

SEPTEMBER 21, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 12-4 (2006)
MARINELLI, WHYTE & KENNEDY: Establishing a Citizens' Guide to the Parks
(4-0)
 - b. COMM. 14E-17 (2006)
COUNTY EXECUTIVE: ECSD Nos. 1-6 & STSTA - Construction Inspection Service Agreements - Dated 1/1/05 - Change Order No. 1
(4-0)
 - c. COMM. 14E-19 (2006)
COUNTY EXECUTIVE: STSTA - Engineering Service Agreements - Work Order: URS-6
(4-0)
 - d. COMM. 15E-54 (2006)
COUNTY EXECUTIVE: ECSD No. 6 - Engineer Term Agreement - Work Order: DA-6
(4-0)
 - e. COMM. 15E-56 (2006)
COUNTY EXECUTIVE: ECSDs 1-6 & 8 - Section 270/271 Resolutions
(4-0)
 - f. COMM. 15E-57 (2006)
COUNTY EXECUTIVE: ECSD - Semi Annual Attendance Records - Boards of Managers - ECSDs
(4-0)
 - g. COMM. 15E-59 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Disinfection Improvements - Contract No. STP-A - Change Order No. 1
(4-0)
 - h. COMM. 15E-64 (2006)

COUNTY EXECUTIVE: ECSD No. 5 - Emergency Repair - Clarence Research Park Power Feeder
(4-0)

- i. COMM. 15E-69 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-9
(4-0)
- 2a. COMM. 28E-15 (2005)
COUNTY EXECUTIVE
RESOLUTION NO.

RESOLUTION DATED _____, 2006

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2006.

(Adopted) _____, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated May 3, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 14, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer District, (ii) a description of the areas of the Proposed Sewer District to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer District, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$276.00; and

WHEREAS, said County Legislature duly adopted Resolution No. 198 on the 13th day of July, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 3rd day of August, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on August 3, 2006, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

Hamburg Sewer District 7

ALL THAT TRACT or parcel of land situate in the Town of Hamburg, County of Erie and State of New York and part of Farm Lot 56, Township 9, Range 7 of the Holland Land Company's survey, more particularly described as being sub-lots 182-199 inclusive and 541-544 inclusive as shown on map entitled "Highland Acres No. 2" and filed in the Erie County Clerk's Office under Map Cover 893, together with that portion of Fairview Parkway (that lies within Farm Lot 56) on which said sub-lots front; also that other parcel of land lying within Farm Lot 41, Township 10, Range 7 and more particularly described as being sub-lots 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35 in Block 4, sub-lots 7-36 inclusive in Block 8, sub-lots 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, and 29 in Block 11, sub-lots 1, 3, 5 and 7-36 inclusive in Block 12, sub-lots 12, 14, 16, 18, 20, 22, 24 and 26-30 inclusive in Block 15, sub-lots 1-38 inclusive in Block 16, and sub-lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, and 32-35 inclusive in Block 20, as shown on map entitled "Sagamore Heights" and filed in the Erie County Clerk's Office under Map Cover 1471, together with those portions of Fairview Parkway (that lie within Farm Lot 41), White Avenue, Fuller Avenue, James Avenue, Harrison Avenue, and Telfer Street, on which said sub-lots front.

It being the intention to include an area lying adjacent to and south of the present Osborne-Sagamore Sewer District, more particularly described by metes and bounds as follows:

Beginning at a point in the south line of Farm Lot 41, Township 10, Range 7, one hundred fifty-six (156.00) feet east from its southwest corner, said point being easterly corner of the existing Osborne-Sagamore Sewer District; thence, starting northerly, along said sewer district boundary by various metes and bounds two thousand thirty-two and seventy-nine one-hundredths (2032.79) feet to a point in the centerline of Fuller Avenue at a southeasterly corner of said existing sewer district; thence continuing easterly thirty (30.00) feet to the east line of said Fuller Avenue; thence southerly along the easterly line of Fuller Avenue eighty (80.00) feet to the northwest corner of sub-lot 12, Block 15; thence easterly along the northerly line of said sub-lot 12, one hundred twenty (120.00) feet to its northeast corner; thence southerly along its rear line and extension thereof three hundred twenty (320.00) feet to the northwest corner of sub-lot 27, Block 15, thence easterly along the northerly line of said sub-lot 27 and extension thereof one hundred eighty (180.00) feet to the easterly line of White Avenue; thence southerly along said easterly line of White Avenue eighty (80.00) feet to the northerly line of Telfer Street; thence easterly along said northerly line of Telfer Street one hundred seventeen and eighty one-hundredths (117.80) feet; thence southerly along the rear lines of sub-lots (and extension across Telfer Street) eight hundred forty-eight and sixty-two one hundredths (848.62) feet to the south line of Farm Lot 41, Township 10, Range 7; thence easterly along said southerly lot line three and forty-nine one hundredths (3.49) feet to the northerly extension of the easterly line of sub-lot 541, Map Cover 893; thence southerly (in Farm Lot 56, Township 9, Range 7) along the easterly line of sub-lot 541 (and said line extended) two hundred nine and seventeen one-hundredths (209.17) feet to its southeast corner; thence westerly along the southerly line of said sub-lot 541 and extension there of one thousand one-hundred ninety-one and forty-eight one hundredths (1191.48) feet to the southwest corner of sub-lot 199; thence northerly along the westerly line of said sub-lot 199 and extension there of two hundred nine and nineteen one hundredths (209.19) feet to the north line of Farm Lot 56, Township 9, Range 7; thence westerly along said lot line seven (7.00) feet to the point of beginning.

