

December 16, 2013

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 18

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-9 (2013)
RITA YELDA: “Letter Concerning Hydraulic Fracturing in NYS”
(5-0)
 - b. COMM. 23E-6 (2013)
COMPTROLLER: “Department of Parks, Recreation & Forestry - Audit of Cash Handling & Collection - 1/1/2013 - 6/30/2013”
(5-0)
 - c. COMM. 23E-18 (2013)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Agreement”
(5-0)
 - d. COMM. 23D-1 (2013)
COMMISSIONER OF PARKS, RECREATION & FORESTRY: “Letter to Comptroller Concerning Status of Audit of Department of Parks Control of Cash”
(5-0)
 - e. COMM. 23D-6 (2013)
COMMISSIONER OF PARKS, RECREATION & FORESTRY: “Letter to Comptroller Concerning 2nd Request for Status of Audit of Department of Parks Control of Cash”
(5-0)
 - f. COMM. 23D-7 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: “EC Marilla Agricultural District No. 5 Eight-Year Review Report”
(5-0)
 - g. COMM. 23M-2 (2013)
BUFFALO OLMSTED PARKS CONSERVANCY: “Letter to Legislature Concerning Funding to Complete the Restoration of the Pergola at the Rose Garden in Delaware Park”
(5-0)

- h. COMM. 23M-5 (2013)
FOOD & WATER WATCH: “Petition Signatures to Ban Fracking & Fracking Waste in EC”
(5-0)
2. INTRO 11-1 (2013)
MAZUR
WHEREAS, the Niagara River Greenway represents our community’s best opportunity to create a signature regional attraction showcasing Western New York as a progressive, exciting place to live and to work; and

WHEREAS, the organization “21st Century Park on the Outer Harbor Inc.” has proposed a 135 acre Outer Harbor Park, which would become the southern anchor of the Niagara River Greenway, embracing Buffalo’s greatest natural resource – Lake Erie; and

WHEREAS, creating an enticing amenity on the waterfront for residents and tourists alike would assist in workforce retention and recruitment by greatly enhancing the quality of life land place in the Buffalo Niagara region; and

WHEREAS, public investment in infrastructure such as parks creates value by exponentially increasing the value of all surrounding real estate, as seen in the cities of Baltimore, Pittsburgh, Cleveland, Toronto, New York City and our very own Queen City of the Lake – Buffalo – by way of the emerald necklace created by the Olmsted Parks and Parkway System; and

WHEREAS, since cultural, eco- and heritage tourism are the fastest growing sectors of the tourism industry, we would be able to strategically tap into the eight million visitors that are attracted to our region’s greatest natural magnet – Niagara Falls; and

WHEREAS, these visitors would extend their stays to take in other natural attractions in Buffalo and along the Lake Erie shoreline; and

WHEREAS, the Greenway encourages connections, with the proposed 21st Century Park serving as a vital link in the 50 miles of greenways, bikeways and waterways from Lake Ontario to Lake Erie and beyond, and would finally connect Frederick Law Olmsted’s unparalleled park system to Lake Erie as he first envisioned in 1888; and

WHEREAS, at that time, City of Buffalo leaders opted to use the lakefront site Olmsted originally selected for South Park for industry instead of public access and asked Olmsted to redesign and relocate South Park further inland, where it remains to this day; and

WHEREAS, the proposed 21st Century Park would showcase Frederick Law Olmsted's timeless design and sustainability principles as well as examples of the innovative design concepts he planned for the original South Park, which were never implemented; and

WHEREAS, the aforementioned Park would be dedicated to Olmsted's magnificent landscapes on the Niagara Frontier, including the Buffalo Olmsted Parks and Parkway System and Niagara Falls Reservation State Park, another creation of this renowned landscape architect.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature support the efforts of "21st Century Park on the Outer Harbor Inc" in developing a feasibility plan for the Outer Harbor; and be it further

RESOLVED, that the plan will determine the economic viability of creating a major, modern recreational park on the approximately 135 acres of land currently owned by the NFTA; and be it further

RESOLVED, that the 21st Century Park could become the centerpiece of a comprehensive plan for the Outer Harbor that places public access first and foremost among all considerations and could become the southern anchor for the Niagara River Greenway; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Andrew Cuomo, County Executive Mark Poloncarz, Mayor Byron Brown, Sam Hoyt (Regional President of Empire State Development Corporation); Howard Zemsky (Chair of the NFTA Board of Commissioners); Robert Gioia (Chair of the Erie Canal Harbor Development Corporation) Thomas Dee (President of the Erie Canal Harbor Development Corporation), the WNY Delegation to the State Legislature and all others deemed necessary and proper.
(3-2) Legislators Mills & Lorigo voted in the negative.

