

January 14, 2016

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20D-5 (2015)
DEPARTMENT OF ENVIRONMENT & PLANNING: “2015 Agricultural District Modification Requests”
(5-0)
 - b. COMM. 21E-11 (2015)
BURKE: “Review of the Public Discussion on the Status of Lake Erie Water Quality”
(4-1) Legislator Burke voted in the negative.
 - c. COMM. 21D-12 (2015)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Addendum to Proposed Modifications to Agricultural Districts”
(5-0)
 - d. COMM. 25D-7 (2015)
COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING: “Letter Regarding Potential Modifications to EC Agricultural District 17”
(5-0)
 - e. COMM. 25D-8 (2015)
DEPARTMENT OF HEALTH: “Letter Regarding Potential Modifications to EC Agricultural District 17”
(5-0)
 - f. COMM. 1M-4 (2016)
HODGSON RUSS LLP: “Letter Regarding Potential Modifications to EC Agricultural District 17”
(5-0)
 - g. COMM. 1M-5 (2016)
ISLE CHEM LLC: “Letter Regarding Potential Modifications to EC Agricultural District 17”
(5-0)

- h. COMM. 1M-6 (2016)
TOWN OF AURORA: “Letter Regarding Potential Modifications to EC Agricultural District for Aurora Community Gardens”
(5-0)

2. RESOLVED, the following item is hereby amended by a majority vote, and tabled on Chair’s motion:

- a. INTRO. 1-2 (2016)
MILLS & MORTON **AS AMENDED**
Insert the following:
WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2015 thirty-day open enrollment period fifty applicants requested that eighty-six parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature adopt the inclusion of sixty-two parcels listed below in an existing agricultural district; and

PARCEL(S)	ACRES (approx.)	ADDRESS	TOWN	APPLICANT	DISTRICT
335.11-1-1.112 335.11-1-10.1 335.11-1-11	56.088	4451 Route 78	Springville	Sean Fitzpatrick	Concord 15

332-1-43.12					
229.00-2-18.2 229.00-2-19	48.5	8213 Center Street	Holland	Paul M. Cohn	Holland 11
188.00-3-23.1	136.1	1231 Olean Road	South Wales	John B. Hitchings	Wales 12
195.00-1-7.2	22.6	3134 Old Lakeview Road	Hamburg	Michael Jablonski	Eden 2
11.00-1-11 23.08-1-4.11	23.58	2487 Long Road	Grand Island	Thomas & Wendy Thompson	Amherst 17
50.17-1-3.121	40	1639 West River Road	Grand Island	Russell P. Colosi	Amherst 17
11.20-1-1	37.62	0 Long Road	Grand Island	Ash Brooke Court Enterprises	Amherst 17
23.00-3-2.1	38.73	2630 Bedell Road	Grand Island	Peter L. Sparks	Amherst 17
36.00-3-13.12 36.00-3-21.1	34.29	2723 Staley Road	Grand Island	Robert C. Luthringer	Amherst 17
50.04-1-12.1	35.74	2655 Fix Road	Grand Island	Mary Beth & Jeffery A. Smith	Amherst 17
25.00-1-21 25.00-1-22	16.11	555 Ransom Road	Grand Island	Elizabeth L. Hopkins	Amherst 17
36.00-4-8.213	5.345	3013 Staley Road	Grand Island	Mary & Bryant Pfalzer	Amherst 17
12.00-1-4.11	48	5345 East River Road	Grand Island	Cyrus Ardalan	Amherst 17
63.02-2-38.311	10.33	2230 Fix Road	Grand Island	Patricia Giordano- Birtz & Stephen Birtz	Amherst 17
50.18-1-23.1	3.1	2935 Fix Road	Grand Island	Robert & Audra Wynne	Amherst 17
64.05-3-13.111	2.9	2020 Fix Road	Grand Island	Bryce & Robin Shipman	Amherst 17
37.02-2-2 37.02-2-3	15.4	1175 Whitehaven Road	Grand Island	Suzanne L. Langenfeld	Amherst 17
36.00-2-4 36.00-2-5 24.03-1-4 24.03-1-11 24.03-1-39	41.94	2438 Whitehaven Road 2450 Whitehaven Road	Grand Island	Dianne Nassar	Amherst 17