Hamburg Sewer District 8

Being that parcel of land of the east side of Grafton Parkway as extended southerly) extending from the south line of the present sewer district to the north line of Fairview Parkway (also known as Modoc Street) a total frontage of 565.55 ft. and a depth of 110 ft.

Also, that parcel of land on the west side of Grafton Parkway (as extended southerly) extending from the south line of the present sewer district to the north line of Fairview Parkway (also known as Modoc Street) a total frontage of 564.3 ft. and a depth of 110 ft.

Also, that parcel of land lying on the south side of Fairview Parkway (as extended westerly) extending from the west line of the present sewer district a distance of 280.4 ft. said parcel having a depth of 124.17 ft.

Also, including the full width of all street areas on which above parcels front.

Hamburg Sewer District 11

Commencing in the center of Taylor Road at the intersection of the south line of the Village of Hamburg; thence east along said south line of the Village of Hamburg about 930 feet to the southwesterly bank of Eighteen Mile Creek; thence southeasterly along said creek bank about 3180 feet to a point 265.65 feet easterly from the west line of Lot 42-T9-R7; thence south, parallel with said west line of Lot 42 and 265.65 feet east there from about 1880 feet to a point on the east line of Vail's Subdivision (filed under Cover 1753), which point is the south line of Sub Lot No. 36; thence west along the south line of Sub Lot 36 about 317 feet to the west line of Woodland Drive; thence north along west line of woodland Drive about 36 feet to the south line of Sub Lot No.13; thence west about 200 feet to the northeast corner of Sub Lot 37. Vail Subdivision No. 2; thence south 100 feet to the south line of said Sub Lot37; thence west along south line of Sub Lot 37 about 200 feet to the east line of Vail Drive; thence north about 64 feet along east line of Vail Drive; thence west 200 feet along south line of Sub Lot 10 in Cover Map 1753 to the west line of Vail's Subdivision; thence north along the west line of Vail's Subdivision about 850 feet to the southwest corner of Lot No. 1 in said Subdivision; thence northwesterly, parallel with the center line of Taylor Road and 250 feet south there from approximately 3300 feet to the west line of Albert Bole property; thence north about 210 feet to the south line of the Village of Hamburg; thence east along the south line of the Village of Hamburg to the place of beginning

Executed in duplicate under my hand and the seal of the Comptroller of the State of New York, at the City of Albany, this 9th day of May, 1955.

Hamburg Sewer District 15

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of lot number four hundred thirty-eight (438), Township ten (10), Range seven (7) of the Buffalo Creek Reservation and further distinguished as Subdivision Lot Numbers one (1) to fifty-five (55) inclusive as shown on a map of the Taylor Subdivision Number 2 files in Erie County Clerk's Office under Cover Number 1983, including a piece marked "future street" being sixty (60) feet front and rear by one hundred thirty-five and eighty-five hundredths (135.85) feet in depth, situate between Subdivision Lot Numbers forty-eight (48) and forty-nine (49) according to said map.

Hamburg Sewer District 16

BEING ALL THAT TRACT OR PARCEL OF LAND located east of east boundary line of the Village of Blasdell and north of Stiefler Subdivision part one as filed on the map cover 1849 and being part of Lot 40, Township 10, Range 7 of the Buffalo Creek Indian Reservation and located in the Town of Hamburg, Erie County, New York and further bounded and described as follows:

BEGINNING at a point on the east line of the Village of Blasdell and being one hundred fifty (150) feet east of the east right-of-way line of South Park Avenue and said point of beginning being the northwest corner of Sub Lot 8 of Stiefler Subdivision map cover 1849 and measured approximately one hundred fifteen (115) feet north of the north right-of-way line of Allen Street; thence measuring north and along the east line of the Village of Blasdell and parallel with the east right-of-way line of South Park Avenue a distance of two hundred seventy-five and fifty-two hundredths (275.52) feet; thence measuring east and at right angles to the last described line a distance of fifty-eight (58) feet and thence measuring northerly and parallel with the east line of the Village of Blasdell a distance of one hundred thirty-eight (138) feet and thence measuring easterly and at right angles to the last described line a distance of six hundred seventy (670) feet more or less to a point on the west line of the New York State Thruway Connection map No. 753 and parcel No. 573 and thence measuring southwestly and along the west line of the New York State Thruway connection a distance of five hundred twenty-six and one hundredth (526.1) feet more or less to the intersection of the west line of the New York State Thruway Connection and the north line of Allen Street; said Allen Street at this point having a fill right-of-way width of sixty (60) feet and thence measuring westerly and along the north right-of-way line of Allen Street a distance of one hundred forty (140) feet more or less to the southeast corner of Sub Lot 12 as filed under map cover 1849 and thence measuring northerly and along the easterly line of Sub Lot 12 a distance of one hundred twenty-five (125) feet and thence measuring westerly and along the north lines of Sub Lots 10, 11, and 12 of map cover 1849 a distance of two hundred forty-nine (249) feet to a point on the easterly right-of-way line of Raymond Drive; thence measured southerly and along the east line of Raymond Drive which is the west line of Sub Lot 10 and at right angles to the last described line a distance of twenty (20) feet and thence measuring westerly and at right angles to the last described line and along the north line of Sub Lots 8 and 9 and the north line of Sub Lots 8 and 9 produced easterly a distance of two hundred sixty-three (263) feet to the point of beginning and containing six and seventy-one hundredths acres more or less; including five (5) foot right-of-way from the east line of the Village of Blasdell to the west right-of-way line of South Park Avenue and being three hundred twenty-five and eight hundredths (325.8) feet north of the north right-of-way line of Allen Street as measured along the east right-of-way line of South Park Avenue.

