

October 17, 2013

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 17E-4 (2013)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement - CRA Infrastructure & Engineering, Inc.”
(4-0)

b. COMM. 17D-4 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Demolition of Former Friendship House Community Center - SEQR Notification”
(4-0)

c. COMM. 17M-4 (2013)
NYSDEC: “Notice: Application for Cleanup from Legacy LaSalle, LLC. For a Site Known as 89 LaSalle Ave., Buffalo, NY”
(4-0)
2. RESOLVED, the following item is hereby received, filed and referred to the Finance & Management Committee:
- a. COMM. 17M-3 (2013)
ASSOCIATION OF EC GOVERNMENTS: “Copy of Resolution Regarding NYS Legislature Passage of the Removal of the 4% Local Sales & Use Tax on the Purchase & Installations of Commercial Solar Equipment”
(4-0)
3. COMM. 17E-5 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 11E-13 (2012) Contract 11-A was awarded to J.D. Northrup Construction, Inc. for the installation of sanitary sewers and a pumping station to service Geneva Road residents in Erie County Sewer District No. 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 11-A, General, in the final contract amount of \$438,081.00 which includes Change Order No. 1 (final), a decrease of (\$50,485.45), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 11-A between the County of Erie and J.D. Northrup Construction, Inc. (6633 Route 219, PO Box 669, Ellicottville, NY 14731) is accepted in the final contract amount of \$438,081.00 which includes Change Order No. 1 (final), a decrease of (\$50,485.45), and is allocated in Erie County Sewer District No. 8 Bond Account C.00071; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 11-A, General, to J.D. Northrup Construction, Inc. for a total contract amount of \$438,081.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

4. COMM. 17E-6 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 11E-13 (2012) Contract 11-D was awarded to Weydman Electrical, Inc. for electrical work for the Geneva Road Pumping Station; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 11-D in the final contract amount of \$34,680.84 which includes Change Order No. 1 (final), a decrease of (\$9,019.16), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 11-D between the County of Erie and Weydman Electric, Inc. (747 Young St. Tonawanda, New York 14150) is accepted in the final contract amount of \$34,680.84 which includes Change Order No. 1 (final), a decrease of (\$9,019.16), and is allocated in Erie County Sewer District No. 8 Bond Account C.00071; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 11-D to Weydman Electric, Inc., for a total contract amount of \$34,680.84; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

5. COMM. 17E-7 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 5, Bryant & Stratton Pump Station Pump Replacement, Contract No. 20 at 2:00 P.M. on September 10, 2013:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 20	Milherst Construction, Inc. 10025 County Road P. O. Box 430 Clarence Center, NY 14032-0430	\$73,506.30

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County; and

WHEREAS, there is available budget in the 2013 Erie County Sewer District No. 5 Fund Budget 220 Account 516020 Professional Services to fund this contract.

NOW, THEREFORE, BE IT

RESOLVED, the Bryant & Stratton Pump Station Pump Replacement, Contract No. 20 be awarded to Milherst Construction, Inc. in the not to exceed amount of \$73,506.30; and be it further

RESOLVED, that the County Executive be, and is hereby authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as form by the County Attorney and certification of availability of funds; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller’s Office,

Kristen Walder, Assistant County Attorney, and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

6. COMM. 17E-8 (2013)
COUNTY EXECUTIVE

EXTRACT OF MINUTES
Meeting of the County Legislature of
the County of Erie, New York.
October __, 2013

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2013, at 2:00 o’clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. __-2013

RESOLUTION DATED OCTOBER __, 2013

RESOLUTION APPROVING THE EXTENSION OF
ERIE COUNTY SEWER DISTRICT NO. 8.

(Introduced) October __, 2013
(Adopted) October __, 2013

Recitals

WHEREAS, on October 9, 2012, based upon a petition from the Town of Aurora and discussions with the New York State Department of Environmental Conservation, the Erie County Sewer Agency did cause a report entitled Erie County Sewer Agency Report for Erie County Sewer District No. 8 – Sewer

District Extension – Reed Hill Heights Subdivision – Town of Aurora (the “Report”) to be prepared which Report recommends an extension to the Erie County Sewer District No. 8 (the “Reed Hill Extension”) and declares that the Report serve as the “maps and plans” required by § 253 of the County Law of the State of New York; and

WHEREAS, on October 9, 2012, the Board of Managers of Erie County Sewer District No. 8 (the “District”) did accept and adopt the Report and did recommend that the Report be submitted to the County Legislature of the County of Erie, New York for consideration and action; and

WHEREAS, the Reed Hill Extension would provide a sanitary sewer system to a subdivision of approximately thirty-three (33) single family home lots (the “Reed Hill Heights Subdivision”) and will consist of approximately 2,725 lineal feet of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station and 1,820 lineal feet of 6-inch diameter force main (collectively, the “Improvements”); and

WHEREAS, the developer of the Reed Hill Heights Subdivision (the “Developer”), will bear the initial construction costs of the Improvements; and

WHEREAS, users within the Reed Hill Extension will be charged hook-up fees; and

WHEREAS, the estimated annual cost to the typical property/typical one- or two-family home would not change as a result of the Reed Hill Extension; and

WHEREAS, the annual charges to the ratepayers of the Reed Hill Extension would be at the same rate structure as any current ratepayer; and

WHEREAS, said County Legislature duly adopted Resolution No. 192-2013 on the 18th day of July, 2013, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said Reed Hill Extension and the Improvements specified above in accordance with the provisions of § 254 of the County Law of the State of New York; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 7th day of August, 2013, at 1:30 o’clock P.M., Prevailing Time; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW THEREFOR, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Legislature hereby determines, based on the information provided in the Report and the evidence given at such public hearing:

(A) that all of the property and the property owners within the Reed Hill Extension will be benefited thereby;

(B) that all of the property and property owners benefitted are included within the limits of the Reed Hill Extension; and

(C) that it is in the public interest to approve the Reed Hill Extension.

