

September 8, 2015

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 14

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 15D-4 (2015)  
**CLERK OF THE LEGISLATURE:** "NYS DEC Documents Received"  
(6-0)
  - b. COMM. 16E-9 (2015)  
**COUNTY EXECUTIVE:** "EC Sewer District No. 6 - Engineer Term Contract Agreement - CRA Infrastructure & Engineering Inc"  
(6-0)
  - c. COMM. 16D-6 (2015)  
**CLERK OF THE LEGISLATURE:** "NYS DEC Documents Received"  
(6-0)
  - d. COMM. 16M-9 (2015)  
**NYS AGRICULTURE AND MARKETS:** "Agricultural Districts Nos. 2, 4 & 9 - Notice to Conduct Eight-Year Review"  
(6-0)
2. COMM. 16E-7 (2015)  
**COUNTY EXECUTIVE**  
WHEREAS, The New York Power Authority ("Authority") which owns and operates the Niagara Power Project ("NPP") in Lewiston, New York, received a new License to operate the NPP from the Federal Energy Regulatory Commission on March 15, 2007 that became effective on September 1, 2007; and

WHEREAS, in conjunction with the License for the NPP, the "Erie County/City of Buffalo Relicensing Settlement Agreement" ("RSA") was executed; and

WHEREAS, the RSA provides for Authority funding of the Erie County Greenway Fund ("Greenway Fund") to support construction and/or rehabilitation of parks, recreation, and related facilities promoting tourism, enhancing the environment, and advancing the economic revitalization of the Niagara River Greenway within Erie County as set forth in the Niagara River Greenway Act of 2005; and

WHEREAS, the Committee, which is comprised of one member from Erie County, the City of Buffalo, Buffalo Olmsted Parks Conservancy and the Authority, has adopted protocols and requirements for the funding of projects entitled "Buffalo and Erie County Greenway Fund Standing Committee Grant Guidelines and Application"; and

WHEREAS, on August 24, 2015 the Erie County Executive appointed Thomas J. Dearing, Commissioner of the Department of Environment and Planning as the Erie County representative on the Committee; and

WHEREAS, the RSA requires that the Committee select a Trustee of the Greenway Fund which shall have the power and lawful authority to receive and disburse funds with respect to the Greenway Fund; and

WHEREAS, the Committee desires to appoint the Manufacturers and Traders Trust Company (M&T Bank) as Trustee and Escrow Agent under this Agreement for the purpose of accepting and disbursing payments to the Greenway Fund, and investing and holding such funds in trust for the benefit of the Committee in accordance with the terms of this Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County ("Client") hereby authorizes Thomas J. Dearing, Commissioner of the Erie County Department of Environment and Planning, on behalf of the Client, to complete, execute, and deliver to Manufacturers and Traders Trust Company (M&T Bank) agreements in a form acceptable to such Authorized Individual for the provision of custody, escrow, trust, funds transfer, investment management and investment advisory services, including any amendments and agreements or other documents related thereto, as such Authorized Individual deems necessary or appropriate from time to time; 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; and Thomas J. Dearing, the Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(6-0)

3. COMM. 16E-8 (2015)

**COUNTY EXECUTIVE**

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 6 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) SEPTEMBER 3, 2015.  
(Adopted) SEPTEMBER 17, 2015.

WHEREAS, in 2005 the County Legislature of the County of Erie, New York (the "County Legislature") adopted an Increase and Improvements of Facilities Plan (the "2005 Plan") for Sewer District No. 6 (the "District") which provided for the expenditure of \$4,000,000 to finance the reconstruction of storm and sanitary sewer lines, the construction of improvements to pumping stations and the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary to develop the plan to discharge to the Buffalo Sewer Authority, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on January 18, 2005 and filed with the County Legislature (the "Project"); and

WHEREAS, several of the components of the Project have been completed; and

WHEREAS, at the direction of the County Legislature, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 6 For A Modifications of Plans (2015)* (the "Report") to be prepared, which Report recommends the modification of the 2005 Plan and the approval of certain additional improvements within the District, including but not limited to improvements to the Wilmuth/Well Pumping Station, including engineering costs associated with those improvements, and the replacement of, and improvements to, existing sewers and pumping stations (the "Modification of Plans"); and

WHEREAS, on May 13, 2015 the Board of Managers of the District (the "Board of Managers") accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report and the recommendation of the Board of Managers was filed with the County Legislature on May 18, 2015; and

WHEREAS, the Modification of Plans will not result in an increase in the amount of the estimates or the original bond authorization set forth in the 2005 Report, of which there is currently \$1,534,000 in unused authorization; and

WHEREAS, said County Legislature duly adopted Resolution 13E-11 on the 16<sup>th</sup> day of July, 2015, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider the Modification of Plans in accordance with the provisions of Section 253-b of the County Law; 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 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 29th day of July, 2015, at 1:30 o'clock P.M., Prevailing Time; and

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement for the facilities of Erie County Sewer District No. 6 in the County of Erie, New York, all as more fully described in the preambles hereof and in the Report, and such Modification of Plans for the increase and improvement of facilities is hereby authorized.

Section 2. This resolution shall take effect immediately.  
(6-0)

**TED B. MORTON  
CHAIR**