

OCTOBER 4, 2007

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3E-50 (2007)  
**MARINELLI:** Energy & Environment Committee Matrix Training  
(4-0)
  - b. COMM. 12E-13 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 4 - Vanderbilt Pump/Force Main Evaluation and Overflow Retention Facility Improvements - Bid Opening  
(4-0)
  - c. COMM. 12E-14 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 4 - Depew Flow Meter/Valve Improvements - Bid Opening  
(4-0)
  - d. COMM. 12E-17 (2007)  
**COUNTY EXECUTIVE:** DEP - Sewerage Management - Computerized Maintenance Management System (CMMS) - Bid Opening  
(4-0)
  - e. COMM. 12E-19 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 1 - Cayuga & Industrial Parkway - Heating and Ventilation Units - Bid Opening  
(4-0)
  - f. COMM. 12E-21 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Rush Creek Interceptor - Bid Opening  
(4-0)
  - g. COMM. 12E-37 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 6 - Kennedy Pump Station Replacement - Bid Opening  
(4-0)
  - h. COMM. 12E-38 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Southtowns Wastewater Treatment Plant - Wet Well

and Overflow Retention - Facility Improvements  
(4-0)

- i. COMM. 12E-40 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 4 - Aurora North/Aurora South - Pump Station Improvements - Bid Opening  
(4-0)
- j. COMM. 12E-41 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 2 - Point Breeze Pump Station Improvements - Bid Opening  
(4-0)
- k. COMM. 12E-42 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Southwestern Pump Station Elimination  
(4-0)
- l. COMM. 12E-43 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 2 - Sweetland Pump Station Improvements - Bid Opening  
(4-0)
- m. COMM. 12E-45 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Southtowns Wastewater Treatment Facility - Solids Handling - Bid Opening  
(4-0)
- n. COMM. 12E-46 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 8 - East Aurora - Wastewater Treatment Plant Improvements - Bid Opening  
(4-0)
- o. COMM. 14E-16 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Professional Services Agreement with CRA Infrastructure and Engineering, Inc. - Blasdel Sanitary Sewer System – Rehabilitation/Replacement - Change Order No. 3  
(4-0)
- p. COMM. 14D-3 (2007)  
**COUNTY ATTORNEY:** Women's Tuesday Night Volleyball  
(4-0)

- q. COMM. 14M-7 (2007)  
**NYS DEPT. OF AGRICULTURE AND MARKETS:** An Act to amend the Agriculture and Markets Law  
(4-0)
- r. COMM. 16E-7 (2007)  
**WHYTE:** Copy of Letter to Editor Re: Parks  
(4-0)
- s. COMM. 16E-32 (2007)  
**COUNTY EXECUTIVE:** ECSDs 1-6 & 8 - Section 270/271 Resolutions  
(4-0)
- t. COMM. 16E-33 (2007)  
**COUNTY EXECUTIVE:** Semi-Annual Attendance Records - Board of Managers  
(4-0)
- u. COMM. 16E-34 (2007)  
**COUNTY EXECUTIVE:** Notice of Public Hearing - Erie County Sewer Districts - 2008 Assessment Rolls  
(4-0)
- v. COMM. 16M-24 (2007)  
**NYS DEPT. OF AGRICULTURE & MARKETS:** EC Agriculture District No. 9  
(4-0)
- w. COMM. 16M-32 (2007)  
**NYSDEC:** Erie County Agricultural District Nos. 2, 6, 8, 12 & 15  
(4-0)
- x. COMM. 17M-5 (2007)  
**NYS DEPT. OF AGRICULTURE AND MARKETS:** Availability of Grant Program for Municipalities to Develop Agricultural and Farmland Protection Plans  
(4-0)
- 2. COMM. 2E-11 (2007) (a) **AS AMENDED**  
**COUNTY EXECUTIVE**  
RESOLUTION NO. \_\_\_\_\_  
  
RESOLUTION DATED \_\_\_\_\_, 2007

**RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH**

(Introduced) \_\_\_\_\_, 2007.

(Adopted) \_\_\_\_\_, 2007.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the proposed extension includes the leasing from the Town of Hamburg of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Hamburg Sewer Districts: #4, #5, #10, #12, #13, #18, #19, #21, and #25; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the leasing of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$308; and

WHEREAS, said County Legislature duly adopted Resolution No. 188 on the 12<sup>th</sup> day of July, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 29<sup>th</sup> day of August, 2007, at 1:30 o'clock P.M., Prevailing Time; and

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

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

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

Section 1. Upon the evidence given at the public hearing held on August 29, 2007, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed extension;

(d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall be known as "The Town of Hamburg Sewer Districts Extension (2007)," and shall comprise an area described as follows:

TOWN SEWER DISTRICT NO. 4 (CLOVERBANK)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot Nos. 35 and 39, Township 9, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerline of Lake Shore Road (66' wide) with the centerline of Cloverbank Road (66' wide); thence southeasterly along the centerline of said Cloverbank Road a distance of 273± feet to a point, said point being the extension north of the east line of Map Cover 1206 known as "Cloverbank on the Lake"; thence south along said east line of Map Cover 1206 a distance of 2041± feet to a point on the westerly property line of lands owned by Niagara Mohawk Power Company, said point also being the most southeasterly corner of said Map Cover 1206; thence southwesterly along said westerly line of Niagara Mohawk Power Company and also being the southeasterly line of Map Cover 1206 a distance of 860± feet to a point on the west line of Farm Lot 35; thence north along said west line of Farm Lot 35 a distance of 5.83 feet to a point; thence southwesterly continuing along said southeasterly line a distance of 426± feet to a point on the northerly right of way of Amsdell Road; thence northwesterly along said right of way of Amsdell Road a distance of 150± feet to the point of intersection with the westerly right of way of Southcrest Avenue (50' wide); thence southwesterly along a line that is a continuation of the westerly right of way of said Southcrest Avenue a distance of 300± feet to a point, said point being the intersection of the southerly extension of the west line of Map Cover 1206; thence north along said extension line, north along said west line of Map Cover 1206 and north along the northerly extension of said west line of Map Cover 1206 a distance of 2480± feet to a point at the water's edge of Lake Erie; thence northeasterly following along said water's edge a distance of 2,495± feet to the southerly line of Map Cover 1158; thence southeast along said southerly line a distance of 420± feet to a point on the centerline of Lake Shore Road (66' wide); thence southwesterly along said centerline a distance of 1,117± feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 5 (LOCKSLEY)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. thirty (30), Township nine (9) Range eight (8) of the Holland Land Company's Survey and more particularly abounded and described as follows:

BEGINNING at the intersection of the center line of the Lake Shore Road and the southwesterly line of the Locksley Park Subdivision, as filed under Cover No. nine hundred eighty-eight (988), Erie County Clerk Office; thence easterly along the center of Lake Shore Road about one thousand nine hundred and forty-seven (1947) feet to a point one hundred (100) feet easterly from the easterly line of Stratford Terrace; thence southeasterly three hundred (300) feet to a point one hundred thirteen and seventy-four hundredths (113.74), feet east of the easterly line of said Stratford Terrace; thence easterly seven and twenty-six hundredths (7.26) feet; thence southeasterly one hundred twenty-one (121) feet from and parallel with Stratford Terrace; about three hundred twenty-three (323) feet; thence southerly one hundred ninety and six tenths (190.6) feet to a point ninety-five (95) feet easterly from the easterly line of Stratford Terrace; thence easterly three hundred ninety-two (392) feet to land now owned by George C. Laub; thence southerly along Laub's westerly line about nine hundred twenty six (926) feet to the northerly right-of-way line of Niagara, Lockport and Ontario Power Co.; thence southwesterly along said right-of-way line about one thousand eight hundred seventy-six (1876) feet to the southwesterly line of Locksley Park Subdivision; thence northwesterly along said southwesterly line of subdivision about one thousand eight hundred twenty-two (1822) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 10 (AMSDELL HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number Thirty-nine (39), Township Nine (9), Range Eight (8) of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Amsdell Road where it intersects the easterly line of Penn Central Railroad; thence southeasterly along said centerline of Amsdell Road a distance of One Hundred Ninety Four (194) $\pm$  feet to the point of intersection with the centerline of Brundage Road (50' wide); thence southwesterly along said centerline of Brundage Road One Hundred Fifty (150) $\pm$  feet to the east line of Map Cover 1814; thence southerly along said east line of Map Cover 1814 a distance of Three Thousand Nine Hundred Thirty Two (3,932) $\pm$  feet to a point at the southeast corner of said Map Cover 1814, said point also being the southeast corner of Lot No. 39; thence westerly along said south line of Lot No. 39 a distance of Three Hundred (300) $\pm$  feet to a point at the southwesterly corner of said Map Cover 1814, said point also being the southeast corner of SBL 181.15-2-2 as described in Liber 9506 Page 652; thence northerly along the east line of said SBL 181.15-2-2 a distance of Seven Hundred Fifty One and Five tenths (751.50) $\pm$  feet to a point, said point being Two Hundred (200) feet south of the southerly line of South Place (50' wide), said point also being the southeast corner of SBL 181.15-2-3; thence westerly along a line parallel to the south line of said South Place a distance of one hundred twenty five (125) $\pm$  feet to a point at the southwest corner of said SBL 181.15-2-3; thence north along the west line of said SBL a distance of Sixty Two (62) $\pm$  feet to a point at the southeast corner of SBL 181.15-2-1; thence west along

the south line of said SBL 181.15-2-1 a distance of One Hundred and Eighty and Eighty Eight Hundredths (180.88) $\pm$  feet to a point that intersects the extension south of the west line of Map Cover 1814; thence northerly along said extension line and west line of Map Cover 1814 a distance of Two Thousand Eight Hundred Nine (2809) $\pm$  feet to a point on the easterly line of Penn Central Railroad right-of-way; thence northeasterly along said easterly line of Penn Central Railway a distance of Eight Hundred Forty Two (842) $\pm$  feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 12 (BETHFORD)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 36, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING, at intersection of McKinley Parkway and Lake Avenue; thence easterly along Lake Avenue to the easterly line of said Lot No. 36, Township 10, Range 7; thence southerly along said easterly line of said Lot No. 36, to Mile Strip Road; thence westerly along Mile Strip Road to McKinley Parkway; thence northerly along McKinley Parkway to Lake Avenue to the place of beginning; excepting, all that parcel of land at the northwest corner thereof, having three hundred feet (300') frontage on McKinley Parkway and one hundred thirty feet (130') frontage on Lake Avenue, described in a deed recorded in Erie County Clerk's Office in Liber 3023 at page 421, also excepting six (6) parcels of land at the northeast corner thereof, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36 and together being five hundred ninety-four and six-tenths feet (594.6') in width, measured along said northerly line of said Lot No. 36 westerly from said corner, also excepting four (4) parcels of land fronting on Lake Avenue, beginning at the west line of premises described in a deed recorded in Erie County Clerk's office in Liber 1255 of deeds at page 428, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36, and together being three hundred seventy-five feet (375') in width measured along said north line of said Lot No. 36 easterly for said west line described in said last mentioned deed.

Also, all that tract or parcel of land, situate lying and being in the Town of Hamburg, County of Erie and State of New York, known and distinguished as part of Lot No. 35, Township 10, Range 7, of that part of the Buffalo Creek Reservation known as the Milestrip as surveyed by John Lamberton and bounded as follows:

Beginning, in the west line of Lot No. 35 distant nine hundred and ninety-four (994) feet south of the north line of Lot No. 35; thence east along the northerly line of Joseph Lichor property two hundred sixty-nine (269) feet to the northeast corner of same; thence north parallel to the west line of Lot No. 35 to the middle of Smokes Creek; thence northwesterly along the middle of Smokes Creek to the north line of Lot No. 35; thence west along the north line of Lot No. 35 to the northwest corner of Lot No. 35; thence south along the west line of Lot No. 35 nine hundred and ninety-four (994) feet to the northwest corner of Joseph Lichor property to the place of beginning.