36.00-2-34	9.5	2413 Staley Road	Grand Island	James Heitman	Amherst 17
36.00-3-34.12 36.00-3-35.1	20.24	2945 Staley Road	Grand Island	Raymond J. Fisher	Amherst 17
36.00-3-34.111	8	2919 Staley Road	Grand Island	David Fisher	Amherst 17
36.00-3-34.112	7.88	2933 Staley Road	Grand Island	Bonnie Fisher	Amherst 17
36.00-1-6.11 36.00-1-7 36.00-1-11.2	78.55	2449 Whitehaven Road 2605 Whitehaven Road	Grand Island	George L. DeGlopper	Amherst 17
12.00-2-3.11	110	4943 East River Road	Grand Island	Christie Harper	Amherst 17
37.04-1-51.11	7.03	1839 Stony Point Road	Grand Island	Christopher Beyer	Amherst 17
50.04-2-10	6.18	2689 Fix Road	Grand Island	Christopher A. Russell	Amherst 17
64.06-3-25 50.00-2-2.2 51.13-4-2 51.13-4-3	9.31	828 East River Road 1270 Baseline Road	Grand Island	Richard & Jennifer Benz	Amherst 17
24.16-2-21	0.56	1101 Ransom Road	Grand Island	Mansard LLC	Amherst 17
36.00-1-8	33.4	2489 Whitehaven Road	Grand Island	Nicole Gerber	Amherst 17
63.02-2-38.111	14.6	2300 Fix Road	Grand Island	Nick Stuckert	Amherst 17
36.04-1-46.1	5.75	2175 Staley Road	Grand Island	David Williams	Amherst 17
36.00-2-22.1	9.64	2303 Staley Road	Grand Island	Mark & Marci Lange	Amherst 17
36.00-3-32.2	14.55	2855 Staley Road	Grand Island	Kenneth Sandford	Amherst 17
36.00-3-23	6.1	2743 Staley Road	Grand Island	Susan Sondel	Amherst 17
50.00-3-2.2	4.8	2406 Love Road	Grand Island	Joseph & Susan Salamone	Amherst 17
36.00-3-37	9.5	2975 Staley Road	Grand Island	Holly's Horse Haven LLC	Amherst 17
23.02-3-55	18.01	145 Morningside Drive	Grand Island	Elizabeth Szur- O'Connor & Kenneth K. O'Connor	Amherst 17

50.00-1-3.11	6.21	3050 Staley Road	Grand Island	Lynn Kahn	Amherst 17
63.02-2-37	5	2326 Fix Road	Grand Island	Dennis & Adele Upton	Amherst 17
63.02-2-35.1	16.5	2350 Fix Road	Grand Island	Peter & Linda A. Gottler	Amherst 17
37.02-2-5.12 37.02-2-5.11 37.02-2-4	32.6	1149 Whitehaven Road	Grand Island	Krista & Daniel Drexelius	Amherst 17
25.00-2-39	5.01	394 Ransom Road	Grand Island	Jayne Schaber	Amherst 17

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature reject the inclusion of twenty-four parcels listed below in an existing agricultural district; and

PARCEL	ACRES (approx.)	PARCEL ADDRESS	TOWN	APPLICANT	DISTRICT
175.00-2-27.2	4.36	619 South Street	East Aurora	Aurora Community Gardens	Wales 12
64.05-1-37.1	0.56	2189 Fix Road	Grand Island	Tina Wynne	Amherst 17
37.03-3-15	3	2076 Stony Point Rd	Grand Island	Kim Leys	Amherst 17
24.11-1-4.1	3.87	3030 Stony Point Rd	Grand Island	Patricia Burg	Amherst 17
37.01-52-3.1 37.01-2-4.2	2.11	1645, 1655 Stony Point Road	Grand Island	John & Carolyn Tripi	Amherst 17
23.08-2-75 23.08-2-77 23.08-2-78	0.87	0 Morningside Dr.	Grand Island	Alex Szur	Amherst 17
23.08-2-44 23.08-2-45 23.08-2-46 23.08-2-47 23.08-2-48 23.08-2-49	5.77	0 Morningside Dr.	Grand Island	Szur Builders	Amherst 17

23.08-2-50 23.08-2-71 23.08-2-72 23.08-2-73 23.08-2-74 23.08-2-76 23.08-2-79.1 23.08-2-82					
23.08-1-16	0.96	2432 Long Road	Grand Island	Regina Kernin	Amherst 17

