves Western New York and is sold on the open market – in some cases beyond other New York regions to other states, and

WHEREAS, many elected and community leaders believe that larger portions of inexpensive NYPA hydropower generated at Niagara can and should be dedicated to job-creating businesses in Western New York, and

WHEREAS, an opportunity to mitigate the damage caused to the region by the exportation of Niagara hydropower would be the relicensing process, and

WHEREAS, in advance of the relicensing process, NYPA is making offers to local governments seeking settlements, and delivering dedicated streams of NYPA revenue for various purposes to local governments throughout the state, and

WHEREAS, one such settlement offer has been made to Erie County and Buffalo by NYPA, and

WHEREAS, aside from a haphazard proposal to set aside \$3 million per year to supplement state parks' activities in Western New York, the settlement offer to the city and county would total \$100 million (or \$2 million per year) over the 50-year life of the settlement, and

WHEREAS, in reports documented by current and former members of the state legislature as well as by the New York State Comptroller, NYPA subsidizes its money-losing facilities in other parts of

the state through the sale of cheap hydropower to other regions and states, in a sense exploiting Western New York's natural resources for monetary gain, and

WHEREAS, many believe that the \$100 million settlement offer made to the city and county and submitted to the county for consideration, to be insufficient, and

WHEREAS, the NYPA proposal would require that approved funds for various projects be recommended by a "committee of 4," comprised, in part, by local leaders, but also by representatives of NYPA itself, with subsequent approval for such projects left in the hands of a state agency, and

WHEREAS, given that NYPA has consistently earned hundreds of millions of dollars in excess revenue derived solely from the sale of inexpensive hydropower, it is insulting to suggest that NYPA would 1) offer our region a very small amount of funding, and 2) seek to control expenditure of the small amount of funds they do deign to allocate for our region's purposes, and

WHEREAS, an alternative proposal has been put forth by US Representative Brian Higgins, the basis of Rep. Higgins' proposal would be to allocate funds for the design and construction of physical improvements in areas most particularly necessary for the enhancement and improvement of economic development in Buffalo, Erie County, and Western New York, and

WHEREAS, said alternative proposal would call for a total NYPA contribution of \$500 million (or \$10 million per annum) over the 50-year life of the settlement agreement, to be apportioned as follows:

- o \$4 million per year for brownfield remediation and land acquisition to be used by municipalities along the waterfront. In this way, shovel ready sites can be made available for public access and commercial development; and
- o \$6 million per year allocated to a locally-controlled Waterfront Development Corporation whose expressed purpose is the enhancement and improvement of public access to Buffalo's Outer and Inner Harbor waterfront areas, and whose primary objective is the design and construction of physical improvements to Buffalo's waterfront areas to create private and public sector recreational and commercial development along the Lake Erie shoreline.

and

WHEREAS, allocation of said funds would accomplish two necessary goals: 1) it would provide a new and dedicated funding stream for brownfield remediation and land acquisition, something particularly significant in light of the funding challenges facing city and county government at the present time, and 2) it would provide a dedicated stream of funding to the proposed Waterfront Development Corporation toward the goal of project-managing the various Inner and Outer Harbor construction projects

beyond the theoretical, and away from the traditional Western New York process of excessive studies and reviews, and toward the design and construction of real projects that create real job opportunities for real people in Western New York, and

WHEREAS, for a region starved for successful development of its most significant and untapped natural resource – its waterfront – the alternative settlement proposal put forth by Rep. Higgins represents a unique opportunity for Western New York's business, government and corporate communities to join together, show support, and deliver real results for Western New York's taxpayers and residents,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the continued enhancement of economic development, tourism and other efforts to create jobs and economic opportunity to the residents and taxpayers of Erie County, and be it further

RESOLVED, that this Honorable Body does hereby commend the New York Power Authority (NYPA) for its efforts in seeking out and negotiating settlement agreements with local governments throughout New York State, toward the goal of returning NYPA revenues to local communities for the purposes of enhancement of economic development in local areas, and be it further

