

June 16, 2016

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS BURKE & SAVAGE.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 11D-4 (2016)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “EC Agricultural District Nos. 2 , 4, 8 & 9 - Eight-Year Review and District Consolidation Report”  
(64-0)

2. COMM. 10E-15 (2016)  
**COUNTY EXECUTIVE**  
WHEREAS, GHD Consulting Services, Inc. (GHD) was retained pursuant to Legislative Comm. 14E-9 (2013) to perform engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns Advanced Wastewater Treatment Facility (AWTF); and

WHEREAS, over the course of the construction project there have been a number of tasks that either were not within GHD’s scope of services or exceeded timeframes set forth in said scope; and

WHEREAS, GHD submitted a request for additional compensation in the amount of \$65,000 for the out-of-scope work associated with this project; and

WHEREAS, the Division of Sewerage Management has reviewed GHD’s request, agrees that the items listed were not part of the original scope of services, and has determined that the budget submitted appears to be commensurate with the additional effort.

NOW, THEREFORE, BE IT

RESOLVED, that a change order with GHD in an amount not to exceed \$65,000 for out-of-scope work associated with engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns AWTF is hereby approved; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management is authorized to execute a change order with GHD for said out-of-scope work; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized to increase appropriations and estimated revenues by \$65,000 in Erie County Sewer District No. 3 Capital Account C.00012; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized to establish budgets as necessary and directed to transfer \$65,000 to Erie County Sewer District No. 3 Capital Account C.00012 from Erie County Sewer District No. 3 Capital Reserve Account C.00007; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized and directed to allocate \$65,000 from Erie County Sewer District No. 3 Capital Account C.00012 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature one (1) certified copy each to the County Executive, the County Comptroller, and the County Director of Budget and Management; and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.  
(4-0)

3. INTRO. 11-3 (2016)  
**MILLS & MORTON**  
WHEREAS, Eden Agricultural District 2 (“Eden 2”) was initially created on April 16, 1973 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, Eden 2 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, North Collins Agricultural District 4 (“North Collins 4”) was initially created on April 16, 1973 pursuant to Agriculture and Markets Law Section 303; and

WHEREAS, North Collins 4 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, Collins Agricultural District 8 (“Collins 8”) was initially created on March 17, 1976 pursuant to Agriculture and Markets Law Section 303; and

WHEREAS, Collins 8 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, Brant-Evans Agricultural District 9 (“Brant-Evans 9”) was initially created on June 21, 1976 pursuant to Agriculture and Markets Law Section 303; and

WHEREAS, Brant-Evans 9 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2) the Erie County Legislature gave the required public notice, directed the Erie County Agricultural and Farmland Protection Board to prepare a report on the districts and set a public hearing for February 22, 2016; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the districts; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on February 22, 2016 at 6:00pm a public hearing was held at the North Collins Public Library at 2095 School Street, North Collins, New York to consider recertification and consolidation of the districts; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the districts, prepared a report to the Erie County Legislature and voted unanimously on May 24, 2016 to recommend that the districts be continued with the requested modifications; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the modification and continuation of the district will not have a significant effect on the environment.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature finds that the Eden 2, North Collins 4, Collins 8, and Brant-Evans 9 Districts should be continued with the requested modification as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Town Supervisors of the Towns of Eden, Hamburg, Boston, Orchard Park, North Collins, Collins, Evans and Brant; and be it further

**RESOLVED**, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

(4-0)

4. **COMM. 11E-15 (2016)**  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation and Forestry seeks authorization to retain and utilize Joy Kuebler Landscape Architect, PC to design a multi-generational exercise recreation area at Como Lake Park; and

WHEREAS, Joy Kuebler Landscape Architect, PC would also write the project bid specifications; and

WHEREAS, the project will not exceed \$15,000 in capital funding; and

WHEREAS, Joy Kuebler Landscape Architect, PC is on the Department of Public Works approved vendor list and is also an approved minority vendor.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Executive hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of Joy Kuebler Landscape Architect, PC to be retained to provide design services associated with a multi-generational exercise recreation area at Como Lake Park, as well as write the project bid specifications; and be it further

**RESOLVED**, that the funding for the design phase of this project will not exceed \$15,000 and will be paid for out of Capital Project A.15012 – 2015 County-wide Parks Improvements, Fund 410, Business Area 164 and Account 516020 – Professional Services; 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 & Management, and the Assistant County Attorney, Kristen Walder, of the Law Department.

(4-0)

**TED B. MORTON**  
**CHAIR**