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for November 19, 2015; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 6:00 p.m. on November 19, 2015 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2015 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following fifty-eight parcels into an adjacent existing agricultural district; and be it further

PARCEL(S)	ACRES (approx..)	ADDRESS	TOWN	APPLICANT	DISTRICT
335.11-1-1.112 335.11-1-10.1 335.11-1-11 332-1-43.12	56.088	4451 Route 78	Springville	Sean Fitzpatrick	Concord 15
229.00-2-18.2 229.00-2-19	48.5	8213 Center Street	Holland	Paul M. Cohn	Holland 11

188.00-3-23.1	136.1	1231 Olean Road	South Wales	John B. Hitchings	Wales 12
195.00-1-7.2	22.6	3134 Old Lakeview Road	Hamburg	Michael Jablonski	Eden 2
11.00-1-11 23.08-1-4.11	23.58	2487 Long Road	Grand Island	Thomas & Wendy Thompson	Amherst 17
50.17-1-3.121	40	1639 West River Road	Grand Island	Russell P. Colosi	Amherst 17
11.20-1-1	37.62	0 Long Road	Grand Island	Ash Brooke Court Enterprises	Amherst 17
23.00-3-2.1	38.73	2630 Bedell Road	Grand Island	Peter L. Sparks	Amherst 17
36.00-3-13.12 36.00-3-21.1	34.29	2723 Staley Road	Grand Island	Robert C. Luthringer	Amherst 17
50.04-1-12.1	35.74	2655 Fix Road	Grand Island	Mary Beth & Jeffery A. Smith	Amherst 17
25.00-1-21 25.00-1-22	16.11	555 Ransom Road	Grand Island	Elizabeth L. Hopkins	Amherst 17
36.00-4-8.213	5.345	3013 Staley Road	Grand Island	Mary & Bryant Pfalzer	Amherst 17
12.00-1-4.11	48	5345 East River Road	Grand Island	Cyrus Ardalan	Amherst 17
63.02-2-38.311	10.33	2230 Fix Road	Grand Island	Patricia Giordano-Birtz & Stephen Birtz	Amherst 17
50.18-1-23.1	3.1	2935 Fix Road	Grand Island	Robert & Audra Wynne	Amherst 17
64.05-3-13.111	2.9	2020 Fix Road	Grand Island	Bryce & Robin Shipman	Amherst 17
37.02-2-2 37.02-2-3	15.4	1175 Whitehaven Road	Grand Island	Suzanne L. Langenfeld	Amherst 17
36.00-2-4 36.00-2-5 24.03-1-4 24.03-1-11 24.03-1-39	41.94	2438 Whitehaven Road 2450 Whitehaven Road	Grand Island	Dianne Nassar	Amherst 17

36.00-2-34	9.5	2413 Staley Road	Grand Island	James Heitman	Amherst 17
36.00-3-34.12 36.00-3-35.1	20.24	2945 Staley Road	Grand Island	Raymond J. Fisher	Amherst 17
36.00-3-34.111	8	2919 Staley Road	Grand Island	David Fisher	Amherst 17
36.00-3-34.112	7.88	2933 Staley Road	Grand Island	Bonnie Fisher	Amherst 17
36.00-1-6.11 36.00-1-7 36.00-1-11.2	78.55	2449 Whitehaven Road 2605 Whitehaven Road	Grand Island	George L. DeGlopper	Amherst 17
12.00-2-3.11	110	4943 East River Road	Grand Island	Christie Harper	Amherst 17
37.04-1-51.11	7.03	1839 Stony Point Road	Grand Island	Christopher Beyer	Amherst 17
50.04-2-10	6.18	2689 Fix Road	Grand Island	Christopher A. Russell	Amherst 17
64.06-3-25 50.00-2-2.2 51.13-4-2 51.13-4-3	9.31	828 East River Road 1270 Baseline Road	Grand Island	Richard & Jennifer Benz	Amherst 17
36.00-1-8	33.4	2489 Whitehaven Road	Grand Island	Nicole Gerber	Amherst 17
63.02-2-38.111	14.6	2300 Fix Road	Grand Island	Nick Stuckert	Amherst 17
36.04-1-46.1	5.75	2175 Staley Road	Grand Island	David Williams	Amherst 17
36.00-2-22.1	9.64	2303 Staley Road	Grand Island	Mark & Marci Lange	Amherst 17
36.00-3-32.2	14.55	2855 Staley Road	Grand Island	Kenneth Sandford	Amherst 17
36.00-3-23	6.1	2743 Staley Road	Grand Island	Susan Sondel	Amherst 17
50.00-3-2.2	4.8	2406 Love Road	Grand Island	Joseph & Susan Salamone	Amherst 17
36.00-3-37	9.5	2975 Staley	Grand Island	Holly's Horse	Amherst 17