RESOLVED, that notwithstanding such commendation, this Honorable Body does hereby call upon interested parties to offer comment to that effect during NYPA's public comment period, scheduled to conclude at the end of May 2005, and be it further

RESOLVED, that this Honorable Body is strongly opposed to any settlement agreement that would include decision-making authority for persons or entities located outside of Western New York, including but not limited to NYPA itself, as it relates to the allocation of funds set aside for economic development and job creation purposes through the settlement agreement, and be it further

RESOLVED, that this Honorable Body does hereby endorse the proposed settlement agreement put forth by US Representative Brian Higgins, a proposal that 1) would increase NYPA funding to the city and county for economic development and job creation more than five-fold; 2) would seek to make specific, dedicated funding reservations for economic development and other purposes, including development of Buffalo's Inner and Outer Harbor waterfront areas; and 3) would ensure local control of such funds and would not make allocation or expenditure of such funds subject to the authorization of entities located or principally associated outside of Western New York – in sum, ensuring local control – and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor; the Western New York delegation to the US Senate and US House of Representatives, the members of the Western New York delegations to the State Assembly and State Senate, the Erie County Executive, the Mayors of

Buffalo and Lackawanna, the Supervisor of Hamburg, and to the New York Power Authority to be included in the public comment to be accepted relative to the proposed settlement.
(5-0)

3. INTRO 11-1 (2005)

DUSZA

WHEREAS, the 2005 Erie County Budget includes the layoffs of over one thousand hard-working men and women, and the loss of many vital services provided to the residents of Erie County, and

WHEREAS, at least part of the blame of the layoffs and loss of services is the New York State Medicaid program that cost Erie County taxpayers over \$200 million last year, and

WHEREAS, one reason for the “run-away Medicaid costs” are businesses, usually large retailers who pay low wages, who use Medicaid as its primary source of providing health insurance to its employees, and

WHEREAS, these businesses are able to do this by paying their employees wages low enough to qualify for Medicaid, while making their own health insurance program, through high deductibles and not covering items such as eye exams and contraceptives, unattractive to its employees, and

WHEREAS, each business that uses this business model of encouraging employees to enter into a government-run health insurance program instead of an employer-based program is actually using it as an indirect government subsidy that costs taxpayers millions of dollars each year, and

WHEREAS, in the case of retailers who use this business model, it pushes other retailers, who offer higher wages and more attractive health insurance programs, either out of business or to adopt similar business practices of low wages and inadequate health insurance in order to compete and stay in business, and

WHEREAS, it falls upon the Medicaid program, and thus the Federal, State, and County taxpayers, to provide health insurance for these workers who are either out of work or their employers no longer provide adequate health insurance, leading into a cycle of ever increasing costs for government provided health insurance programs, and

WHEREAS, in Maryland, a bill was introduced, entitled the Fair Share Health Care Act, which would require companies who employ more than 10,000 workers and pay wages below the State median income to provide at least 8 percent of its payroll on health benefits or pay the difference into a state fund, and

WHEREAS, if a similar bill was introduced and passed by New York State lawmakers, it would save State and County taxpayers millions of dollars in Medicaid costs and which would lower taxes and save the vital services residents demand.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature supports a living wage be provided for and adequate health insurance be offered to all full-time employees in all fields of work, including large retailers, and be it further

RESOLVED, the Erie County Legislature supports legislation similar to Maryland’s Fair Share Health Care Act be introduced and passed by the New York State Legislature and signed into law by Governor Pataki, with large businesses, who pay wages below the State median, to either pay at least 8 percent of their payroll on health benefits, or to pay the difference into a State fund designated to lower NYS Counties’ Medicaid share, and be it further

RESOLVED, the Clerk of the Legislature is instructed to send certified copies of this resolution to the WNY delegation of the NYS Legislature, NYS Assembly Leader Sheldon Silver, NYS Senate Majority Leader Joseph Bruno, Governor George Pataki, and NYSAC.
(3-2) Legislators Ranzenhofer and Chase voted in the negative.

