

March 19, 2015

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5E-16 (2015)  
**COUNTY EXECUTIVE:** “EC Sewer District No. 3 - Rush Creek Interceptor, Blasdell Milestrip Wet Weather Relief Pumping Station and Force Main Project - Contract No. 17-A” (5-0)
  - b. COMM. 5D-6 (2015)  
**CLERK OF THE LEGISLATURE:** “NYSDEC Documents Received” (5-0)
2. COMM. 5E-12 (2015)  
**MILLS**  
RESOLVED, the Erie County Legislature hereby appoints Thomas Marks (3426 Abbott Road, Orchard Park, NY 14127) to the Erie County Fisheries Advisory Board for a term that will expire on 12/31/2017. (5-0)
3. COMM. 5E-13 (2015)  
**COUNTY EXECUTIVE**  
RESOLVED, the Erie County Legislature hereby appoints the following individuals to the Erie County Fisheries Advisory Board for a term that will expire on 12/31/2017.  

Mr. Paul Stoos	Mr. Gerald May Sr	Mr. Larry Jones
1845 Clinton Street	5858 Lakecrest Drive	268 Harrison Avenue
Buffalo, NY 14206	Lake View, NY 14085	Buffalo, NY 14223

 (5-0)
4. COMM. 5E-14 (2015)  
**COUNTY EXECUTIVE**  
WHEREAS, the County Executive has made appointments to the Erie County Sewer District Nos. 1 and 3 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District Nos. 1 and 3 Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 1</u>	<u>Term Expires</u>
Mr. Patrick T. Bowen, P.E. (Appointment) Town Engineer Town of Cheektowaga 275 Alexander Avenue Cheektowaga, NY 14211 (to replace William Pugh, P.E. – past Town Engineer)	12/13/15

<u>Erie County Sewer District No. 3</u>	<u>Term Expires</u>
Mr. David A. Rood (Appointment) Mayor Village of Orchard Park 4295 South Buffalo Street Orchard Park, NY 14127 (to replace John Wilson – past Village Mayor)	12/13/15

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the Erie County Sewer District Nos. 1 and 3 Board of Managers, the appointees, and Joseph Fiegl, Deputy Commissioner of the Department of Environment and Planning. (5-0)

5. COMM. 5E-18 (2015)  
**COUNTY EXECUTIVE**  
WHEREAS, Steuben Foods, Inc., requires the services of the County of Erie to dispose of its wastewater through a connection to the existing sanitary sewer system of Erie County Sewer District No. 3 pursuant to an Agreement for sanitary service dated the 15<sup>th</sup> day of August 1984 and as amended on the 14<sup>th</sup> day of August 1989; and

WHEREAS, Steuben Foods, Inc. has requested upgrades of the County’s Elma Pumping Station; and

WHEREAS, pursuant to the existing agreement, Steuben Foods, Inc. will bear the cost of engineering and construction expenses for said upgrades; and

WHEREAS, in support of the project and Steuben Foods, the Erie County Sewer District No. 3 Board of Managers recommends billing these costs over a five (5) year period.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amendment to the existing agreement with Steuben Foods, Inc. for wastewater services provided by Erie County Sewer District No. 3, subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, said amendment shall include a stipulation that Steuben Foods, Inc. reimburse the County for engineering and construction costs associated with the Elma Pumping Station upgrades in equal annual payments over a five (5) year period with 0.25% interest on the balance for each year; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Gregory Kammer, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Division of Sewerage Management.  
(5-0)

6. COMM. 5E-20 (2015)

**COUNTY EXECUTIVE**

**AS AMENDED**

WHEREAS, in 2005 the County Legislature adopted an Increase and Improvements of Facilities Plan (the "2005 Plan") for Sewer District No. 3 (the "District") which provided for the expenditure of \$9,100,000 to finance the connection of the Village of Blasdell service area to the Southtowns Advanced Wastewater Treatment Facility (the "Project"); and

WHEREAS, 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. 3 For A Modifications of Plans (2015) (the "Report") to be prepared, which Report recommends a modification of the 2005 Plan to include within the 2005 Plan certain additional improvements within the District, including but not limited to, improvements to the Southtowns Advanced Wastewater Treatment Facility and the implementation of the Rush Creek Interceptor project (the "Modification of Plans"); and

WHEREAS, on February 27, 2015, the Board of Managers of the Erie County Sewer District No. 3 accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report serves as the written report required by § 253-b of Article SA of the County Law of the State of New York; and

WHEREAS, the Modification of Plans will not result in an increase in the cost of the Project; and

WHEREAS, an application to the New York State Audit and Control for approval is not required as the Modification Plans constitutes a modification to plans pursuant to §253-b of Article 5A of the County Law of the State of New York; and

WHEREAS, the County Legislature desires to call for a Public Hearing to solicit public comment; and

WHEREAS, prior to the publication of the notice of public hearing, the Report will be filed in the Office of the County Clerk of Erie County;

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

Section 1. The County Legislature of County of Erie, New York shall meet at the 92 Franklin Street, 4th Floor in Buffalo, New York, on the 15th day of April, 2015 at 1:30 o'clock p.m., for the purpose of conducting a Public Hearing on the proposed Modification of Plans specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the Challenger Newspaper and the Amherst Bee, the official newspapers of the County, and in the Hamburg Sun for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.  
(5-0)

**TED B. MORTON  
CHAIR**