		Road		Haven LLC	
23.02-3-55	18.01	145 Morningside Drive	Grand Island	Elizabeth Szur-O'Connor & Kenneth K. O'Connor	Amherst 17
50.00-1-3.11	6.21	3050 Staley Road	Grand Island	Lynn Kahn	Amherst 17
63.02-2-37	5	2326 Fix Road	Grand Island	Dennis & Adele Upton	Amherst 17
63.02-2-35.1	16.5	2350 Fix Road	Grand Island	Peter & Linda A. Gottler	Amherst 17
25.00-2-39	5.01	394 Ransom Road	Grand Island	Jayne Schaber	Amherst 17

RESOLVED that the Erie County Legislature rejects the inclusion of the following twenty-eight parcels into an existing agricultural district; and be it further

PARCEL(S)	ACRES (approx.)	ADDRESS	TOWN	APPLICANT	DISTRICT
175.00-2-27.2	4.36	619 South Street	East Aurora	Aurora Community Gardens	Wales 12
64.05-1-37.1	0.56	2189 Fix Road	Grand Island	Tina Wynne	Amherst 17
37.03-3-15	3	2076 Stony Point Rd	Grand Island	Kim Leys	Amherst 17
24.11-1-4.1	3.87	3030 Stony Point Rd	Grand Island	Patricia Burg	Amherst 17
37.01-52-3.1 37.01-2-4.2	2.11	1645, 1655 Stony Point Road	Grand Island	John & Carolyn Tripi	Amherst 17
23.08-2-75 23.08-2-77 23.08-2-78	0.87	0 Morningside Dr.	Grand Island	Alex Szur	Amherst 17
23.08-2-44 23.08-2-45 23.08-2-46	5.77	0 Morningside Dr.	Grand Island	Szur Builders	Amherst 17

23.08-2-47 23.08-2-48 23.08-2-49 23.08-2-50 23.08-2-71 23.08-2-72 23.08-2-73 23.08-2-74 23.08-2-76 23.08-2-79.1 23.08-2-82					
23.08-1-16	0.96	2432 Long Road	Grand Island	Regina Kernin	Amherst 17
24.16-2-21	0.56	1101 Ransom Road	Grand Island	Mansard LLC	Amherst 17
37.02-2-5.12 37.02-2-5.11 37.02-2-4	32.6	1149 Whitehaven Road	Grand Island	Krista & Daniel Drexelius	Amherst 17

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Commissioner of the Department of Health, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Springville, Holland, Wales, Hamburg, East Aurora and Grand Island; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.
(5-0)

3. COMM. 24E-5 (2015)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the County Executive has made appointments to the Erie County Sewer District Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 16 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 1</u>	<u>Term Expires</u>
Hon. Diane Benczkowski (New Appointment) Supervisor Town of Cheektowaga 3301 Broadway Cheektowaga, NY 14227	12/31/17
Mr. Patrick Bowen, P.E. (Reappointment) Town Engineer Town of Cheektowaga 275 Alexander Avenue Cheektowaga, NY 14211	12/31/17
Mr. Daniel Higgins (Reappointment) 70 N. Covington Drive Buffalo, NY 14220	12/31/17
Hon. Sheila Meegan (Reappointment) Supervisor Town of West Seneca 1250 Union Road West Seneca, NY 14224	12/31/17
Mr. Mutasem Salah, P.E. (Reappointment) Sr. Coordinator Construction Projects Department of Environment & Planning 95 Franklin Street - Room 1034 Buffalo, NY 14202	
<u>Erie County Sewer District No. 2</u>	<u>Term Expires</u>
Hon. Howard Frawley (Reappointment)	12/31/17

Mayor, Village of Angola
41 Commercial Street
Angola, NY 14006

Hon. Vincent George (Reappointment) 12/31/17
Mayor, Village of North Collins
10543 Main Street
P.O. Box 459
North Collins, NY 14111