TOWN SEWER DISTRICT NO. 13 (SOUTH LYTH)

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Hamburg, County of Erie, State of New York, being part of Lot No. 442, Township 10, Range 7, of the Buffalo Creek Indian Reservation and, on a Subdivision Map made of part of said Lot and filed in the Erie County Clerk's Office, under Map Cover Number 1918, known as Subdivision Lot Nos. 1 to 35, both inclusive, and also three parcels shown on said Subdivision Map fronting on Lake Avenue all of which premises are bounded as follows:

BEGINNING at a point in Lake Avenue, which is the southwest corner of Lot No. 442; thence northerly, along the westerly line of said Lot No.442, 1,618.55 feet, which is the southwest corner of Subdivision Lot No. 57 of Map Cover 1655; thence easterly and southeasterly, along the south line of Map Cover 1655, to its intersection with the west line of property described in a deed recorded in the Erie County Clerk's Office in Liber 4483 of Deeds at Page 127; thence southerly, along the west line of said property described in said Deed, to the southwest corner thereof; thence easterly, along the south line of the lands described in said Deed, to the east line of Lot No. 442; thence southerly along the easterly line of said Lot No. 442, to the southeast corner thereof; thence westerly, along the south line of said Lot No. 442, to the point of beginning.

TOWN SEWER DISTRICT NO. 18 (BENZ)

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lots Number 43 and 44, Township 9, Range 7 of the Holland Land Company's survey and more particularly bounded and described as follows:

BEGINNING at the northeast corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941, thence southeasterly along the southwesterly line of lands now or formerly owned by Adolph Knab, a distance of one thousand three hundred sixty-four and twenty-nine hundredths (1364.29) feet to the west line of Abbott Road; thence southerly along the west line of Abbott Road, a distance of one hundred three and twenty-nine hundredths (103.29) feet to a point where Abbott Road deflects easterly twenty-eight degrees and four minutes (28° 04')' thence southeasterly along the southwesterly line of Abbott Road, a distance of sixty (60.0) feet to a point in the southwesterly line of Abbott Road; thence southwesterly at right angles to the last described line, a distance of three hundred sixty-five feet (365.0) to a point in the southwesterly line of a proposed sixty foot street; thence southeasterly at right angles to the last described line a distance of six (6.0) feet more or less; thence easterly at an included angle of sixty-seven degrees and forty minutes (67° 40') a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to a point in the northeasterly line of a proposed fifty-five foot street; thence northwesterly along the northeasterly line of said proposed street at an included angle of

one hundred twelve degrees and twenty minutes (112° 20') a distance of one hundred seventy (170) feet; thence westerly at an included angle of one hundred twelve degrees and twenty minutes (112° 20'), a distance of eight hundred forty-six and sixty-eight hundredths (846.68) feet to a point on the southwesterly line of a proposed street; thence northwesterly along the southwesterly line of said proposed street, a distance of twenty (20.00) feet, more or less to a point where said proposed street deflects easterly twenty-one degrees and thirty-one minutes (21° 31'); thence northerly along the westerly line of said proposed street, a distance of three hundred ten (310) feet more or less; thence westerly, a distance of two hundred thirty-three and sixty hundredths (233.60) feet, more or less to the easterly line of Ashbury; thence northerly along this said easterly line of Ashbury, a distance of three hundred fifty-one and five tenths (351.5) feet; thence southeasterly at an included angle of seventy degrees, thirty minutes and thirty-six seconds (70° 30' 36") to a point on an arc having a radius of thirty-five (35.0) feet; thence southeasterly, easterly and northeasterly along said arc, a distance of ninety-three and three tenths (93.3) feet; thence southeasterly along a line drawn parallel and thirty-five (35.0) feet southerly from the southerly line of Map Cover 1941, a distance of one hundred sixty-three (163.0) feet; thence northeasterly along the southeasterly line of Map Cover 1941 a distance of four hundred eight-two and eight tenths (482.8) feet to the southeasterly corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941; thence northwesterly along the southwesterly line of said Sublot 204 a distance of eighty(80)feet to the southwesterly corner of said Sublot 204; thence northeasterly along the northwesterly line of said Sublot 204 a distance of one hundred seventy (170) feet to the northwesterly corner of said Sublot 204; thence southeasterly along the northeasterly line of said Sublot 204 a distance of eighty (80) feet to the place of beginning.

Being all of Edward G. Benz Subdivision Part 2, as filed in Erie County Clerk's Office under Map Cover 2106 and Sublot 204 in the Edward G. Benz Subdivision, as filed in the Erie County Clerk's Office under Map Cover 1941 contained 26.5 acres, more or less.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 43, Township 9, Range 7 of the Holland Land Company's survey being more particularly bounded and described as follows:

BEGINNING at the intersection of the southwesterly line of Abbott Road and the easterly line of Lot 43, Township 9, Range 7 said easterly line being also the easterly line of the Town of Hamburg, thence southerly along the said easterly line of Lot 43, a distance of about one thousand four hundred fifteen (1415.0) feet to the southerly line of lands of Edward G Benz, thence westerly along the southerly line of Benz a distance of one thousand one hundred seven and two tenths (1107.2) feet to a point; thence northwesterly along the northeasterly line of lands now or formerly owned by George Fierle, a distance of one thousand six hundred fifty-nine and three tenths (1659.3) feet to the northerly line of Lot 43, Township 9, Range 7; thence northerly along the easterly line of lands now or formerly owned by M.R. Ashbury, a distance of one hundred forty-five and nine tenths (145.9) feet to a point; thence easterly along