3. COMM. 23E-20 (2013)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 1 Board of Managers for a term ending 12/31/ 2015:

Hon. Mary F. Holtz (Reappointment)
Supervisor, Town of Cheektowaga
3301 Broadway
Cheektowaga, NY 14227

Mr. William Pugh, P.E. (Reappointment)
Town Engineer
275 Alexander Avenue
Cheektowaga, NY 14211

Hon. Shelia M. Meegan (Reappointment)
Supervisor, Town of West Seneca
1250 Union Road
West Seneca, NY 14224

Mr. Daniel Higgins (Reappointment)
70 Covington Drive
Buffalo, NY 14220

Mr Mutasem Salah, P.E. (Reappointment)
Sr. Coordinator Construction Projects
Department of Environment & Planning
95 Franklin Street, Room 1034
Buffalo, NY 14202

(5-0)

4. COMM. 23E-21 (2013)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 2 Board of Managers for a term ending 12/31/ 2015:

Ms. Anna M. Knack (Reappointment)
Administrative Assistant, Town of Eden
2795 E. Church Street
Eden, NY 14057

Mr. Gifford M. Swyers (Reappointment)
50 Terrylynn Drive
Angola, NY 14006

Hon. Howard Frawley (Reappointment)
Mayor, Village of Angola
41 Commercial Street
Angola, NY 14006

Hon. Vincent George (Reappointment)
Mayor, Village of North Collins
10543 Main Street, P.O. Box 459
North Collins, NY 14111

Ms. Angela M. Horton, P.E. (Reappointment)
Coord. Sewer Construction Projects
95 Franklin Street
Buffalo, NY 14202

(5-0)

5. COMM. 23E-22 (2013)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 3 Board of Managers for a term ending 12/31/ 2015:

Hon. John Mills (Reappointment)
80 Highland Avenue
Orchard Park, NY 14127

Hon. Michael Kasprzyk (Reappointment)
Supervisor, Town of Holland
47 Pearl Street
Holland, NY 14080

Hon. David R. Kaczor (Reappointment)
Councilman, Town of Orchard Park
23 Silent Meadow
Orchard Park, NY 14127

Hon. John B. Wilson (Reappointment)
Mayor, Village of Orchard Park
4295 South Buffalo Street
Orchard Park, NY 14127

Mr. David Millar, P.E. (Reappointment)
EC Dept. of Environment & Planning
95 Franklin Street, Room 1034
Buffalo, NY 14202

(4-0-1) Legislator Mills abstains.

6. COMM. 23E-23 (2013)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 4 Board of Managers for a term ending 12/31/ 2015:

Mr. Gary J. Ambrose (Reappointment)
80 Holland Avenue
Lancaster, NY 14086

Ms. Kristin McCracken (Reappointment)
41 Bloomfield Avenue
Depew, NY 14043

Mr. Karl J. Simmeth Jr. (Reappointment)
6678 Meadowbrook Drive
Boston, NY 14025

Hon. Glenn R. Nellis (Reappointment)
Supervisor, Town of Eden
2795 East Church Street
Eden, NY 14057

Mr. Donald Witkowski (Reappointment)
Village Administrator, Village of Hamburg
100 Main Street
Hamburg, NY 14075

Mr. Gerard Kapsiak, P.E. (Reappointment)
Town Engineer, Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

Mr. Jesse C. Nikoniwicz (Reappointment)
138 Grant Street
Depew, NY 14043

Mr. Robert Harris (Reappointment)
Engineering Department
Wm. Schutt & Associates, P.C.
37 Central Avenue
Lancaster, NY 14086

Mr. Thomas M. Batt, P.E. (Reappointment)
Sr. Sanitary Engineer
95 Franklin Street – Rm. 1034
Buffalo, NY 14202

(4-0-1) Legislator McCracken abstains.