Ms. Anna Knack (Reappointment) 12/31/17
Administrative Asst., Town of Eden
2505 West Church Street
Eden, NY 14057

Mr. Gifford Swyers (Reappointment) 12/31/17
50 Terrylynn Drive
Angola, NY 14006

Ms. Angela Horton, P.E. (Reappointment) 12/31/17
Coord. Sewer Construction Projects
Department of Environment & Planning
95 Franklin Street - Room 1034
Buffalo, NY 14202

<u>Erie County Sewer District No. 3</u>	<u>Term Expires</u>
Hon. Melissa Hartman (New Appointment) Supervisor, Town of Eden 2795 East Church Street Eden, NY 14057	12/31/17

Mr. Michael Hayden (New Appointment) 12/31/17
Town of Holland Water
47 Pearl Street
Holland, NY 14080

Mr. David Kaczor (Reappointment) 12/31/17
23 Silent Meadow
Orchard Park, NY 14127

Hon. John Mills (Reappointment) 80 Highland Avenue Orchard Park, NY 14127	12/31/17
Hon. David Rood (Reappointment) Deputy Mayor, Village of Orchard Park 4295 South Buffalo Street Orchard Park, NY 14127	12/31/17
Mr. Karl Simmeth, Jr. (Reappointment) 6678 Meadowbrook Drive Boston, NY 14025	12/31/17
Mr. Donald Witkowski (Reappointment) Administrator, Village of Hamburg 100 Main Street Hamburg, NY 14075	12/31/17
Mr. David Millar, P.E. (Reappointment) Assistant Deputy Commissioner Department of Environment & Planning 95 Franklin Street - Room 1034 Buffalo, NY 14202	12/31/17
<u>Erie County Sewer District No. 4</u>	<u>Term Expires</u>
Mr. Gary Ambrose (Reappointment) 80 Holland Avenue Lancaster, NY 14086	12/31/17
Mr. Robert Harris, P.E. (Reappointment) Town of Lancaster Engineer Wm. Schutt & Associates, P.C. 37 Central Avenue Lancaster, NY 14086	12/31/17
Ms. Kristin McCracken (Reappointment) Member - Town of Lancaster Planning Board 41 Bloomfield Avenue Depew, NY 14043	12/31/17

Hon. Jesse Nikoniwicz, Sr. (Reappointment) Mayor - Village of Depew 138 Grant Street Depew, NY 14043	12/31/17
Mr. Thomas Batt, P.E. (Reappointment) Sr. Sanitary Engineer Department of Environment & Planning 95 Franklin Street - Room 1034 Buffalo, NY 14202	12/31/17
<u>Erie County Sewer District No. 5</u>	<u>Term Expires</u>
Mr. Brian Andrzejewski, P.E. (New Appointment) Commissioner Town of Amherst Building Department 5583 Main Street Williamsville, NY 14221	12/31/17
Mr. Brian Armstrong (New Appointment) Assistant Municipal Engineer Town of Amherst Engineering 1100 North Forest Road Williamsville, NY 14221	12/31/17
Mr. James Callahan (Reappointment) Town of Clarence Director of Community Development One Town Place Clarence, NY 14031	12/31/17
Mr. Timothy Lavocat (Reappointment) Town Engineer Town of Clarence 6221 Goodrich Road Clarence Center, NY 14032	12/31/17
Mr. Kevin Zynda, P.E. (Reappointment) Sanitary Engineer Department of Environment & Planning 95 Franklin Street - Room 1034	12/31/17

Buffalo, NY 14202

<u>Erie County Sewer District No. 6</u>	<u>Term Expires</u>
Mr. James Balcarczyk (Reappointment) 44 Reed Avenue Lackawanna, NY 14218	12/31/17
Mr. Anthony Collareno (Reappointment) 93 Cloverleaf A venue Lackawanna, NY 14218	12/31/17
Mr. James Carr, P.E. (Reappointment) Assistant Deputy Commissioner Department of Environment & Planning 95 Franklin Street - Room 1034 Buffalo, NY 14202	12/31/17
<u>Erie County Sewer District No. 8</u>	<u>Term Expires</u>
Hon. Susan Friess (Reappointment) Councilwoman, Town of Aurora 7 Ravine Court East Aurora, NY 14052	12/31/17
Mr. Matthew Hoeh (Reappointment) Superintendent of Public Works Village of East Aurora 571 Main Street East Aurora, NY 14052	12/31/17
Mr. Bryan Smith, P.E. (Reappointment) Town of Aurora Engineer 21 Westgate East Aurora, NY 14052	12/31/17
Mr. Garry Pecak, P.E. (Reappointment) Senior Sanitary Engineer Department of Environment & Planning 95 Franklin Street - Room 1034 Buffalo, NY 14202	12/31/17