the southerly bounds of a twenty foot wide access roadway shown on a map filed in the Erie County Clerk's Office under Map Cover 2106, a distance of two hundred thirty-three and six tenths (233.6) feet to the westerly bounds of Willow Drive as shown on said Map Cover 2106; thence southerly along the westerly bounds of Willow Drive a distance of about three hundred ten (310) feet to a point where the westerly bounds of Willow Drive deflect to easterly twenty-one degrees and thirty-one minutes (21° 31'); thence southeasterly along the westerly bounds of a proposed street a distance of about twenty (20.0) feet to the southerly line of Holly Place as shown on Map Cover 2106; thence easterly along the southerly bounds of Holly Place, a distance of eight hundred forty-six and sixty eight hundredths (846.68) feet to the northwesterly corner of Sublot 47 as shown on Map Cover 2106; thence southeasterly along the southwest line of said Sublot 47, a distance of one hundred seventy (170.0) feet to the southwest corner of said Sublot 47; thence easterly along the southerly line of Sublots 47, 48 and 49 as shown on said Map Cover 2106, a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to the southwest line of a proposed street shown on said Map Cover 2106; thence northwesterly along the southwest line of said proposed street a distance of about six (6.0) feet to a point; thence northeasterly at right angles to the last described line a distance of sixty (60.0) feet to the southwest corner of Sublot 50 as shown on Map Cover 2106; thence continuing northeasterly along the southeasterly line of said Sublot 50 and the southeasterly bounds of Best Street a distance of three hundred seven (307.0) feet to the southwest bounds of Abbott Road; thence southeasterly along the southwest bounds of Abbott Road, a distance of about twenty (20.0) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 19 (SHELDON ACRE)

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Hamburg, County of Erie and State of New York, and being part of Lot 48, Township 9, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at the northeast corner of said Lot 48, running thence westerly along the north line of said lot two hundred ninety-three and seventy hundredths (293.70) feet, running thence southerly on a line parallel to the east line of said Lot 48 sixteen hundred ninety-six and twenty hundredths (1696.20) feet more or less to the center line of Sheldon Road; thence north sixty-four degrees eighteen minutes east (N.64° 18'E.) and along the said center line of Sheldon Road three hundred twenty-six and four hundredths (326.04) feet to the east line of said Lot 48; running thence north along said east line of Lot 48 fifteen hundred fifty-four and thirty hundredths (1554.30) feet more or less to the northeast corner of said Lot to the point or place of beginning.

TOWN SEWER DISTRICT NO. 21 (HAMBURG MASTER)

BEGINNING at the point of intersection of the southeast shore line of Lake Erie with the north line of land of 3773 Lake Shore Road, Inc., said north line being about three hundred ninety (390) feet north measured at right angles from the north line of Lot 16, Township 9, Range 8; thence east along the north line of 3773 Lake Shore Road, Inc. property about eleven hundred (1100) feet to the center line of

the Old Lake Shore Road; thence southeast along the northeast line of Snyder land about four hundred sixty (460) feet to the north line of Lot 16; thence east along the north line of Lot 16 about thirteen hundred (1300) feet to the east line of lands subdivided and shown on subdivision map filed in the Erie County Clerk's Office under Cover 416 and known as Bayview; thence southerly along the east line of lands shown on said subdivision map about eighteen hundred fifty (1850) feet to a point four hundred fifty (450) feet northeast measured at right angles from the northeast line of Bayview Road; thence southeasterly parallel with Bayview Road about one thousand (1000) feet to a line extended westerly which is two hundred (200) feet north from the north line of North Street as laid out on map filed in the Erie County Clerk's Office under Cover 694 and parallel therewith; thence easterly parallel with the north line of North Street about thirty-five hundred forty (3540) feet to the southwest right-of-way line of the Erie Railroad; thence southeasterly along the southwest line of said Erie Railroad about thirty-two hundred (3200) feet to a line parallel with and two hundred fifty (250) feet easterly from the east line of South Park Avenue; thence southerly parallel with the east line of South Park Avenue about eleven thousand eight hundred eighty (11,880) feet to a line dividing land owned by the Buffalo Trotting Association on the north and Michael Petrichrick on the south; thence westerly along said dividing line two hundred fifty (250) feet to the east line of South Park Avenue; thence continuing westerly across South Park Avenue and along the north line of land owned by James Dunnigan and said line extended, being the south line of land shown on a subdivision map recorded in the Erie County Clerk's Office under Map Cover 713, twenty-seven hundred (2700) feet to a line three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road; thence southwest parallel with and three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road about eleven hundred (1100) feet to the southwest line of Camp Road; thence southeast along the southwest line of Camp Road about one hundred forty (140) feet to the north line of land shown and subdivided on a map filed in the Erie County Clerk's Office under Cover 1401; thence westerly along the north line of said land as subdivided on said Cover 1401 about three hundred forty (340) feet to a point two hundred forty (240) feet southwest of Camp Road as measured at right angles thereto; thence northwest and parallel with Camp Road about fifteen hundred thirty (1530) feet to the northwest line of land owned by M. Hartson; thence northeast along the northwest line of said Hartson land two hundred forty (240) feet to the southwest line of Camp Road; thence northwest along the southwest line of Camp Road about nineteen hundred thirty (1930) feet to the northwest line of land taken by the State of New York for Thruway purposes and known as the Erie Section of the New York State Thruway; thence southwest along the northwest line of land of said Erie Thruway about seven thousand (7000) feet to the west line of Lot 20, Township 9, Range 8; thence north along said west line of Lot 20 about eighteen hundred (1800) feet to a line parallel with the southwest line of Rogers Road and two hundred (200) feet southwest therefrom, measured at right angles thereto; thence northwest parallel with the southwest line of Rogers Road about one thousand (1000) feet to the most westerly corner of land of Henry Dybowski; thence westerly about four hundred (400) feet to a point in the west line of land owned by Stanley Dybowski, said point being nine hundred (900) feet south from the north line of Lot 28, Township 9, Range 8; thence westerly parallel with the north line of Lot 28 about three hundred thirty-eight (338) feet to the west line of land of Frank J. Brzezinski; thence north along the west line of said Brzezinski land and crossing Southwestern Boulevard and continuing north along the west line of land owned by Charles Smalian nine hundred (900) feet to the south line of Lot 29,