4. COMM. 12E-10 (2005)

COMPTROLLER

RESOLUTION NO. _____-2005

BOND RESOLUTION DATED _____, 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 6; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 6 TO SAID COUNTY.

(Introduced) _____, 2005

(Adopted) _____, 2005

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated April 21, 2005, an increase and improvement of facilities for Sewer District No. 6 has been approved at a estimated maximum cost of \$4,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 6, consisting of the reconstruction of approximately 422,400 linear feet of sanitary sewer; the reconstruction of approximately 248,160 linear feet of storm sewer; the construction of various improvements to pumping stations; and the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary to develop the plan to discharge to the Buffalo Sewer Authority, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on January 18, 2005 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefited area which consists of the entire area of said Sewer District No. 6.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$4,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any

available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

5. COMM. 12E-11 (2005)

COMPTROLLER

RESOLUTION NO. _____-2005

BOND RESOLUTION DATED _____, 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,100,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$9,100,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) _____, 2005

(Adopted) _____, 2005

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly the resolution of this County Legislature dated April 21, 2005, an increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency has been approved at an estimated maximum cost of \$9,100,000, and

WHEREAS, it is now desired to provide for the financing of said cost, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$9,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency, consisting of the reconstruction of the Milestrip Pumping Station to pump directly to the Agency's Overflow Retention Facility and the discharging of dry weather flows from the Blasdell Plant directly into the Northeast Interceptor, as more fully described in a report and estimate of cost approved by the Board of Managers of the Erie County-Southtowns Sewer Treatment

Agency on January 27, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and the total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$9,100,000. The plan of financing includes the issuance of \$9,100,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County 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, and (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 2. The period of probable usefulness for the specific object or purpose for which said \$9,100,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$9,100,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which \$9,100,000 bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00 and 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the County Comptroller, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general

obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive. (5-0)

6. COMM. 12E-24 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, The New York State Department of State is seeking applications from local governments under the 2005 Quality Communities Program; and

WHEREAS, Erie County wishes to support the activities of the Local Initiatives Support Corporation to establish a Neighborhood Indicators Program to identify neighborhoods that are in risk of deteriorating, and said project is an eligible activity under the Quality Communities Program,

NOW, THEREFORE BE IT

RESOLVED, That the Erie County Executive is hereby designated as the primary contact on all communications to the New York State Department of State under the provisions of the Quality Communities Program for the proposed Neighborhood Indicators Program; and be it further

RESOLVED, that upon receiving the grant, the County Executive is authorized to execute any and all contracts with the New York State Department of State in an amount not to exceed \$20,000 for the purpose of carrying out the Neighborhood Indicators Program; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Comptroller; and to the Commissioner of the Department of Environment and Planning. (5-0)

7. COMM. 12E-34
COUNTY EXECUTIVE
WHEREAS, New York State Electric and Gas Corporation (NYSEG) provides electrical service to areas of Concord and Sardinia; and

WHEREAS, to provide and maintain electricity to the casino located in Concord requires accessibility to Sprague Brook Park; and

WHEREAS, the Sprague Brook Park is an Erie County property; and

WHEREAS, NYSEG has requested that Erie County enter into an agreement for a revocable permit to extend electrical service at Sprague Brook Park; and

WHEREAS, the Erie County (county-owned lands) Advisory Review Committee (ARC) recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with New York State Electric and Gas Corporation for a revocable permit at Sprague Brook Park, and be it further

RESOLVED, that through the permit electrical service will be made available to the casino, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the County Comptroller; and the County Attorney. (5-0)

8. COMM. 12E-35
COUNTY EXECUTIVE

WHEREAS, local fire companies in areas of Concord, Sardinia, Holland, and Colden require a nearby source of water for the protection of their neighborhoods during an emergency; and

WHEREAS, Sprague Brook Park has a large pond central to the areas in question; and

WHEREAS, Sprague Brook Park is an Erie County property; and

WHEREAS, Erie County has a vested interest in the continued safety of its citizens and firefighters and the welfare of their properties; and

WHEREAS, the County has been requested by 2 fire companies to grant a revocable permit approximately 50 feet in length and 20 feet wide for a dry fire hydrant to be constructed and maintained in Sprague Brook Park which would utilize the waters in said pond during emergencies; and

WHEREAS, the Erie County (county-owned lands) Advisory Review Committee (ARC) has recommended approval of said project.