; 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, the Board of Managers, the appointees, and Joseph Fiegl, P.E. - Deputy Commissioner in the Department of Environment and Planning.
(5-0)

4. COMM. 25E-20 (2015)
COUNTY EXECUTIVE
WHEREAS, Capital Project C.00038, “Southtowns CIP98 Increase and Improvements of Facilities” is scheduled to be closed out; and

WHEREAS, there is currently a cash balance of \$130,841.99 in Capital Project C.00038; and

WHEREAS, as part of bond refinancing, the New York State Environmental Facilities Corporation reduced the principal borrowed in the amount of \$301,931.33; and

WHEREAS, Erie County Sewer District No. 3 has sufficient funds available in its Capital Reserve Account to offset the remaining balance and facilitate close out of Capital Project C.00038; and

WHEREAS, use of said Capital Reserves will have no impact on the approved 2015 or 2016 Budgets.

NOW, THEREFORE BE IT

RESOLVED, that \$171,089.34 shall be transferred from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Capital Project C.00038; and be it further

RESOLVED, that \$301,931.33 shall be transferred from Capital Project C.00038 to the Debt Service Fund; and be it further

RESOLVED, the Erie County Comptroller and Director of Budget and Management shall increase estimated revenues and appropriations in Erie County Sewer District No.3 Capital Reserve Account C.00007 by \$171,089.34 and in Erie County Sewer District No. 3 C.00038 by \$301,931.33, and establish all budgetary accounts necessary to facilitate these actions; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution 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 be sent to Joseph L. Fiegl, P.E. in the Division of Sewerage Management.
(5-0)

5. COMM. 1E-5 (2016)
COUNTY EXECUTIVE

WHEREAS, the NYSDOT periodically schedules the improvements of sections of State Highways; and

WHEREAS, these improvements require the adjustment of County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the review and approval of the Erie County Department of Environment and Planning, Division of Sewerage Management; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended to the Legislature that Erie County enter into the NYSDOT Utility Work Agreements.

NOW, THEREFORE BE IT

RESOLVED, that the Legislature approve the Erie County Department of Environment and Planning, Division of Sewerage Management entering into NYSDOT Utility Work Agreements for adjusting County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the approval of the Erie County Department of Environment and Planning, Division of Sewerage Management; and it be further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning is hereby authorized on behalf of the County Executive to sign the NYSDOT Utility Work Agreements allowing the NYSDOT to perform the necessary work required and at no cost to the County; and it be further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning is hereby authorized on behalf of the County Executive to sign NYSDOT Utility Work Agreements with the understanding that the County will be obligated to maintain Erie County Sewer District facilities adjusted via State-let contracts; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each of this resolution to the County Executive, the Commissioner of Environment and Planning, and Kristin Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(5-0)

6. COMM. 1E-6 (2016)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry identified a number of roads, pathways and parking lots throughout the Erie County Park System that were included in the Department of Public Works 2015 Capital Overlay Project "B" ("Project"); and

WHEREAS, the Department of Public Works awarded the project to responsible low bidder Occhino Corporation on July 2, 2015 via Comm. 7E-5 (2015); and

WHEREAS, the Department of Parks, Recreation and Forestry has funds available for the Project in the amount of \$225,000 from SAP accounts A.13011 (\$25,000) and A.15014 (\$200,000), 2013 and 2015 Parks Roads, Pathways and Parking Lot Construction respectively.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Parks, Recreation and Forestry be authorized to submit Occhino Corporation invoices in an amount not to exceed \$225,000 for paving related to the Project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for these additional contractual services from SAP projects:

A.13011 - 2013 Roads, Pathways and Parking Lots	\$25,000
A.15014 - 2015 Roads, Path & Parking Lot Rep-Countywide	\$200,000

; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the Department of Parks, Recreation and Forestry; the Department of Public Works; the Office of the County Executive; the Director of the Division of Budget and Management and the Office of the Comptroller.
(5-0)

TED B. MORTON
CHAIR