Hamburg Sewer District 17

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot number 439, Township 10, and Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the northerly line of Linwood Avenue, distant 180 feet easterly from the point of intersection of the northerly line of Linwood Avenue with the easterly line of South Park Avenue, said point of beginning being the southwest corner of Subdivision Lot Number 6, Cover 439, Erie County Clerk's Office; running thence northerly along the westerly line of said Subdivision Lot Number 6 one hundred twenty (120) feet to the northwest corner of said Subdivision Lot Number 6; running thence easterly and parallel with Linwood Avenue fourteen hundred and two (1,402) feet to the northeast corner of Subdivision Lot Number 445, Cover 439, Erie County Clerk's Office; running thence southerly and along

the easterly line of Glenwood Avenue seven hundred twenty-seven and fifty hundredths (727.50) feet to the southerly line of Oakwood Avenue extended easterly; thence westerly and along the southerly line of Oakwood Avenue extended easterly and along the southerly line of Oakwood Avenue eight hundred twenty-seven (827) feet to the point of intersection of the southerly line of Oakwood Avenue with the westerly line of Powers Avenue; running thence northerly along the westerly line of Powers Avenue two hundred seventy-five and thirty-four hundredths (275.34) feet to the point of intersection of the westerly line of Powers Avenue with the southerly line of Elmwood Street; running thence westerly along the southerly line of Elmwood Avenue ninety-five (95) feet to a point in the westerly line of Subdivision Lot Number 122. Cover 439, Erie County Clerk's Office extended southerly; running thence northerly along the westerly line of said Subdivision Lot Number 122 extended southerly and along the westerly line of said Subdivision lot Number 122, one hundred seventy (170) feet to the northwest corner of said Subdivision Lot Number 122; running thence westerly parallel with the southerly line of Linwood Avenue and one hundred twenty (120) feet southerly there from three hundred (300) feet to the southwest corner of Subdivision Lot Number 89. Cover 439, Erie County Clerk's Office; running thence northerly and along the westerly line of said Subdivision Lot Number 89 one hundred twenty (120) feet to the southerly line of Linwood Avenue; running thence westerly along the southerly line of Linwood Avenue one hundred eighty (180) feet to a point in the southerly line of Linwood Avenue distant one hundred eight (180) feet easterly from the point of intersection on the southerly line of Linwood Avenue with the easterly line of South Park Avenue; running thence northerly at right angles fifty (50) feet to the point of beginning.

Hamburg Sewer District 20

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot number 439, Township 10, and Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the northerly line of Linwood Avenue, distant 180 feet easterly from the point of intersection of the northerly line of Linwood Avenue with the easterly line of South Park Avenue, said point of beginning being the southwest corner of Subdivision Lot Number 6, Cover 439, Erie County Clerk's Office; running thence northerly along the westerly line of said Subdivision Lot Number 6 one hundred twenty (120.00) feet to the northwest corner of said Subdivision Lot Number 6; running thence easterly and parallel with Linwood Avenue fourteen hundred and two (1402.00) feet to the northwest corner of Subdivision Lot Number 445, Cover 439, Erie County Clerk's Office; running thence southerly and along the easterly line of Glenwood Avenue seven hundred twenty-seven and fifty hundredths (727.50) feet to the southerly line of Oakwood Avenue extended easterly; thence westerly and along the southerly line of Oakwood Avenue extended easterly and along the southerly line of Oakwood Avenue eight hundred twenty-seven (827.00) feet to the point of intersection of the southerly line of Oakwood Avenue with the westerly line of Powers Avenue; running thence northerly along the westerly line of Powers Avenue two hundred seventy-five and thirty-four hundredths (275.34) feet to the point of intersection of the westerly line of Powers Avenue with the southerly line of Elmwood Street; running thence westerly along the southerly line of Elmwood Avenue ninety-five (95.00) feet to a point in the westerly line of Subdivision Lot Number 122, Cover 439, Erie County Clerk's Office extended southerly;

running thence northerly along the westerly line of said Subdivision Lot Number 122 extended southerly and along the westerly line of said Subdivision Lot Number 122, one hundred seventy (170.00) feet to the northwest corner of said Subdivision Lot Number 122; running thence westerly parallel with the southerly line of Linwood Avenue and one hundred twenty (120.00) feet southerly there from three hundred (300.00) feet to the southwest corner of Subdivision Lot Number 89, Cover 439, Erie County Clerk's Office; running thence northerly and along the westerly line of Subdivision Lot Number 89 one hundred twenty (120.00) feet to the southerly line of Linwood Avenue; running thence westerly along the southerly line of Linwood Avenue one hundred eighty (180.00) feet to a point in the southerly line of Linwood Avenue distant one hundred eighty (108.00) feet easterly from the point of intersection on the southerly line of Linwood Avenue with the easterly line of South Park Avenue; running thence northerly at right angles fifty (50.00) feet to the point of beginning.

