

October 23, 2014

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 14

ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 20E-7 (2014)  
**COUNTY EXECUTIVE:** "EC Sewer Districts Nos. 1-6 & 8 Section 270-271 Resolutions"  
(6-0)
  - b. COMM. 20E-9 (2014)  
**COUNTY EXECUTIVE:** "EC Sewer District No. 3 - Increase & Improvement of Facilities, Sewer Agency Report"  
(6-0)
  - c. COMM. 20D-1 (2014)  
**CLERK OF THE LEGISLATURE:** "Public Notice for Agricultural District Nos 16 & 17 Modifications"  
(6-0)
2. COMM. 14E-14 (2014)  
**COUNTY EXECUTIVE**  
WHEREAS, the County of Erie obtained a certain parcel of land through the In Rem foreclosure process on or about the 3<sup>rd</sup> day of June, 1997; and  
  
WHEREAS, said parcel consists of 81.76 acres of land located in the Town of Concord, which is adjacent to the southern property line of Erie County Forestry Lot Number 13; and  
  
WHEREAS, the parcel of land is vacant land and more suitable for use as County parkland; and  
  
WHEREAS, the County of Erie's Department of Parks, Recreation and Forestry is seeking to incorporate said parcel into Forestry Lot Number 13; and  
  
WHEREAS, in order to for the land to be treated as and afforded the protections of parkland, the Legislature of the County of Erie must deem it as such; and  
  
WHEREAS, the County of Erie's ARC Committee has formally reviewed and approved such a proposal.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby dedicate the lands described herein as County parkland; and be it further

RESOLVED, that said lands be subjected to and afforded the protections of Local Law No. 4-1993, entitled "Erie County's Parks Protection Law;" and be it further

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to execute any and all appropriate documents as may be necessary for the dedication of said land as parkland and its incorporation into Forestry Lot Number 13; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; Troy P. Schinzel, the Commissioner of the Department of Parks, Recreation and Forestry; and Assistant County Attorney Kristen M. Walder.  
(6-0)

3. COMM. 20E-8 (2014)  
**COUNTY EXECUTIVE**  
WHEREAS, pursuant to Legislative Comm. 9E-26 (2012) Contract 40 was awarded to Milherst Construction, Inc. for the installation of sanitary sewers necessary to eliminate three (3) pumping stations in the Village of Hamburg in Erie County Sewer District No. 3; and

WHEREAS, in accordance with a merger agreement with the Village of Hamburg, the Village will reimburse Erie County Sewer District No. 3 the full amount of this contract; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 40, in the final contract amount of \$1,081,979.99 which includes Change Order No. 1 (final), an increase of \$123,381.39, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 40 between the County of Erie and Milherst Construction, Inc. (10025 County Road, Clarence Center, New York 14032-0430) is accepted in the final contract amount of

\$1,081,979.99 which includes Change Order No. 1 (final), an increase of \$123,381.39 and is allocated in Erie County Sewer District No. 3 Bond Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 40, to Milherst Construction, Inc. for a total contract amount of \$1,081,979.99; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

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