

NOVEMBER 30, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 17

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-9 (2006)
MARINELLI: Energy & Environment Matrix Tracking
(5-0)
 - b. COMM. 18D-7 (2006)
COUNTY ATTORNEY: NYS Lawncare Assn. Vs. Erie County
(5-0)
 - c. COMM. 18M-1 (2006)
CORINA BERMAN: Letter to Marinelli Re: Neighborhood Notification Law
(5-0)
 - d. COMM. 20M-2 (2006)
CITY OF BUFFALO COMMON COUNCIL: Certified Resolution Re: Immediate Establishment of the Parks Advisory Board
(5-0)
 - e. COMM. 21M-2 (2006)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Erie County Mandatory Pesticide Neighbor Notification Act
(5-0)
 - f. COMM. 22E-19 (2006)
COUNTY EXECUTIVE: ECSD No. 6 - Emergency Repair - Warsaw St. Sinkhole Repair
(5-0)
2. COMM. 28E-15 (2005)
COUNTY EXECUTIVE

RESOLUTION NO.

RESOLUTION DATED _____, 2006

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2006.

(Adopted) _____, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 in said County, consisting of the construction and installation of approximately 2,353 linear feet of gravity sewer line installed on William Street/Old Schoolhouse Road in the Town of Lancaster, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid construction of the facilities of said Sewer District No. 4 is \$350,000 to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up/inspection fees required are \$500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 4th day of January, 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of facilities of Erie County Sewer District No. 4 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 4th day of January, 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 4 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the construction and installation of approximately 2,353 linear feet of gravity sewer line installed on William Street/Old Schoolhouse Road in the Town of Lancaster, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated October 6, 2006, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$350,000 to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

Hook up/inspection fees required are \$500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection.

Dated: Buffalo, New York,
_____, 2006.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By ROBERT M. GRABER
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in *The Amherst Bee* and in *The Front Page*, the official newspapers of said County, and *The Lancaster Bee*, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.
(5-0)

3. COMM. 20E-16 (2006)
COUNTY EXECUTIVE
WHEREAS, the Erie County Charter stipulates that all requests for appropriation of unanticipated revenue must be approved by the County Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the appropriation of unanticipated Gas Well Rents (Commitment Item #422040) in the amount of \$16,274.12 to the Maintenance Contract Account (Commitment Item #516030) in the budget of the Department of Environment and Planning to facilitate payment of an invoice for ESRI for GIS Software Maintenance is hereby approved; and be it further

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

4. COMM. 22E-15 (2006)
COUNTY EXECUTIVE
WHEREAS, the Village of East Aurora has requested that the County assume ownership, operation and maintenance of the Village's Sanitary Sewer Districts; and

WHEREAS, the Division of Sewerage Management recommends that the existing intermunicipal agreement and resolution be rescinded and that a new agreement and resolution be accepted; and

WHEREAS, an intermunicipal agreement between the Village of East Aurora and Erie County to provide sanitary sewer operation and maintenance services be provided by Erie County Sewer District No.3; and

WHEREAS, the County will create Erie County Sewer District No. 8 to include the Village and portions of the Town, said Sewer District will acquire ownership of the Village's sanitary sewer system assets after the creation of the District; and

WHEREAS, the Department of Environment and Planning recommends approval to provide operation and maintenance sanitary sewer service to the Village of East Aurora by Erie County Sewer District No. 3 and transfer of ownership of assets after the creation of Erie County Sewer District No. 8.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No.3, and the Village of East Aurora for the purpose of providing operation and maintenance sanitary sewer by ECSD No. 3 to the Town's Sewer Districts be approved, and the eventual transfer of ownership of the Village's sewer system to Erie County following the creation of Erie County Sewer District No.8 will occur; 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 Clerk of the Legislature be directed to send one copy each to the County Executive; the Erie County Comptroller; the Director of Budget and Management; Gregory Dudek, Assistant County Attorney; and David J. DiPietro, Mayor, Village of East Aurora and two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning.
(5-0)

5. COMM. 22E-20 (2006)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointments of the following individuals to the Board of Managers for Erie County Sewer District #3:

<u>Name and Address</u>	<u>Term Expiration</u>
John Chilcott	December 31, 2007

5547 Juno Drive
Lakeview, New York 14085

Peter Godios
4682 Chpman Parkway
Hamburg, New York 14075
(5-0)

6. COMM. 22E-27 (2006)
COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2007 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2007 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$
Sewer District #2	\$
Sewer District #3	\$
Sewer District #4	\$
Sewer District #5	\$
Sewer District #6	\$
Sewer District #8	\$ _____
	\$

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

7. COMM. 22E-35 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Parsons Engineering Science, to provide engineering services, 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 the Engineering Agreement with Parsons Engineering Science dated November 27, 2002 at the final contract amount of \$302,791.73.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 27, 2002 between the County of Erie/Erie County Sewer District No. 1 and Parsons Engineering Science be formally closed-out in the final contract amount of \$302,791.73, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement and cancel all remaining balances between the County of Erie/Erie County Sewer District No. 1 and Parsons Engineering Science dated November 27, 2002, 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 certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(5-0)

8. COMM. 22E-36 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC, to provide engineering services, 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 the Engineering Agreement with Stearns & Wheler, LLC dated March 1, 1999 at the final contract amount of \$221,040.64.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated March 11, 1999 between the County of Erie/Erie County Southtowns Sewage Treatment Agency and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$221,040.64, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement and cancel all remaining balances between the County of Erie/Erie County Southtowns Sewage Treatment Agency and Stearns & Wheler, LLC dated March 1, 1999, 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 certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(5-0)

9. COMM. 22E-37 (2006)

COUNTY EXECUTIVE

WHEREAS, the 2007 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2006; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 2, 2006 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2007 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Thomas J. Whethem, P.E., Deputy Commissioner, Department of Environment & Planning.
(5-0)

THOMAS J. LOUGHRAN
CHAIRMAN