

MAY 20, 2008

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 6

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

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 3M-3 (2008)
WNY CLIMATE ACTION COALITION: Letter to County Executive Concerning "Green Jobs Petition."
(6-0)

b. COMM. 8M-15 (2008)
PARTNERSHIP FOR THE PUBLIC GOOD: Greening Buffalo: What Local Governments Can Do.
(6-0)

c. COMM. 9M-1 (2008)
TOWN OF SARDINIA: Copy of Certified Resolution Concerning 8-Year Review of the Sardinia Agricultural District.
(5-0) Legislator Konst not present for vote.

d. COMM. 9M-3 (2008)
NYS DEC: New York Fish, Wildlife & Marine Resource Goals for 2010.
(5-0) Legislator Konst not present for vote.

e. COMM. 9M-9 (2008)
BRANT TOWN CLERK: Copy of Certified Resolution Concerning 8-Year Review of the Evans Brant Agricultural District.
(5-0) Legislator Konst not present for vote.
2. COMM. 9E-16 (2008)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the following named individuals as Members of the Board of Managers for Erie County Sewer District No. 8:

Honorable Clark Crook
Mayor, Village of East Aurora
571 Main St.
East Aurora, NY 14052

Mr. Bryan Smith
21 Westgate Rd.
East Aurora, NY 14052

(6-0)

3. COMM. 9E-18 (2008)
COUNTY EXECUTIVE
WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County’s Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees 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 Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.
(6-0)

4. COMM. 9E-19 (2008)
COUNTY EXECUTIVE
WHEREAS, the Village of East Aurora has become part of Erie County Sewer District No. 8 (ECSD No. 8); and

WHEREAS, Erie County on behalf of ECSD No. 8 has previously entered into a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and East Main Street sanitary sewers in the Village of East Aurora when the NYSDOT reconstructs the roads; and

WHEREAS, the low bid for the sanitary sewer portion of the NYSDOT project is \$2,486,575.84, which is an increase of \$286,575.84 over the estimated previously authorized funding amount; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the Erie County Legislature authorize the increase in funding of \$286,575.84.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie authorizes the increase in funding of \$286,575.84; and be it further

RESOLVED, that the authorized amount for the sanitary sewer portion of the project be increased by \$286,575.84 to a total of \$2,486,575.84 to cover the bid amount; and be it further

RESOLVED, that the Comptroller be authorized and directed to deposit with the New York State Comptroller’s Office, for the NYSDOT, the increased amount of \$286,575.84, from ECSD No. 8 Capital Account C.00071 for the NYSDOT’s disbursement for the replacement of Main Street and East Main Street sanitary sewers under the contract, subject to the approval and verification of the cost by the County’s Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed send one certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management; Gregory Dudek, Assistant County Attorney and two certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning.
(6-0)

5. COMM. 9E-20 (2008)
COUNTY EXECUTIVE

WHEREAS, Beeman Creek Park (the “Park”) is one of six Conservation Parks within the Erie County Park System and consists of 391 acres of land all located within the Town of Clarence; and

WHEREAS, the Erie County Parks Master Plan states that the primary purpose of the Park and the others in this classification is for the conservation of the natural environment and nature-based recreational activities; and

WHEREAS, the Master Plan does not call for any development in the near future but states that potential exists for the development of a small informal parking area, trails, trailheads, modest restroom facilities, informational/interpretative kiosks and directional way-finding signage; and

WHEREAS, at a work session of the Clarence Town Board, a motion was adopted expressing interest in acquiring Beeman Creek Park from the County by lease or sale, and Supervisor Scott Bylewski has written a letter to the County Executive indicating the Town’s interest in such acquisition; and

WHEREAS, in order for the County of Erie to transfer title to the Park to the Town of Clarence, the Erie County Legislature will be required to approve a Home Rule Request to the New York State Legislature to enact a law authorizing such transfer of title; and

WHEREAS, the County Legislature must also subsequently approve a resolution authorizing the County Executive to execute a Sales Agreement and a deed conveying title; and

WHEREAS, the Home Rule Request, Sales Agreement and Deed all require the inclusion of a narrative metes and bounds legal description which is presently lacking and needs to be written and confirmed by a licensed land surveyor and Title Insurance Company; and

WHEREAS, the Town of Clarence, mindful of the time which will be required to complete the title work, Home Rule Request and action by the New York State Legislature, desires, in the interim, to enter into an Intermunicipal Agreement with the County of Erie which would immediately transfer the control, operation and maintenance of the Park to the Town; and

WHEREAS, the Intermunicipal Agreement, the Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of the Park to the County should the Town cease operating the site as a public park or in the event the Town fails to make Beeman Creek Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an Intermunicipal Agreement with the Town of Clarence which shall provide:

- (i) that, upon execution of the Intermunicipal Agreement by all necessary parties, the control, operation and maintenance of Beeman Creek Park shall pass from the County of Erie to the Town of Clarence;
- (ii) that the Town of Clarence shall operate and maintain Beeman Creek Park as a Conservation Park as described in the Erie County Parks System Master Plan and shall only develop the Park and make improvements within the parameters as proscribed in such Parks Master Plan;
- (iii) that any and all capital improvements and repairs, operation and maintenance costs and expenses associated with Beeman Creek Park during the term of the

Intermunicipal Agreement shall be at the sole cost and expense of the Town of Clarence and the County of Erie shall have no obligation or duty to make improvements and/or repairs, nor shall the County have any obligation or duty to provide funding, in whole or in part, for such improvements and/or repairs;

- (iv) that the term of the Intermunicipal agreement shall expire upon the transfer of title of the Park from the County to the Town of Clarence, unless sooner terminated at the option of either the County or the Town in the event the New York State Legislature fails to enact the enabling legislation authorizing the County to transfer title to the Town;

and be it further

RESOLVED, that certified copies of this resolution shall be sent to Chris Collins, Erie County Executive; Beth Kornbrekke, Director of Budget and Management; James E. Hornung, Sr., Commissioner of Parks, Recreation and Forestry; the Advisory Review Committee; and Gregory J. Dudek, Assistant County Attorney.
(6-0)

DANIEL M. KOZUB
CHAIR