

March 14, 2013

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 5E-10 (2013)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Agreement”
(4-0)

b. COMM. 5D-2 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Copy of Audit Report of EC Times Beach Public Access Project for the Period of 5/20/05 - 12/31/2010”
(4-0)

c. COMM. 5M-2 (2013)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “Letter to Clerk of Legislature Concerning EC Agricultural Districts No. 5 & 15”
(4-0)

d. COMM. 5M-6 (2013)
NYSDEC: “Public Notice: Application & Remedial Investigation Work Plan from 500 Seneca Street, LLC”
(4-0)
2. COMM. 5E-5 (2013)
COUNTY EXECUTIVE
WHEREAS, Erie County is experiencing numerous challenges affecting the area’s physical development including loss of farmland and open space; and

WHEREAS, Erie County last prepared a comprehensive planning document for farmland protection in 1996; and

WHEREAS, a new Plan was completed in October 2012 by the Erie County Department of Environment and Planning in conjunction with members of the Erie County Farmland Protection Board; and

WHEREAS, said Plan was funded through monies provided by the New York State Department of Agriculture and Markets, and the federal Community Development Block Grant Program; and

WHEREAS, the Erie County Farmland Protection Board formally accepted the Plan on October 24, 2012 as a guide to future planning activities and public/private initiatives related to agricultural development and farmland protection in Erie County; and

WHEREAS, the Erie County Executive issued Executive Order #012 on February 20, 2013 directing County departments to follow the policies and recommendations contained in the Plan when carrying out their department missions; and

WHEREAS, the Erie County Agricultural and Farmland Protection Plan will serve as an important tool for County officials when making decisions affecting the agricultural economy within the region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby accepts Erie County Agricultural and Farmland Protection Plan as the primary County planning document within Erie County on matters affecting farmland protection and the agricultural economy; and be it further

RESOLVED, that the Erie County Legislature shall undertake actions affecting physical development in the region in a manner that is consistent with the principles, policies, and action strategies described in the Plan; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Comptroller; the County Attorney; the Commissioner of the Department of Environment and Planning; and the Chairperson of the Erie County Agricultural and Farmland Protection Board.
(4-0)

3. COMM. 5E-6 (2013)
COUNTY EXECUTIVE
WHEREAS, the County is embarking on a \$1.8 million multi-phased improvement project to Black Rock Canal Park which includes a new dog park “Barkyard” area; and

WHEREAS, the County would like to open the Barkyard as soon as possible after completion of construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute an agreement with the Northwest Buffalo Community Center for the purpose of maintaining and operating the Barkyard dog park within the County’s Black Rock Canal Park in the City of Buffalo; and be it further

RESOLVED, that costs associated with the license agreement will be the responsibility of the Northwest Buffalo Community Center; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller’s Office and the County Attorney.
(4-0)

4. COMM. 5E-9 (2013)
COUNTY EXECUTIVE
WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and

WHEREAS, the County is embarking on a \$1.8 million multi-phased improvement project to Black Rock Canal Park; and

WHEREAS, Erie County is looking to add improvements to the boat launch and dock area, which results in a need to increase the contract cost with the design firm Nussbaumer and Clark Inc.; and

WHEREAS, this Honorable Body previously approved the hiring of Nussbaumer and Clark Inc. to perform engineering and construction management services (COMM. 10E-21, 2011).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to increase the design services contract with Nussbaumer and Clark Inc. in an additional amount of \$59,543.83, to a total contract value not to exceed \$183,846.13, to provide additional engineering and construction management services; and be it further

RESOLVED, that the source of said increase is available within the Erie County Department of Environment and Planning Budget in SAP Account No. 21016, Black Rock Canal Park; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller’s Office and the County Attorney.
(4-0)

5. COMM. 5E-11 (2013)
COUNTY EXECUTIVE
WHEREAS, The Erie County Department of Parks, Recreation and Forestry has contracted with an outside vendor for a number of years to operate the concession area at Elma Meadows Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, Grover Cleveland Rst of Amherst, NY provided the only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Executive is authorized to enter into an agreement with Grover Cleveland Rst for operation of the concession stand at Elma Meadows Golf Course; and be it further

RESOLVED, The Erie County Parks Department will receive \$5,200.00 in revenue annually from Grover Cleveland Rst for the length of the contract; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry and the Erie County Department of Law.
(4-0)

6. COMM. 5E-14 (2013)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2012-2013 snowmobile season in the amount not to exceed \$137,695.00; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$137,695.00 as pertains to snowmobile trail maintenance performed during the 2012-2013 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$137,695.00 for the purpose of snowmobile trail maintenance on club trails during the 2012-2013 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$14,590.00
Eden Trail Blazers Inc.	\$ 7,615.00
Grand Island Snowmobile Club Inc.	\$ 4,505.00
Hamburg Snowmobile Club Inc.	\$15,440.00
Holland Sno-Rascals Inc.	\$17,795.00
Marilla Sno-Mob Inc.	\$13,430.00
Northern Erie Snowseekers Inc.	\$15,715.00
Pioneer Sno-Surfers Inc.	\$ 8,825.00
Southern Tier Snowdrifters Inc.	\$16,260.00
WNY Snowmobile Club of Boston Inc.	\$23,520.00
	\$137,695.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$137,695.00, as well as an increase in appropriations in the amount of \$137,695.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.

(4-0)

TERRENCE D. McCRACKEN
CHAIR