

March 27, 2014

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 1M-10 (2013)  
**NEWSTEAD TOWN BOARD:** "Copy of Resolution Concerning Negotiations Regarding Akron Falls Park on Skyline Dr. Between Skyline Dr., & Main Rd."  
(5-0, Legislator Grant not present for vote)
- b. COMM. 7D-3 (2013)  
**COMMISSIONER OF ENVIRONMENT & PLANNING:** "Letter to Chair of Legislature Concerning Transfer of Parkland to the Town of Newstead - Skyline Drive, Town of Newstead & Village of Akron"  
(5-0, Legislator Grant not present for vote)
- c. COMM. 5E-18 (2014)  
**COUNTY EXECUTIVE:** "EC Sewer District No. 3 Engineer Term Agreement Work Order: ARC-2"  
(6-0)
- d. COMM. 5M-5 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** "Copy of Public Comment Period and Public Meeting Announcement for Former Doro Dry Cleaners"  
(6-0)
- e. COMM. 5M-6 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** "Copy of Public Comment Announcement for Former Buffalo Forge"  
(6-0)
- f. COMM. 5M-7 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** "Copy of Public Notice Fact Sheet for 441 Ohio Street Site"  
(6-0)
- g. COMM. 5M-8 (2014)

**NYS DEPARTMENT OF AGRICULTURE AND MARKETS:** "Notice to Review EC Agricultural District No. 6"  
(6-0)

- h. COMM. 5M-9 (2014)  
**DIANE D'ARRIGO:** "Nuclear Waste Issues Affecting EC"  
(6-0)
- i. COMM. 5M-10 (2014)  
**NYS DEPARTMENT OF AGRICULTURE AND MARKETS:** "*Certification of the Modification of EC Agricultural Districts No. 2, No. 6, No. 13 and No. 14*"  
(6-0)
- j. COMM. 5M-11 (2014)  
**EC ENVIRONMENTAL MANAGEMENT COUNCIL:** "2013 State of the Environment Report"  
(6-0)
- k. COMM. 6E-9 (2014)  
**COUNTY EXECUTIVE:** "EC Sewer District Nos. 1, 2, 4 & 5, Engineer Term Contract Agreement, Wm Schutt Associates"  
(6-0)
- l. COMM. 6E-10 (2014)  
**COUNTY EXECUTIVE:** "EC Sewer District Nos. 1, 2, 4 & 5, Engineer Term Contract Agreement, GPI"  
(6-0)
- m. COMM. 6E-11 (2014)  
**COUNTY EXECUTIVE:** "EC Sewer District Nos. 3, 6 & 8, Engineer Term Contract Agreement, DiDonato Associates"  
(6-0)
- n. COMM. 6E-12 (2014)  
**MILLS:** "Letter to Legislature Clerk Regarding Letters of Interest for Commissioner EC Water Authority"  
(6-0)
- o. COMM. 6E-14 (2014)

**MILLS:** “Letter to Democratic Party Caucus Regarding Potential Candidates for Commissioner EC Water Authority”  
(6-0)

p. COMM. 6E-15 (2014)  
**MILLS:** “Letter to Independence Party Member Regarding Potential Candidates for Commissioner EC Water Authority”  
(6-0)

q. COMM. 6E-16 (2014)  
**MILLS:** “Letter to Conservative Party Member Regarding Potential Candidates for Commissioner EC Water Authority”  
(6-0)

2. INTRO. 5-11 (2014)  
**MILLS**  
WHEREAS, Erie County is in the process of consolidation of the County’s fourteen Agricultural Districts into four; and

WHEREAS, Section 303-a of the Agricultural Districts Law allows counties with multiple districts with review dates in any 12-month period, to petition the Commissioner of Agriculture and Markets to approve for good cause, an extension of up to four years for a district review; and

WHEREAS, the review anniversary for Sardinia Agricultural District No. 6 falls on December 19, 2014 and the review anniversary for Lancaster-Alden Agricultural District No. 16 and Amherst Agricultural District No. 17 is April 28, 2015; and

WHEREAS, the County’s Consolidation plan is to combine the lands of Sardinia Agricultural District No. 6 with Holland Agricultural District No. 11 and Concord Agricultural District No. 15; and

WHEREAS, the review anniversary for Sardinia Agricultural District No. 6 must be aligned with the review anniversaries of Holland Agricultural District No. 11 and Concord Agricultural District No. 15 in order to make consolidation of these adjacent districts feasible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature petitions the Commissioner of Agriculture and Markets to extend the review date Sardinia Agricultural District No. 6 to begin on October 13, 2016 and end the 300-day review period (anniversary) on August 9, 2017.  
(5-0, Legislator Grant not present for vote)

3. COMM. 5E-16 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie advertised for and received nine (9) responses to a request for proposals from consulting firms to perform professional services associated with the tree inventories at two County Parks: Akron Falls and Como Lake; and

WHEREAS, a review committee consisting of representatives from the Erie County Department of Parks, Recreation and Forestry and the Erie County Department of Environment and Planning, evaluated all responses to the County’s request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Davey Resource Group, A Division of The Davey Tree Expert Company, to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that Davey Resource Group, A Division of The Davey Tree Expert Company, be retained to perform professional services associated with conducting the Tree Inventory; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive be, and hereby is, authorized to execute an Agreement with Davey Resource Group, A Division of The Davey Tree Expert Company, 1500 North Mantua Street, Kent, Ohio 44240 for professional services associated with conducting the Tree Inventory at Como Lake and Akron Falls Parks in an amount not to exceed \$24,000.00; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Troy P. Schinzel, Commissioner, at the Erie County Department of Parks, Recreation and Forestry; and one certified copy each to the Erie County Executive; the Erie County Comptroller; the Erie County Director of Budget and Management; and Kristen Walder, Assistant County Attorney.  
(6-0)

4. COMM. 5E-17 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded the Erie County Sewer Districts No. 3 and No. 6 energy performance contract to Siemens Building Technologies, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete; and

WHEREAS, the Contractor has been paid in full; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the acceptance of the Erie County Sewer Districts No. 3 and No.6 energy performance contract in the final contract amount of \$1,092,706.00.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sewer Districts No. 3 and No. 6 energy performance contract between the County of Erie and Siemens Building Technologies, Inc., 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, is accepted in the amount of \$1,092,706.00; \$425,346.60 from Erie County Sewer District (ECSD) No. 6 Capital Account C.00001 and \$667,359.40 from Erie County Sewer District (ECSD) No. 3 Capital Account C.00015, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Erie County Sewer Districts No. 3 and No. 6 energy performance contract between the County of Erie and Siemens Building Technologies, Inc., in the amount of \$1,092,706.00; 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, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10<sup>th</sup> floor.  
(6-0)

5. COMM. 5E-19 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, The County of Erie has secured the services of LiRo Engineers to provide engineering services related to various construction inspections for the Erie County Sewer Districts pursuant to Legislature Comm. 24E-7 (2010); and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated February 3, 2011, with LiRo Engineers in the final contract amount of \$181,273.20.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated February 3, 2011 between the County of Erie and LiRo Engineers be formally closed in the final amount of \$181,273.20; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning, 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.  
(6-0)

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