Hamburg Sewer District 23

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF HAMBURG, COUNTY OF ERIE, STATE OF NEW YORK, being part of Lot 439, Township 10, Range 7 of the Buffalo Creek Indian Reservation being more particularly bounded and described as follows:

Beginning at the south east corner of subdivision Lot Number 5 as shown on a subdivision map filed in the Erie County Clerk's Office in Map Cover 439; thence northerly along the easterly line of said subdivision Lot Number 5, a distance of one hundred twenty (120.0) feet to the northeast corner of said subdivision Lot Number 5; thence westerly along the northerly line of said subdivision Lot Number 5, a distance of thirty (30.0) feet to its northwest corner; thence southerly along the west of said subdivision Lot Number 5 and an extension southerly of the westerly line of said subdivision Lot Number 5 and the westerly line of subdivision lots numbered 96 and 105 as shown in Map Cover 439, a distance of four hundred sixty (460.0) feet to the northwest corner of subdivision Lot Number 196, Map Cover 439, said point being in the southerly line of Elmwood Avenue; thence easterly along the southerly line of Elmwood Avenue a distance of one hundred twenty (120.0) feet to the northeast corner of subdivision Lot Number 193, Map Cover 439; thence southerly along the easterly line of subdivision Lot Number 193, a distance of one hundred twenty (120.0) feet to the northwest corner of subdivision Lot Number 208, Map Cover 439; thence easterly along the northerly line of said subdivision Lot Number 208, a distance of thirty (30.0) feet to the northeast corner of said subdivision Lot Number 208; thence southerly along the easterly line of said subdivision Lot Number 208 and its extension southerly, a distance of one hundred fifty-nine and ninety one hundredths (159.90) feet to a point in the southerly line of Oakwood Avenue; thence easterly along the southerly line of Oakwood Avenue, a distance of about three hundred seventy-two (372.0) feet to the northwest corner of subdivision Lot Number 28 as shown on a map filed in the Erie County Clerk's Office in Map Cover 475; thence southerly along the westerly line of said subdivision Lot Number 28, a distance of one hundred fifty-two (152.0) feet to the southwestern corner of said subdivision Lot Number 28; thence easterly parallel to Oakwood Avenue, a distance of about eight hundred seventy (870.0) feet to a point in the west bounds of Glenwood Avenue, said point being the southeast corner of subdivision Lot Number 56, Map Cover 475; thence northerly along the westerly line of Glenwood

Avenue, about one hundred fifty-two (152.0) feet to the south line of Oakwood Avenue; thence westerly along the south line of Oakwood Avenue, a distance of about seven hundred eighty-six (786.0) feet to the intersection of a southerly extension of the westerly line of Powers Avenue with the southerly line of Oakwood Avenue; thence northerly along said extension and the westerly line of Powers Avenue, a distance of two hundred seventy-five and thirty-four one hundredths (275.43) feet to the southerly line of Elmwood Avenue; thence westerly along the southerly line of Elmwood Avenue, a distance of about ninety-five (95.0) feet to the northwest corner of subdivision Lot Number 179 as shown on a subdivision map filed in the Erie County Clerk's Office in Map Cover 439; thence northerly along a northerly extension of the westerly line said subdivision Lot Number 179 and the easterly line of subdivision Lot Number 121 as filed in Map Cover 439, a distance of one hundred seventy (170.0) feet to the north easterly corner of said subdivision Lot Number 121; thence westerly and parallel to Elmwood Avenue, a distance of three hundred (300.0) feet to the southwest corner of Subdivision Lot Number 89 as shown of map cover 439; thence northerly along the westerly line of said subdivision Lot Number 89, a distance of one hundred twenty (120.0) feet to the southerly line of Linwood Avenue; thence westerly along the southerly line of Linwood Avenue, a distance of one hundred eighty (180.0) feet to the northeast corner of subdivision Lot Number 96, Map Cover 439; thence northerly along an extension northerly of the east line of said subdivision Lot Number 96, a distance of fifty (50.0) feet to the point or place of beginning.

Hamburg Sewer District 24

BEGINNING at a point on the south line of Lot 41 in Fairview Parkway as shown on map of Sagamore Heights Subdivision as filed in the Erie County Clerk's Office in Map Cover #1471, said point being the intersection of said south line of Lot # 41 with the southerly extension of the east line of subdivision lot #35, Block 20, Map Cover #1471; thence north, parallel with and 140.0' west as measured at right angles from the east line of said subdivision, said east line being the east line of Wulf Street, a 30' street as shown on said subdivision map, a distance of 806.20' to the center line of Telfer Street, as shown on said Map Cover #1471; thence east along the center line of Telfer Street a distance of 140.0' to the east line of Map Cover #1471; thence north along said east line a distance of 1057.02'; thence east at right angles a distance of 340.78' to a point in the west right-of-way line of the New York State Thruway; thence south along the various courses of said right-of-way line a distance of 1884.60' to the south line of Lot #38; thence west along said south line and the south line of Lot #41 a distance of 595' more or less to the point or place of beginning containing 19.25 acres more or less.

Hamburg Sewer District 27

All that tract or parcel of land situated in the Village of Blasedell, Town of Hamburg, County of Erie, State of New York, being part of Lots 4 and 5, Township 10, Range 8 and part of Lot 8, Township 9, Range 8 and being more particularly described as follows:

Beginning at a point on the east line of lands conveyed to Ravenwood Park, Inc. by Liber 9162, Page 46, 1600.00 feet north of the centerline of Big Tree Road, said point to be on the northern boundary of the present Hamburg Master Sewer District; thence N 00°09'45" E a distance of 1644.00 feet to a point