thence west along the south line of Lot 29; about twenty-seven hundred (2700) feet to the southwest corner of Lot 29; thence northerly along the west line of said Lot 29 about twenty-one hundred fifty (2150) feet to a point in a line drawn parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom measured at right angles thereto; thence westerly along said line parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom about eighteen hundred (1800) feet to the southeast line of lands of the New York, Chicago, & St. Louis Railroad, also known as the Nickle Plate Railroad; thence northeasterly along said southeasterly right-of-way line of said Railroad about eighty-two hundred twenty (8220) feet to an extension southerly of the east line of Locksley Park Sanitary Sewer District; thence north along said extension and along the said east line of Locksley Park Sanitary Sewer District about thirteen hundred (1300) feet to an angle in said District Boundary; thence west along a north line of said District three hundred ninety-two (392) feet to an angle in said District Boundary; thence north along the east line of said District one hundred ninety and sixty hundredths (190.60) feet to an angle in said District Boundary; thence northerly along the east line of said District about three hundred twenty-three (323) feet to an angle in said District Boundary; thence west along a north line of said District Boundary seven and twenty-six hundredths (7.26) feet to the east line of said District; thence north along the east line of said District and said east line extended northerly about three hundred forty (340) feet to the southeast shore of Lake Erie; thence northeasterly along the southeast shore line of Lake Erie about eighty-three hundred (8300) feet to the point of beginning.

EXTENSION 1 TO HAMBURG MASTER TOWN SEWER DISTRICT NO. 21,  
(BRIERWOOD EXTENSION)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Numbers 28, 34, and 35, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the southeast corner of Lot 35 with the southwest corner of Lot 29; thence northerly along the east line of Lot 35 a distance of 2,140 feet more or less to a point, said point being 280 feet more or less south of the southerly highway boundary of Cloverbank Road (49.5 feet wide); thence westerly along a line parallel to said highway boundary a distance of 480 feet more or less to a point of intersection with the east line of lands reserved by WEBR, Inc. in an instrument recorded in Liber 6227 of Deeds at page 312 on October 9, 1957; thence southerly at an interior angle of 66 degrees 51' a distance of 1,142 feet more or less to a point of curvature; thence southerly, westerly, and northerly along a curved line having a radius of 264 feet, an arc distance of 829.38 feet to a point of tangency; thence northerly along a line drawn parallel to the above described line which was 1,142 feet long, at a distance of 528 feet westerly therefrom as measured at right angles, a distance of 1,236.59 feet to an angle point in the westerly line of lands so reserved by WEBR, Inc. by above deed; thence westerly along a line parallel to and 280 feet more or less south of the southerly highway boundary of Cloverbank Road, a distance of 790 feet more or less to a point in the southeasterly line of lands conveyed to Lake Shore and Michigan Southern Railway Company by instrument recorded in Liber 309 of Deeds at page 568 on July 19, 1872; thence southwesterly along said railway lands as conveyed by the last described

deed and by instrument recorded in Liber 426 of Deeds at page 91 on October 4, 1881, a distance of 2,820 feet more or less to the northwest corner of lands conveyed to the County of Erie by instrument recorded in Liber 8603 of Deeds at page 595 on January 4, 1978, thence southeasterly along said lands conveyed to the County of Erie along the following four courses: (1) southeasterly at an interior angle of 85 degrees, 54' 46", 97.82 feet; (2) southeasterly at an interior angle of 167 degrees, 35' 19", 117.16 feet; (3) southeasterly at an interior angle of 208 degrees, 13' 45", 181.82 feet; (4) southeasterly at an interior angle of 169 degrees 56' 49", 41.44 feet to a point of intersection with the south line of Lot 35; thence westerly along said lot line a distance of 305 feet more or less to the point of intersection with the northwest corner of Lot 34; thence southerly along the west line of Lot 34 a distance of 575 feet more or less; thence easterly at right angles a distance of 16.1 feet to a point; thence northeasterly along a line which is perpendicular to the southwesterly highway boundary of Amsdell Road (66 feet wide), a distance of 115 feet more or less to a point of intersection with a line which is parallel to and 125.0 feet east of the west line of Lot 34; thence southerly along said parallel line a distance of 3,422.49 feet to a point of intersection with the south line of Lot 34; thence easterly along said lot line a distance of 2,000.69 feet to a point; thence northerly at an interior angle of 91 degrees 49' 34" a distance of 800 feet more or less to a point; thence easterly at an exterior angle of 88 degrees 18' 20" a distance of 1,283.36 feet to a point; thence northerly at an interior angle of 88 degrees 18' 20" a distance of 1,283.36 feet to a point; thence northeasterly at an exterior angle of 161 degrees 35' 34" a distance of 299.42 feet to a point of intersection with the southerly highway boundary of Amsdell Road; thence southeasterly at an exterior angle of 88 degrees 18' 56" along said highway boundary a distance of 276.14 feet to a point, said point being 650.78 feet west of the east line of Lot 34; thence southerly along a line which is parallel to said lot line a distance of 487 feet to a point; thence easterly at right angles a distance of 200 feet to a point; thence northerly at right angles a distance of 490 feet to a point of intersection with the northerly highway boundary of Amsdell Road; thence easterly along said highway boundary a distance of 1,840 feet more or less to a point in the northwesterly highway boundary of Southwestern Boulevard (100 feet wide); thence northeasterly along said highway boundary a distance of 890 feet more or less to the southwest corner of lands conveyed to Ettore Imagna and Betty Imagna by instrument recorded in Liber 5389 of Deeds at page 398 on August 31, 1953; thence northerly along Imagna's west line a distance of 477.37 feet to the northwest corner thereof; thence southeasterly along Imagna's northeast line a distance of 227.98 feet to the northeast corner thereof; thence southerly along Imagna's east line a distance of 190.35 feet to the southeast corner thereof in the northwest line of Southwestern Boulevard; thence northeasterly along the northwest line of Southwestern Boulevard a distance of 196.7 feet to the southwest corner of lands conveyed to Norman Klaus by instrument recorded in Liber 3864 of Deeds at age 171 on April 5, 1946; thence northerly along the west line of Klaus a distance of 750.96 feet to the northwest corner thereof, to a point of intersection with the north line of Lot 28; thence westerly along said lot line a distance of 2,264.89 feet to the point or place of beginning.