7. COMM. 23E-24 (2013)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 5 Board of Managers for a term ending 12/31/ 2015:

Mr. James Callahan (Reappointment)
Town of Clarence
Director of Community Development
One Town Place
Clarence, NY 14031

Mr. Tom Kettchum, P.E. (Reappointment)
Building Commissioner -
Interim Town Engineer
1100 N. Forest Road
Williamsville, NY 14221

Mr. Timothy Lavocat (Reappointment)
Town Engineer, Town of Clarence
6221 Goodrich Road
Clarence Center, NY 14032

Hon. Steve Sanders, CPA (Reappointment)
Councilman, Town of Amherst
5583 Main Street
Williamsville, NY 14221

Mr. Kevin Zynda, P.E. (Reappointment)
Sanitary Engineer
Department of Environment & Planning
95 Franklin Street, Rm. 1034
Buffalo, NY 14202

(5-0)

8. COMM. 23E-25 (2013)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 6 Board of Managers for a term ending 12/31/ 2015:

Mr. James E. Balcarczyk (Reappointment)
44 Reed Avenue
Lackawanna, NY 14218

Mr. Anthony Collereno (Reappointment)
93 Cloverleaf Avenue
Lackawanna, NY 14218

Mr. James A. Carr, P.E. (Reappointment)
Assistant Deputy Commissioner
Department of Environment & Planning
95 Franklin Street – Rm. 1034
Buffalo, NY 14202

(5-0)

9. COMM. 23E-26 (2013)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments/reappointments of the following individuals to the ECSD No. 8 Board of Managers for a term ending 12/31/ 2015:

Hon. Susan Friess (Reappointment)
Councilwoman
Town of Aurora
7 Ravine Court
East Aurora, NY 14052

Mr. Matthew Hoeh (Reappointment)
Superintendent of Public Works
Village of East Aurora
571 Main Street
East Aurora, NY 14052

Mr. Bryan Smith (Reappointment)
Town of Aurora
Town Engineer
21 Westgate
East Aurora, NY 14052

Mr. Edward Paolini, P.E. (Reappointment)
Sr. Sanitary Engineer
Department of Environment & Planning
95 Franklin Street – Rm. 1034
Buffalo, NY 14202

(5-0)

10. COMM. 23E-31 (2013)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to serve as Sportsman Member & Sportsman Alternate to the NYS Region 9 Fish & Wildlife Management Board for a term ending 12/31/ 2014:

Mr. Paul Stoos (Sportsman Member)
1845 Clinton Street
Buffalo, NY 14206

Mr. Chuck Godfrey (Alternate Sportsman)
29 Yvette Drive
Cheektowaga, NY 14227

(5-0)

11. COMM. 23E-34 (2013)
COUNTY EXECUTIVE
WHEREAS, DiDonato Associates has inspected and reported on the conditions of three buildings, and has determined that they are structurally unsafe and recommend they be condemned and demolished entirely; and

WHEREAS, the dilapidated parks buildings are going to be demolished since they are no longer structurally sound and pose a safety and health threat to the public; and

WHEREAS, the Erie County Department of Public Works received bids for the Demolition of various Emery Park Buildings project on October 15, 2013; and

WHEREAS, the Erie County Department of Public Works, is recommending award of a contract to the lowest responsible bidder Apollo Dismantling Service, LLC, along with the engineering firm, Clark Patterson Lee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, Apollo Dismantling Service, LLC for the demolition of various Emery Park Buildings as follows:

Total Base Bid (A+B+C)	\$ 73,000.00
Alternate No. 1	\$ 14,000.00
<u>Alternate No. 2</u>	<u>\$ 26,000.00</u>
Total Amount Not to Exceed:	\$113,000.00

and be it further

RESOLVED, that the sum of \$20,000.00 be allocated to the Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows:

A.13008 – 2013 Countywide Park Improvements	\$ 133,000.00
Total Payment Not To Exceed:	\$ 133,000.00

and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the Director of the Division of Budget and Management, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.

(5-0)

TERRENCE D. McCRACKEN
CHAIR