on the northwest corner of lands conveyed to Nellie C. Crawford by Liber 5706, Page 249; thence easterly along a bearing of S 88°59'16" E a distance of 1160.00 feet more or less to a point being in the center of the Rush Creek Channel; thence northerly along the channel centerline 1078.00 feet more or less to a point on the north line of Lot 8 and the south line of Lot 4; thence continuing northwesterly along the channel centerline a distance of 1123.00 feet more or less to a point on the north line of lands conveyed to Joe Ball by Liber 7553, Page 119; thence westerly along said described north line along a bearing of N 89°22'42" W a distance of 530.00 feet more or less to a point on the east line of Pieczonka Drive (being a 60.00 foot wide right of way); thence northerly on a bearing of N 00°54'22" E a distance of 1864.43 feet to a point on the south line of Milestrip Road (being a 66.00) foot right of way); thence westerly on a bearing of N 89°22'42" W a distance of 6.35 feet to a point; thence northerly on a bearing of N 01°51'10" E a distance of 8.25 feet to a point; thence westerly on a bearing of N 89°22'42" W a distance of 0.83' to a point; thence continuing westerly along a bearing of N 83°04'22" W a distance of 28.06 feet to a point on the easterly right of way line of the Norfolk Southern Railroad; thence southwestwesterly along said east line of railroad right of way along a bearing of S 24°54'32" W a distance of 2533.53 feet to a point of curve; thence continuing southwestwesterly along said curve having a radius of 6700.00 feet, a delta angle of 11°53'47", and arc distance of 1391.13 feet to a point on the west line of lands conveyed to Northern Operating Corporation by Liber 1358, Pages 598 and 606; thence southerly on a bearing of S 00°09'21" W a distance of 1470.00 feet to a point; thence easterly along a line which is 1600.00 feet north of and parallel to the centerline of Big Tree Road and being the north line of the existing Hamburg Master Sewer District on a bearing of S 89°06'37" E a distance of 1770.00 feet more or less to the point or place of beginning.

Hamburg Sewer District 28

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 55, Township 9, Range 7 and Lot 56, Township 9, Range 7 and Lot 8, Township 9, Range 7, and being more particularly bounded and described as follows:

Beginning at a point (1), said point being at the intersection of the southeast corner of subdivision Lot Number 6, Block 1 as shown on Erie County Tax Map 160.18 and the westerly line of the New York State Thruway (Erie Section) right-of-way; thence, northerly along the westerly line of said subdivision Lot Number 6, a distance of approximately 1,003 feet to a point (2), said point being at the intersection of the westerly line of subdivision Lot Number 6 and the southeast corner of subdivision Lot Number 5 thence, westerly along the southerly line of subdivision Lot Number 5, a distance of approximately 44 feet to a point (3), said point being at the intersection of the centerline of Rush Creek and the southerly line of subdivision Lot Number 5; thence northerly and westerly along the centerline of Rush Creek and the southerly line of subdivision Lot Number 5, a distance of approximately 675 feet to a point (4), said point being at the intersection of the centerline of Big Tree Road and the centerline of Rush Creek approximately 550 feet east of the centerline of South Park Avenue; thence, northerly along the centerline of Rush Creek and the westerly line of subdivision Lot Numbers 6 and 28, Block 1 as shown on Erie County Tax Map 160.14, for approximately 1,250 feet to a point (5), said point being at the intersection of the centerline of Rush Creek, the southern most corner of subdivision Lot Number 3 and the western most

corner of subdivision Lot Number 28; thence, westerly along the centerline of Rush Creek through the South Park Avenue right-of-way, for approximately 275 feet to a point (6), said point being at the intersection of the centerline of Rush Creek and the westerly line of the South Park Avenue right-of-way; thence, northerly along the westerly line of South Park Avenue right-of-way and the easterly line of subdivision Lot Number 2, Block 2 as shown on Erie County Tax Map 160.13, for approximately 175 feet to a point (7) being at the intersection of the northeast corner of subdivision Lot Number 2 and the southeast corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Number 3, for approximately 200 feet to a point (8), said point being at the southwest corner of subdivision Lot Number 3; thence, northerly along the westerly line of subdivision Lot Number 3, for approximately 100 feet to a point (9), said point being the northwest corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Number 8, Block 5 as shown on Erie County Tax Map 160.09, for approximately 300 feet to a point (10), said point being the corner of subdivision Lot Number 8 located approximately 50 feet west of the centerline of Rush Creek; thence, southerly along the easterly line of subdivision Lot Number 8, for approximately 65 feet to a point (11), said point being at the southeast corner of subdivision Lot Number 8 at Rush Creek; thence, westerly along the southerly line of subdivision Lot Number 8, for approximately 315 feet to a point (12), said point being at the intersection of the southwest corner of subdivision Lot Number 8 and the easterly line of the Erie-Lackawanna Railroad right-of-way; thence, northerly along the easterly line of the Erie-Lackawanna Railroad right-of-way, for approximately 690 feet to a point (13), said point being at the intersection of the western most corner of subdivision Lot Number 8 and the easterly line of the Erie-Lackawanna Railroad right-of-way; thence, northerly along the westerly line of subdivision Lot Number 8, for approximately 750 feet to a point (14), said point being at the intersection of the northwest corner of subdivision Lot Number 8 and the southerly line of subdivision Lot Number 6; thence, easterly along the southerly line of subdivision Lot Number 6, for approximately 130 feet to a point (15) said point being the intersection of the southeast corner of subdivision Lot Number 6 and the southwest corner of subdivision Lot Number 4, Block 4; thence, northerly along the westerly line of subdivision Lot Number 4, for approximately 47 feet to a point (16), said point being at the southeast corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Numbers 2 and 3, for approximately 120 feet to a point (17), said point being at the southwest corner of subdivision Lot Number 2; thence, northerly along the westerly line of subdivision Lot Numbers 1 and 2 and the westerly line of the Highland Parkway right-of-way, for approximately 430 feet to a point (18), said point being at the intersection of the northerly line of the Highland Parkway right-of-way and subdivision Lot Number 7, Block 5; thence, easterly along the southerly line of subdivision Lot Number 2, Block 5, for approximately 59 feet to a point (19), said point being at the southwest corner of subdivision Lot Number 1, Block 3; thence, northerly along the westerly line of subdivision Lot Number 1, for approximately 191 feet to a point (20), said point being at the northwest corner of subdivision Lot Number 1; thence, westerly along the southerly line of subdivision Lot Numbers 2 and 28.1, Block 2, for approximately 422 feet to a point (21), said point being at the southwest corner of subdivision Lot Number 28.1; thence, northerly along the westerly line of subdivision Lot Number 28.1, for approximately 297 feet to a point (22), said point being at the southwest corner of subdivision Lot Number 3; thence, easterly along the northerly line of subdivision Lot Numbers 2 and