Also including all that tract or parcel of land situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at the intersection of the southeasterly highway boundary of Southwestern Boulevard with the southwesterly highway boundary of Rogers Road (66 feet wide); thence southwesterly along said highway boundary of Southwestern Boulevard a distance of 595 feet more or less to the point of beginning, said point being 1,478 feet more or less west of the east line of Lot 28; thence southerly along a line which is parallel to said lot line a distance of 430.9 feet to a point; thence westerly at right angles a distance of 239.34 feet to a point; thence northerly at right angles a distance of 250 feet to a point of intersection with the southeasterly highway boundary of Southwestern Boulevard; thence northeasterly along said highway boundary a distance of 300 feet to the point or place of beginning.

EXTENSION 2 TO HAMBURG MASTER SEWER DISTRICT NO. 21.(SHANNON HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 8, Township 9, Range 8 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point of intersection of the westerly line of the property of the former Hamburg Railway Company and a line 200 feet north of the north line of North Street, also being the north boundary of the Hamburg Master Sewer District; thence northeasterly along the westerly line of said Hamburg Railway Company's land to the westerly line of the Erie Railroad Company's lands; thence northwesterly along the westerly line of said Erie Railroad Company's lands to a point in a line which is parallel to and approximately 744 feet north of the southerly line of the lands conveyed to Nathan P. Bristol and recorded in the Erie County Clerk's Office in Liber 13 at Page 197; thence westerly along said line a distance of 425 feet; thence southwesterly at an interior angle of 98 degrees a distance of 549 feet more or less to the previously described line 200 feet north of the north line of North Street; thence easterly along said line and parallel to the north line of North Street a distance of 420 feet more or less to the point or place of beginning.

TOWN SEWER DISTRICT NO. 25 (Northeast)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Townships 9 and 10, Range 7 of the Holland Land Company's Survey and more particularly bounded as follows:

BEGINNING at a point of intersection of the centerline of Willett Road with the centerline of Abbott Road, said point being also the northeast corner of the Town of Hamburg; running thence southeasterly along the centerline of Abbott Road to its point of intersection with the centerline of Olympic Avenue; thence westerly along the centerline of Olympic Avenue to its point of intersection with the easterly town line; running thence southerly along the easterly town line to its intersection with the centerline of Sowles Road extended; running thence westerly along said centerline of Sowles Road extended to its intersection with the easterly line of Hamburg Master Sewer District; running thence northerly along the easterly boundary of the Hamburg Master Sewer District and the New York State

Thruway to its intersection with the southerly line of the City of Lackawanna also being the centerline of Willett Road; thence running easterly along the centerline of Willett Road to the point of beginning, excepting the Town Sewer Districts known as Bethford, South Lyth and Sheldon Acres in the Town of Hamburg and all established town sewer districts within the area not specifically described above.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0)

3. COMM. 2E-11 (2007) (b)  
**COUNTY EXECUTIVE**  
RESOLUTION NO. \_\_\_\_\_

**AS AMENDED**

RESOLUTION DATED \_\_\_\_\_, 2007

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) \_\_\_\_\_, 2007.

(Adopted) \_\_\_\_\_, 2007.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and



WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the proposed extension includes the acquisition from the Woodlawn Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$258.00; and

WHEREAS, said County Legislature duly adopted Resolution No. 189 on the 12th day of July, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding

environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 32 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time; and

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

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

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

Section 1. Upon the evidence given at the public hearing held on August 29, 2007, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall be known as "The Woodlawn Sewer District Extension," and shall comprise an area described as follows:

TOWN SEWER DISTRICT NO. 3 (WANAKAH)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg County of Erie, State of New York, and being parts of Lot 39 and Lot 42 Township 9, Range 8 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at appoint on the west line of Lot No. 42 where it intersects the center line of Old Lake Shore Road, said point also being on the east right-of-way of Lakewood Drive (66' wide) extended north; thence north along the west line of Lot 42 a distance of 110 ± feet to a point at the waters edge of

Lake Erie; thence northeasterly along the waters edge of Lake Erie a distance of 9,531 ± feet to a point that intersects the extension north of the west line of Map Cover 1206, said point being the northeast corner of SBL 169.19-13-5 as described in Liber 10135 page 261, and also being the west line of Cloverbank Town District No. 4; thence southerly along said extension line, south along said west line of Map Cover 1206, south along the southerly extension of said west line of Map Cover 1206, a distance of 2721± feet to a point on the northwesterly property line of lands owned by Niagara Mohawk Power Company, SBL 181.10-1-9, as described in Liber 6051, page 20, said point being the southeast corner of SBL 181,07-2-12 as described in Liber 11094 page 6912 and also being the southeast corner of subdivision Lot No. 17, Block No. 4 of Map Cover No. 643; thence southwesterly along said northwesterly line of Niagara Mohawk Power Company a distance of 1653 ± feet to a point on the west line of West Lance (50' wide), said point also being at the southeast corner of SBL 180.20-1-10 as described in Liber 6502 page 467 and also being the southeast corner of subdivision Lot No. 58 of Map Cover No. 1960; thence continuing westerly along the south line of Map Cover 1960 a distance of 680.09 ± feet to a point at the southwest corner of SBL 180.20-1-1 as described in Liber 6424 page 405 and also being the southwest corner of Subplot No. 43 of said Map Cover 1960; thence north along the west line of said Map Cover 1960 and its extension north a distance of 2471 ± feet to the point or place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.  
(4-0)

4. **COMM. 14E-30 (2007)**  
**COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, Erie County has successfully conducted a model Indoor Air Quality (IAQ) Program since 1988; and

WHEREAS, representatives from regional Native American population centers have expressed interest in developing a program to minimize risks associated with toxic air pollutants and to utilize Erie

County's expertise in indoor air quality, commercial environmental assistance, and the collection of household hazardous waste; and

WHEREAS, the USEPA has awarded the Erie County Department of Environment and Planning (ECDEP) a grant in the amount of \$67,122 to establish a two-year program to implement a multifaceted risk reduction effort for indoor and outdoor air pollutants; and