Section 2. The Legislature hereby approves the Reed Hill Extension and the construction of the Improvements.

Section 3. This Resolution is adopted subject to a permissive referendum pursuant to § 256 of the County Law of the State of New York. The Clerk of the Legislature is hereby authorized and directed within ten (10) days after the adoption of said Resolution, to cause to be published a notice which sets forth the date of the Resolution’s adoption and the number thereof and contains a copy of the Resolution.

Section 4. This Resolution shall take effect upon the earlier of (a) the expiration of the time for filing a petition requesting that the approval of the Reed Hill Extension be submitted to referendum and there being no petition filed, and (b) a positive vote upon the referendum authorizing the Reed Hill Extension.

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote, which resulted as follows:

AYES:

NOES:

THE RESOLUTION WAS DECLARED ADOPTED.

* * *

Dated: October __, 2013

Buffalo, New York

The foregoing Resolution is hereby approved.

Robert M. Graber
Clerk of the Erie County Legislature

Legislator _____ offered the following resolution and moved its adoption:

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

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing resolution, in full, in the Challenger Newspaper and the Amherst Bee Newspaper the official newspapers of the County and the East Aurora Bee for such publication, together with a notice of permissive referendum in substantially the form attached hereto.

Section 2. This resolution shall take effect immediately.

* * *

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on October __, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of October, 2013.

Robert M. Graber
Clerk of the Erie County Legislature

(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH COPY OF RESOLUTION
AFTER ADOPTION)

NOTICE

NOTICE OF ADOPTION OF RESOLUTION NO. __-2013

SUBJECT TO A PERMISSIVE REFERENDUM

At a meeting held on ____ day of October, 2013, the County Legislature of the County of Erie, New York duly adopted a resolution, a copy of which follows, which resolution is subject to a permissive referendum pursuant to § 256 of the County Law of the State of New York. If after forty-five (45) days of the resolution’s adoption by the County Legislature, no petition objecting to the resolution and requesting a permissive referendum with respect to the Reed Hill Extension is filed with the Clerk of the Erie County Legislature, the resolution will be declared duly adopted.

ROBERT M. GRABER
Clerk of the County Legislature

(4-0)

7. COMM. 17E-9 (2013)
COUNTY EXECUTIVE
WHEREAS, Erie County and the Town of Newstead entered into an Inter-Municipal Agreement dated August 7, 2013 regarding the purchase of certain parkland within Akron Falls Park by the Town of Newstead; and

WHEREAS, the purchase and transfer of parkland represents an alienation of parkland necessitating submittal of a Municipal Home Rule Request to the New York State Legislature regarding the enactment of a parkland alienation bill; and

WHEREAS, the action of transferring County Parkland to the Town of Newstead represents an action subject to review under the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, Erie County, acting through the Department of Environment and Planning served as lead agency for the purposes of SEQR and issued a Negative Declaration on March 20, 2013 determining that the proposed action will not have an adverse environmental impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Legislature adopt parkland alienation legislation authorizing the County of Erie to transfer, for a sum not to exceed \$200,000, certain parkland within Erie County’s Akron Falls Park to the Town of Newstead; and be it further

RESOLVED, that said parkland is more fully described on Attachment A to this Resolution; and be it further

RESOLVED, that any revenue received by Erie County from the transfer of the property described in Attachment A shall be used for capital improvements of existing County park and recreational facilities and/or for the acquisition of additional park and recreational facilities by Erie County; and be it further

RESOLVED, that the County Executive is hereby empowered to execute any such agreements, documents, or papers as may be necessary to implement the intent and purpose of this Resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; the Commissioner of the Department of Parks, Recreation, and Forestry, Rath Building, 13th Floor; New York State and Assembly home rule offices; New York State Senator Michael H. Ranzenhofer; and New York State Assemblywoman Jane Corwin.
(4-0)

8. COMM. 17E-12 (2013)
COUNTY EXECUTIVE
WHEREAS, Erie County is desirous of undertaking Phase 1B of the Evans Shoreline Trail (aka Shoreline Trail – Beaches Section) in the Town of Evans; and

WHEREAS, said section shall extend from Erie County’s Bennett Beach Park to the Evans Town Park; and

WHEREAS, Erie County has secured \$480,938 in State and Federal funds for the project; and

WHEREAS, State regulations require that Erie County execute certain work agreements with affected utility companies within the project area prior to contract award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive be authorized to execute Utility Work Agreements with affected utilities including but not limited to Verizon, Time Warner Cable, and National Grid in a cumulative amount not to exceed \$40,000; 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. A.00213; 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 Director of the Division of Budget and Management; the Comptroller’s Office and the County Attorney.
(4-0)

9. COMM. 17E-13 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 23E-4 (2012) Contract No.71 was awarded to Hydrolawn of Buffalo, Inc. for sanitary sewer replacement on Roseview, West Quaker, South Davis, Iroquois, and Broezel in Erie County Sewer District No. 3 & 4; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all base contract improvements are now completed; and
WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 71, in the final contract amount of \$109,262.95 which includes Change Order No. 1 (final), a decrease of (\$63,327.61), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 71 between the County of Erie and Hydrolawn of Buffalo, Inc. (PO Box 771, Derby, NY 14047) is accepted in the final contract amount of \$109,262.95, \$41,676.43 in Bond Account C.00072 and \$67,586.52 in Bond Account C.00062 which includes Change Order No. 1 (final), a decrease of (\$63,327.61), (\$58,856.68) in Bond Account C.00072 and (\$4,470.93) in Bond Account C.00062; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

TERRENCE D. McCracken
CHAIR