28.1, for approximately 575 feet to point (23), said point being at the intersection of the northerly line of subdivision Lot Number 28.1 and the westerly line of the Bain Parkway right-of-way; thence, southerly along the westerly line of the Bain Parkway right-of-way and subdivision Lot Number 4 for approximately 135 feet to a point (24), said point being at the southwest corner of subdivision Lot Number 4; thence, easterly along the southerly line of subdivision Lot Numbers 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, for approximately 781 feet to a point (25), said point being at the northeast corner of subdivision Lot Number 20; thence, southerly along the easterly line of subdivision Lot Number 20 and the westerly line of the Osborne-Sagamore Sewer District, for approximately 135 feet to a point (26), said point being located at the intersection of the southwest corner of the Osborne-Sagamore Sewer District and the centerline of Bristol Parkway; thence, easterly along the southerly line of the Osborne-Sagamore Sewer District, for approximately 330 feet to a point (27), said point being at the northeast corner of subdivision Lot Number 66, Block 2, as shown on Erie County Tax Map 160.10; thence, northerly along the easterly line of the Osborne-Sagamore Sewer District, for approximately 345 feet to a point (28), said point being at the northeast corner of subdivision Lot Number 63, Block 1; thence, easterly along the southerly line of the Osborne-Sagamore Sewer District, for approximately 1192 feet to a point (29), said point being at the northeast corner of subdivision Lot Number 39; thence, northerly along the easterly line of the Osborne-Sagamore Sewer District, for approximately 212 feet to a point (30), said point being at the intersection of the easterly line of the Osborne-Sagamore Sewer District and the centerline of Fairview Parkway; thence, easterly along the southerly line of the Beacon Hill Sewer District, for approximately 600 feet to a point (31), said point being at the intersection of the southerly line of the Beacon Hill Sewer District and the westerly line of the New York State Thruway (Erie Section) right-of-way; thence, southerly along the easterly line of the New York State Thruway (Erie Section) right-of-way, for approximately 4,880 feet to a point (1), said point being and place of beginning.

Hamburg Sewer District 22

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot number forty (40), Township ten (10), Range seven (7) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the south line of Allen Street (fifty (50) feet wide) at its intersection with the west line of Subdivision Lot number seven (7) as shown on a map filed in Erie County Clerks Office under Map Cover number 1849, said point also being on the east boundary line of the Village of Blasdell; thence south along the west line of said Sub Lot number seven (7) a distance of 262.55 feet ± to a point at the southwest corner of said Sub Lot, said point also being the southwest corner of said Map Cover 1849; thence east along the south line of said Map Cover 1849 and its extension a distance of 630.53 feet ± to a point on the west line of lands appropriated by the State of New York for Thruway purposes by instruments recorded in Erie County Clerk's Office in Liber 6032 of deeds at page 487 and in Liber 6041 of deeds at page 242; thence northerly along said west line of New York State Thruway lands

the following three (3) distances, 188.71 feet, 81.12 feet and 60 feet ± to a point on the north line of Allen Street (sixty (60) feet wide); thence west along the north line of said Allen Street a distance of 140.01 feet ± to a point, said point being the southeast corner of Sub Lot 12 of said Map Cover 1849; thence north along the east line of said Sub Lot 12 a distance of 125 feet to a point at the northeast corner of said Sub Lot; thence west along the north line of Sub Lot 12, 11 & 10 of said Map Cover a distance of 249 feet to a point on the east line of Raymond Drive (sixty (60) feet wide); thence south along the east line of said Raymond Drive a distance of 10 feet ± to a point, said point being an extension easterly of the north line of Sub Lot 8 and Sub Lot 9 of said Map Cover 1849; thence west along said extension and along the north line of Sub Lot 9 and Sub Lot 8 a distance of 263 feet ± to a point on the east boundary line of the Village of Blasdell, said point also being the northwest corner of said Sub Lot 8; thence south along the west line of said Sub Lot 8 and the Village line a distance of 165 feet ± to the point of beginning.

Hamburg Sewer District 6

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lots 1, 4, 8, 38, 39, 40, 41, 56, Township 9, Range 7 and 8, and Township 10 Range 7 and 8 of the Holland Land Company's survey and more particularly described as follows:

BEGINNING at a point on the east boundary line of the Village of Blasdell where it intersects the southwest corner of Sub Lot No. 7 of Map Cover 1849 (Stiefler Subdivision Part 1); thence south along the east boundary line of said Village of Blasdell a distance of 505 feet ± to the southeast corner of said Village of Blasdell; thence west along the south boundary line of the Village of Blasdell a distance of 1950 feet ± to the east line of lands formerly owned by Erie Lackawanna Rail Road; thence southerly along said east line of said Rail Road a distance of 733 feet ± to a point, said point being an extension west of the south line of Sub Lot No. 9 of Map Cover 1216; thence east along said extension and along said south line of Sub Lot No. 9 a distance of 445 feet ± to a point at the southeast corner of said Sub Lot No. 9, said point also being 110 feet west of the west Right of Way of Grafton Avenue (60' wide); thence south along a line parallel to and 110 feet west of said west Right of Way of Grafton Avenue a distance of 1430 feet ± to a point at the southwest corner of Sub Lot No. 16 of map cover 2128; thence east along said south line of Sub Lot No. 16 and along the south line of Sub Lot No. 5 a distance of 280 feet ± to a point at the southeast corner of said Sub Lot No. 5; thence south along the east line of Sub Lot's 6, 7, 8, 9, 10, and 11 of Map Cover No. 2128 and their extension a distance of 405.06 feet ± to a point in the center line of Fairview Parkway (55' wide); thence southeast a distance of 301 feet ± to a point at the northwest corner of lands conveyed in Liber 10605 page 785, said point being 943.6 feet ± west of the center line of South Park Avenue (66' wide) as measured along the center line of Bain Parkway; thence southerly along the west line of Liber 10605 Page 785 a distance of 135 feet to the southwest corner of said parcel; thence easterly along the south line of said parcel and its extension a distance of 240 feet ± to the northwest corner of Sub Lot No. 236 of Map Cover 893 as recorded in Erie County Clerk's Office; thence continuing easterly on a line parallel and 135 feet south of the center line of Bain Parkway (50' wide) a distance of