WHEREAS, the USEPA has awarded an additional \$15,000 in grant funding for the Project, contingent upon execution of an Assistance Amendment; and

WHEREAS, the current budget was established by resolution dated January 18, 2007 (Comm. 1E-22); and

WHEREAS, Erie County and the United States Environmental Protection Agency have reached a consensus that a no-cost grant extension is necessary to effectively utilize Program resources.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute the USEPA Assistance Amendment; and be it further

RESOLVED, that the Erie County Department of Environment and Planning is hereby authorized to make the necessary changes to the Erie County Tribal Community Reducing Toxic Air Pollutants Project grant period to effectively utilize the grant funding; and be it further

RESOLVED, that the Erie County Executive is authorized to execute a no-cost extension for the Erie County Tribal Community Reducing Toxic Air Pollutants (RTAP) Project; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
(4-0)

5. **COMM. 16E-6 (2007)**  
**COUNTY EXECUTIVE**

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 8, 2007 for the purpose of meeting to hear and consider any objections which may be made to the 2008 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of September 30, 2007; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, the County Executive the Erie County Comptroller, and Gregory Dudek Assistant County Attorney. (4-0)

6. COMM. 16E-15 (2007)  
**COUNTY EXECUTIVE**

RESOLVED, the appointment of the following individual to the Erie County Fisheries Advisory Board is hereby confirmed:

NAME & ADDRESS

TERM EXPIRES

R Scott Gauld  
59 Dolphann Drive  
Tonawanda, New York 14202  
(4-0)

December 31, 2009

7. COMM. 16E-20 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Energy Performance Contractor to provide validation and preliminary design services for energy and efficiency upgrades at wastewater treatment facilities in Erie County Sewer District No. 2 and No. 6; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Siemens Building Technologies, Inc., 85 Northpoint Parkway, Suite 8, Amherst, New York 14228.

NOW, THEREFORE BE IT

RESOLVED, that the firm of Siemens Building Technologies, Inc. be retained at a cost not-to-exceed \$48,700.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, Inc., 85 Northpoint Parkway, Suite 8, Amherst, New York 14228, to provide the needed services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$48,700.00 for the Agreement as follows: \$36,525.00 from ECSD No. 2 Operating Fund Contractual Services (Account No. 516020) and \$12,175.00 from ECSD No. 6 Bond Account C.00001; 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; Director of Budget, Management and Finance; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning. (4-0)

8. COMM. 16E-26 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, A Contract was awarded and money encumbered in Communication 19E-46 as noted; and

WHEREAS, the original resolution contained an error which allocated \$546,376 from Account C.00013 and should have been allocated from Account C.00004; and

WHEREAS, there is adequate authorization in Erie County Sewer District No. 2 Capital Project C.00004 to accommodate the change; and

WHEREAS, it is necessary to correct the error to properly secure funding for the expenditures incurred.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is authorized and directed to correct the allocation of \$2,696,300.00 noted in communication 19E-46 from Sewer Capital as follows; \$1,684,924.00 from Erie County Sewer District No. 2, Account C.00002 (430-147), \$546,376.00 from Account C.00004 (430-178), and \$465,000.00 from Account C.00028 (430-533) for Contract 61PS – A, Contract 61PS – B; and Contract 61PS – D; and be it further

RESOLVED, that the Comptroller is authorized and directed to reclassify \$546,376.00 in expenditures previously recorded in Capital Project C.00013 to Capital Project C.00004; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Gregory Gach, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.  
(4-0)

9. COMM. 16E-27 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County funding to establish the Western New York Stormwater Coalition; and

WHEREAS, the state grant resources to cover the costs associated with this agreement are available in the Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements which was authorized and established by a resolution passed by the Erie County legislature, dated September 23, 2004; and

WHEREAS, the workplan for the New York State Department of Environmental Conservation funding requires that Erie County purchase a "MS4 Permit Manager" software for up to 45 municipalities and perform the related software support work, including installation and set up of the software, staff training and technical support; and

WHEREAS, Erie County issued a Request for Proposals on Tuesday March 13, 2007; and

WHEREAS, a Proposal Selection Committee made up of representatives from the Western New York Stormwater Coalition was assembled to evaluate the proposals and collectively select a recommended consultant to complete the work; and

WHEREAS, the Proposal Selection Committee concluded its review of proposals submitted for Stormwater Management Program Software Provider and recommends entering into an agreement with CBI Systems, Ltd. of Beaumont Texas to provide "MS4 Permit Manager" software to up to 45 municipalities and perform the other related work; and

WHEREAS, it is necessary to enter into a contract with CBI Systems, Ltd. of Beaumont Texas for \$125,000 to purchase the "MS4 Permit Manager" software for up to 45 municipalities and perform the related software support work, including installation and set up of the software, staff training and technical support in order to meet this workplan objective.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into an agreement with CBI Systems, Ltd. of Beaumont Texas to use an amount not to exceed \$125,000 from the Capital Project Budget No. A.00251 to purchase the "MS4 Permit Manager" software for up to 45 municipalities and perform the related software support work, including installation and set up of the software, staff training and technical support, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.  
(4-0)

10. COMM. 16E-28 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of

Erie entered into a Memorandum of Understanding on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this under utilized site; and

WHEREAS, the County of Erie, City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, South Buffalo Railway, Gateway Trade Corporation and Tecumseh Redevelopment Incorporated have and continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in railroad development and with utilizing NYS Multi-Modal funds for this type of work; and

WHEREAS, the County of Erie has under contract with the New York State Department of Transportation, through the Multi-Modal II Program, \$2 million to be utilized specifically for rail related work on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, Lackawanna Community Development Corporation, City of Lackawanna, South Buffalo Railway; Tecumseh Redevelopment Inc., Gateway Trade Center, New York State Department of Transportation and other state and federal agencies, and consultants in amounts not to exceed a total of \$600,000, for the purpose of design, engineering and site preparation for the construction related to railroad work on the former Bethlehem Steel site; and be it further

RESOLVED, that the source of these funds shall be \$600,000 available in the New York State Multi-Modal II Program, PIN ME2028.30A, Contract DO21051; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0)