NOW, THEREFORE, BE IT

RESOLVED, that the County executive is authorized to enter into agreement to allow the construction and maintenance of a dry fire hydrant in Sprague Brook Park through the granting of a revocable permit to the East Concord Fire Company, and be it further

RESOLVED that certified copies of this resolution be sent to the County Executive; Commissioner of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; and the County Attorney.
(5-0)

9. **COMM. 12E-40**
COUNTY EXECUTIVE

WHEREAS, the Legislature awarded a contract to Parsons Engineering Science, Inc. for various engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer Districts on October 4, 2001, COMM. 18E-41; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Parsons Engineering Science, Inc. dated April 1, 2002 in the amount of \$100,205.12, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 1, 2002 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and Parsons Engineering Science, Inc. be formally closed-out in the final amount of \$100,205.12; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances relating to the Engineering Agreement dated April 1, 2002, between Erie County and Parsons Engineering Science, Inc.; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.
(5-0)

10. **COMM. 12E-43**
COUNTY EXECUTIVE

WHEREAS, the Village of Hamburg's sewer project involves sliplining approximately 1400 linear feet of existing sanitary sewers in Route 391 from Newton Road to the Village line, and

WHEREAS, Erie County is planning to bid a project which includes sewer sliplining, in Erie County Sewer District No. 6-Bethlehem Park Phase II, and

WHEREAS, sliplining is not a common construction practice in the local area and combining the projects will result in lower bid prices together rather than separately, and

WHEREAS, the Village of Hamburg will reimburse the Erie County Sewer District No. 6 for the costs of sliplining the approximately 1400 linear feet of sanitary sewer in Route 391.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the Village of Hamburg to combine the sliplining of the sanitary sewers in Route 391 between Newton Road and the Village line together with the Erie County's Sewer District No. 6 Bethlehem Park Phase II project is hereby approved; 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 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 Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and Curt S. Hermann, Mayor, Village of Hamburg.

(5-0)

11. COMM. 12E-45
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to replace/rehabilitate the sanitary sewers in Boston Town District Nos. 1, 3 and 4; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Parsons, 180 Lawrence Bell Drive, Suite 104, Williamsville, New York 14221.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Parsons be retained at a cost not to exceed \$249,585.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Parsons, 180 Lawrence Bell Drive, Suite 104, Williamsville, New York 14221, to provide the needed engineering services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$249,585.00 for the Agreement from Sewer Capital Account C.00039, as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Joseph Passafiume, Director of Budget, Management and Finance.

(5-0)

12. COMM. 12E-46
COUNTY EXECUTIVE

WHEREAS, the City of Tonawanda, the County of Erie, and the Erie County Industrial Development Agency have been working to develop information on the condition of buildings and costs of remediation for asbestos at the 900,000 square foot facility; and

WHEREAS, after thorough consideration of the various aspects of the Spaulding Fibre site and study of available data, the County of Erie, the City of Tonawanda, and the Erie County Industrial Development Agency have determined that certain work, as described in their application and attachments is desirable, is in the public interest, and is required in order to implement the project; and

WHEREAS, article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipalities deem it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the County, the City, or the Erie County Industrial Development Agency, together or separately, may take title to the Spaulding site or portions thereof in order to carry out the anticipated investigation, remediation and redevelopment activities,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to State assistance under Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance; and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(5-0)

RAYMOND K. DUSZA
CHAIRMAN