540.61 feet ± to a point, said point being the northeast corner of Sub Lot No. 243 of said Map Cover 893; thence south along the east line of said Sub Lot No. 243 a distance of 73 feet ± to a point at the southwest corner of Sub Lot No. 226 of said Map Cover; thence east along the south line of said Sub Lot 226 and its extension a distance of 196 feet ± to a point on the east Right of Way of South Park Avenue (66' wide); thence south along said east Right of Way a distance of 50 feet ± to a point at the southwest corner of Sub Lot No. 117 of said Map Cover 893; thence east along the south line of said Sub Lot a distance of 130 feet ± to the southeast corner of said Sub Lot; thence north on a line parallel to and 130 feet east of the east Right of Way of South Park Avenue (66' wide) a distance of 556.9 feet ± to a point on the Center line of Fairview Parkway (55' wide); thence west along said center line a distance of 7 feet to a point; thence north on a line parallel to and 123 feet east of the east Right of Way of South Park Avenue (66' wide) a distance of 619.92 feet ± to a point at the northwest corner of Sub Lot No. 7, Block 4, of Map Cover No. 1471; thence east along the north line of Sub Lot 7, Sub Lot No. 8 and 7 of Block 8, and Sub Lot No. 8 of Block 12 of said Map Cover 1471 a distance of 600 feet ± to a point at the northeast corner of said Sub Lot No. 8, Block 12 of said Map Cover; thence north parallel to and 150 feet west of the center line of Fuller Avenue (60' wide) a distance of 660 feet ± to a point, said point being the northwest corner of Sub Lot No. 7, Block 11 of said Map Cover 1471; thence east along the north line of said Sub Lot No. 7 and its extension a distance of 150 feet ± to the center line of Fuller Avenue (60' wide); thence north along said center line of Fuller Avenue a distance of 150 feet ± to the point of intersection with the center line of Mundy Street (60' wide); thence east along said center line of Mundy Street a distance of 150 feet to a point; thence north parallel to and 150 feet east of the center line of said Fuller Avenue a distance of 430 feet ± to a point at the northwest corner of Sub Lot No. 11, Block 14 of Map Cover 1471; thence east along the north line said Sub Lot 11 and its extension a distance of 150 feet ± to the center line of White Avenue (60' wide); thence north along the center line of said White Avenue and its extension a distance of 387 feet to a point; thence west at right angles a distance of 150 feet to a point; thence north at right angles a distance of 189 feet ± to a point, said point being 315 feet south of the north Right of Way of Milestrip Road (66' wide); thence east parallel to and 315 feet south of said north Right of Way a distance of 1198 feet ± to a point on the east boundary line of the New York State Thruway; thence north along said thruway boundary a distance of 318 feet ± to a point on the north Right of Way of said Milestrip Road; thence west along said north Right of Way of Milestrip Road a distance of 436 feet ± to a point on the west boundary of said New York State Thruway; thence north along said thruway boundary a distance of 298 feet ± to a point, said point being on the extension east of the north line of land conveyed to Donald C. Davis by deed recorded in Erie County Clerks Office in Liber 3871 of deeds at Page 520; thence west along said north line extended a distance of 1596 feet ± to the point of beginning.

Hamburg Sewer District 9

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 39 and Lot 40, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the northeast corner of land conveyed to Donald C. Davis by deed recorded in Erie County Clerks Office in Liber 3871 of deeds at Page 520; thence west along the north line of said Davis property a distance of 337.6 feet ± to a point on the east line of lands appropriated by the State of New York for Thruway purposes by instruments recorded in Erie County Clerks Office in Liber 6032 of deeds at Page 487; thence north along said New York State Thruway which is also the west line of lands deeded to Balsen Corporation in Liber 8126, Page 267 a distance of 646 feet to a point; thence northeast along said Thruway and said Balsen land and its extension a distance of 438.8 feet ± to a point, said point being the most northerly corner of said Balsen property; thence southeast along said thruway lands and said Balsen property a distance of 284.65 feet to a point; thence south continuing along said property lines a distance of 745 feet ± to a point, said point being the extension east of the north line of said Davis property where it intersects the New York State Thruway; thence west along said extension line a distance of 294 feet ± to the point of beginning.