11. COMM. 16E-36 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, New York State Electric and Gas Corporation has requested use of a ten feet by twenty-five feet area of County land, SBL 175.06-1-12 for the installation of a power pole; and

WHEREAS, a Revocable Permit is recommended for New York State Electric and Gas Corporation to use the property; and

WHEREAS, this Revocable Permit will have no negative effect on the ability of Erie County Sewer District No. 8 to operate and maintain sewer related operations; and

WHEREAS, the granting of this Revocable Permit will bear no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that a Revocable Permit for use of a ten feet by twenty-five feet area on Parcel SBL No. 175.06-1-12 be granted to New York State Electric and Gas Company; and be it further

RESOLVED, that the County Executive be authorized to sign said Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0)

12. COMM. 16E-37 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, Storm Sewer Rules and Regulations, Erie County Sewer District No. 6 require adoption to meet new federal requirements; and

WHEREAS, the amended Rules and Regulations have been prepared by the Department of Environment and Planning in consultation with the County Attorney's Office; and

WHEREAS, the amended Rules and Regulations have been distributed for comments pursuant to State Environmental Quality Review Act requirements and comments received have been adequately addressed; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has recommended approval of the amended Rules and Regulations and requests their adoption; and

WHEREAS the County Legislature is empowered to adopt these Rules and Regulations pursuant to Article 5-A, Section 264 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the Storm Sewer Rules and Regulations, Erie County Sewer District No. 6 as submitted by the Department of Environment and Planning for the operation of the Erie County Sewer District No.6 effective immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning; and one copy each to the Erie County Comptrollers Office; Gregory Dudek, Assistant County Attorney and to the Director of Budget and Management.

(4-0)

13. COMM. 16E-38 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the City of Lackawanna (City), is repaving portions of Albright Court within the City; and

WHEREAS, the City will undertake the entire project and Erie County, through Erie County Sewer District No. 6, will reimburse the City for sanitary sewer materials in an amount not-to-exceed \$8,000.00; and

WHEREAS, there are sufficient funds available in the 2007 Operating Budget to finance this project; and

WHEREAS, the City and Erie County desire to provide sanitary sewer service to portions of Albright Court where sanitary sewer service does not currently exist; and

WHEREAS, the City and Erie County agree to construct a sanitary sewer extension to provide service to the currently non-serviced properties; and

WHEREAS, the Erie County/Erie County Sewer District No. 6 and the City of Lackawanna desire to enter into an Agreement to coordinate and facilitate the sanitary sewer extension in order to achieve cost containment and efficiency and expedite the project.

NOW, THEREFORE, BE IT

RESOLVED, that an Agreement between the County, on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to extend the sanitary sewers along Albright Court is hereby approved; and be it further

RESOLVED, that an Agreement between the County, on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to reimburse the City for the material costs not-to-exceed \$8,000, for the sanitary sewer extension is hereby approved; and be it further

RESOLVED, that the Division of Sewerage Management is authorized to allocate \$8,000 from the Erie County Sewer District No. 6's 2007 Operating Budget for materials, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said Intermunicipal Agreement 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, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(4-0)

14. COMM. 16E-39 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the 2007 Budget for Erie County Sewer District No. 3/8 contains sufficient funds for payment of a Sewer District Utility vehicle budgeted last year; and

WHEREAS, when the bid for the vehicle was received late in 2006, it was unable to get through the SAP system in a timely manner; and

WHEREAS, as the vendor will hold his price at last year's bid, it is imperative the vehicle be purchased this year for use in the District; and

WHEREAS, funds are available in the 2007 Budget under the Unanticipated Account.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred as follows:

	<u>Cost Center</u>	<u>Account</u>	<u>Amount</u>
FROM:	1831010	561410	(\$25,000)
TO:	1831010	561440	\$25,000

and any other adjustments in the Operating Fund if required by the Budget Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and James Hartman, Director, Budget and Management.

(4-0)

15. COMM. 17E-8 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Riverview Industrial Center, 5335 River Road in the Town of Tonawanda is an abandoned petroleum tank farm and brownfield site that presents a blighting influence on the waterfront and a health and safety risk to the community; and

WHEREAS, the Town of Tonawanda and Erie County collaborated to obtain a US Environmental Protection Agency grant to allow a Phase I environmental review to be performed for the site; and

WHEREAS, that Phase I environmental review documented an over fifty year usage of this property as a petroleum tank farm with 12 tanks in use at times and recommended further intrusive investigation into the site to determine levels and extent of contamination; and

WHEREAS, the County of Erie is interested in working together to develop information on the condition of this site and costs of remediation for the 26 acre site; and

WHEREAS, after thorough consideration of the various aspects of the Riverview Industrial Center site and study of available data, the County of Erie has determined that certain work, as described in the application and attachments is desirable, is in the public interest and is required in order to implement the project ; and

WHEREAS, the New York State Department of Environmental Conservation Environmental Restoration Grant Program provides a 90% reimbursement for eligible project costs for investigation and remediation of publicly owned brownfield sites; and

WHEREAS, article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipalities deem it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the County may take title to the Riverview Commerce Center, 5335 River Road site in order to carry out the anticipated investigation, remediation and redevelopment activities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to State assistance under Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County in all matters related to the Project and to State assistance; and

RESOLVED, that the County Executive is authorized to place this property in a Temporary Incidence of Ownership status and to foreclose on the property if necessary for entering into the remediation phase of this project; and

RESOLVED, that the Budget Office, Comptroller's Office and Department of Environment and Planning are authorized to transfer \$2,220.61 from the Excelsior Steel Ball remediation project, and \$47,779.39 from unspent funds from the Definity Training project currently under contract to the Workforce Investment Board and Workforce Development Consortium, and to create a new account of \$50,000 for costs associated with the investigation and remediation of the Riverview Industrial Center at 5335 River Road, Town of Tonawanda; and

RESOLVED, that the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and

RESOLVED, that one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance; and

RESOLVED, that this Authorization take effect immediately; and

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.  
(4-0)

**THOMAS J. LOUGHRAN**  
**CHAIRPERSON**