

October 9, 2014

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 13

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3E-10 (2014)  
**MORTON**: “Capital Projects at Erie County Parks”  
(5-0) Legislator Burke not present for vote.
  - b. COMM. 18M-2 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION**: “Fact Sheet of Lackawanna Incinerator Site”  
(5-0) Legislator Burke not present for vote.
  - c. COMM. 19M-4 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION**: “Fact Sheet for 1130 Niagara Street Site”  
(6-0)
2. COMM. 19E-7 (2014)  
**COUNTY EXECUTIVE**  
WHEREAS, the New York State Department of Transportation (NYSDOT) has programmed a project to rehabilitate culvert 530266, Niagara Street (NY 266) over Two Mile Creek; and

WHEREAS, as part of this construction both the NYSDOT and National Grid are requesting easements from Isle View Park to perform the necessary work; and

WHEREAS, after being reviewed by the Erie County Advisory Review Committee (ARC) this proposed work is supported by and will further the goals of the Erie County Parks Master Plan; and

WHEREAS, the required environmental review process has been completed for this culvert rehabilitation project over Two Mile Creek and it has been classified as a Type II Action under New York State Environmental Quality Review 617.5 (c) (2), which states that “replacement, rehabilitation or reconstruction of a structure, in kind, on the same site...” is not subject to review; and

WHEREAS, there is no cost to the County for granting said easements to the New York State Department of Transportation (NYSDOT) and National Grid.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into easements with the NYSDOT and National Grid for the necessary repairs and work related to these improvements; and be it further

RESOLVED, that the Clerk of the Legislature shall forward two certified copies of this Resolution to the Erie County Comptroller’s Office, the Division of Budget and Management, the Commissioner of the Department of Parks, Recreation and Forestry, Troy P. Schinzel; and Assistant County Attorney, Kristen M. Walder.  
(5-0) Legislator Burke not present for vote.

3. COMM. 19E-14 (2014)  
**COUNTY EXECUTIVE**  
WHEREAS, pursuant to Legislative Comm. 11E-7 (2009) Contract 79-A was awarded to L.P. Ciminelli Construction Corp. for General and Mechanical work for the Lake Street and Point Breeze Pumping Stations; 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 and the Erie County Attorney recommends acceptance of Contract 79A in the final contract amount of \$5,537,389.71 which includes change order No.3 (final) a decrease of \$83,697.25 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 79-A between the County of Erie and L.P. Ciminelli Construction Corp. (2421 Main Street Buffalo, New York 14214) is accepted in the final contract amount of \$5,537,389.71 which includes Change Order No.3 (final), a decrease of \$83,697.25, and is to be allocated in Erie County Sewer District No.2 Bond Account C.00004; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 79-A to L.P. Ciminelli Construction Corp., for a total contract amount of \$5,537,389.71; 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.  
(6-0)

4. COMM. 19E-15 (2014)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 4 is proposing the construction of the Aurora North Pumping Station Elimination Sanitary Sewer Project; and

WHEREAS, it is beneficial to purchase the property at 36 Michael Anthony Lane in the Town of Lancaster to facilitate the construction of the sanitary sewer; and

WHEREAS, public safety will improve during the construction of the sanitary sewer with design changes that can be effectuated through the purchase of the property at 36 Michael Anthony Lane; and

WHEREAS, a cost savings to the construction project would occur with the purchase of the property at 36 Michael Anthony Lane; and

WHEREAS, an independent appraisal was performed to provide the market value of the property at 36 Michael Anthony Lane; and

WHEREAS, the proposed purchase price of \$208,600.00 was within the range of said appraisal.

WEHEREAS, an amount not to exceed \$20,000.00 will be necessary to cover closing and associated costs related to the property.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie be authorized to purchase the property at 36 Michael Anthony Lane in the Town of Lancaster for the amount of \$208,600.00; and be it further

RESOLVED, that an amount not to exceed \$20,000.00 be authorized for applicable closing and associated costs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all necessary agreements to purchase the property at 36 Michael Anthony Lane in the Town of Lancaster, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$228,600.00 from Erie County Sewer District No. 4 Capital Account C.00072 for the purchase of the property at 36 Michael Anthony Lane in the Town of Lancaster; 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 Director of Budget, Management and Finance, the Erie County Comptroller, 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.  
(6-0)

**TED B. MORTON  
CHAIR**