Highland Acres Sewer District

All that tract or parcel of land situated in the Town of Hamburg, County of Erie and State of New York, being part of Lots 55 and 56, Township 9, Range 7, and Lots 7 and 8, Township 9, Range 8, and being more particularly bounded and described as follows:

Beginning at a point (1), said point being at the intersection of the northeast corner of subdivision Lot Number 2 as shown on the Erie County Tax Map 160.13 and the southeast corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Number 3, a distance of approximately 200' to a point (2), said point being at the southwest corner of subdivision Lot Number 3; thence, northerly along the westerly line of subdivision of Lot Number 3, a distance of approximately 100' to a point (3), said point being at the northwest corner of subdivision Lot Number 3; thence, westerly along the northerly line of subdivision Lot Number 2, a distance of approximately 300' to a point (4), said point being the northwesternmost corner of subdivision Lot Number 2; thence, southerly along the westerly line of subdivision Lot Number 2, a distance of approximately 63' to a point (5), said point being at the northeastern most corner of subdivision Lot Number 1; thence, westerly along the northerly line of subdivision Lot Number 1, a distance of approximately 319' to a point (6), said point being the intersection of the westernmost corner of subdivision Lot Number 1 and the easterly line of the Buffalo Southern Railroad (formerly Erie Lackawanna Railroad) right-of-way; thence, southeasterly along the easterly line of the Buffalo Southern Railroad right-of-way, a distance of approximately 1418' to a point (7), said point being the intersection of the easterly line of the Buffalo Southern Railroad right-of-way, the southwest corner of subdivision Lot Number 1, and the northerly line of the Big Tree Road right-of-way; thence, easterly along the northerly line of the Big Tree Road right-of-way, a distance of approximately 33' to a point (8), said point being the intersection of the northerly line of the Big Tree Road right-of-way and the southwest corner of subdivision Lot Number 10.21; thence, northerly along the westerly line of subdivision Lot Number 10.21, a distance of approximately 143' to a point (9), said point being the intersection of the northwest corner of subdivision Lot Number 10.21 and the southwest corner of subdivision Lot Number 8; thence, easterly along the northerly line of subdivision Lot Number 10.21, a

distance of approximately 174' to a point (10), said point being the intersection of the northeast corner of subdivision Lot Number 10.21, the southwest corner of subdivision Lot Number 9, and the northwest corner of subdivision Lot Number 10.1; thence, southerly along the westerly line of subdivision Lot Number 10.1, a distance of approximately 50' to a point (11), said point being the intersection of the southwest corner of subdivision Lot Number 10.1 and the northwest corner of subdivision Lot Number 10.21; thence, easterly along the southerly line of subdivision Lot Number 10.1 a distance of approximately 198' to a point (12), said point being the intersection of the southeast corner of subdivision Lot Number 10.1, the northeast corner of Lot Number 10.21, and the westerly line of the South Park Avenue right-of-way; thence, southerly along the easterly line of subdivision Lot Number 10.21, a distance of approximately 119' to a point (13), said point being the intersection of the westerly line of the South Park Avenue right-of-way on Erie County Tax Map 160.18 and the centerline of Big Tree Road; thence, westerly along the centerline of Big Tree Road, a distance of approximately 300' to a point (14), said point being the intersection of the centerline of Big Tree Road and the easterly line of the Buffalo Southern Railroad right-of-way; thence, southeasterly along the easterly line of the Buffalo Southern Railroad right-of-way, a distance of approximately 2538' to a point (15), said being the intersection of the northerly line of the U.S. Route 20 (Southwestern Boulevard) right-of-way, the easterly line of the Buffalo Southern Railroad right-of-way, and the southernmost point of Subdivision Lot Number 4.1; thence northeasterly along the northerly line of the U.S. Route 20 (Southwestern Boulevard) right-of-way, a distance of approximately 595' to a point (16), said point being the southeastern most corner of subdivision Lot Number 4.1; thence, northerly along the westerly line of the New York State Thruway (Erie Section) right-of-way, a distance of approximately 465' to a point (17), said point being the intersection of the westerly line of the New York State Thruway right-of-way and the southernmost corner of subdivision Lot Number 6; thence, northwesterly along the westerly line of subdivision Lot Number 6, a distance of approximately 1144' to a point (18), said point being the intersection of the southerly line of subdivision Lot Number 5 and the westerly line of subdivision Lot Number 6; thence, westerly along the southerly line of subdivision Lot Number 5, a distance of approximately 44' to a point (19), said point being at the intersection of the centerline of Rush Creek and the southerly line of subdivision Lot Number 5; thence northerly and westerly along the centerline of Rush Creek and the southerly line of subdivision Lot Number 5, a distance of approximately 675' to a point (20), said point being at the intersection of the centerline of Rush Creek as shown on Erie County Tax Map 160.14 and the centerline of Big Tree Road approximately 550' east of the centerline of South Park Avenue; thence, northwesterly along the centerline of Rush Creek and the easterly line of subdivision Lot Numbers 4 and 5, a distance of approximately 1,250' to a point (21), said point being at the intersection of the centerline of Rush Creek and the southernmost corner of subdivision Lot Number 3; thence northwesterly along the centerline of Rush Creek through the South Park Avenue right-of-way, for approximately 275' to a point (22), said point being at the intersection of the centerline of Rush Creek and the westerly line of the South Park Avenue right-of-way, thence northerly along the westerly line of the South Park Avenue right-of-way and the easterly line of subdivision Lot Number 2 as shown on Erie County Tax Map 160.13, for approximately 175' to a point (1), said point being the point and place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0)

2b. COMM. 28E-15 (2005)
COUNTY EXECUTIVE

RESOLUTION NO. ____

RESOLUTION DATED _____, 2006

RESOLUTION APPROVING (I) THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 4 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 4, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2006
(Adopted) _____, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and created on February 21, 1961 (the "Original District") to provide sewer services to the Town of Lancaster, and

WHEREAS, in 1983, the Original District was extended to include the Village of Depew; and

WHEREAS, in 2002 an extension to the Original District known as the Walden Corridor Extension was formed to provide sewer service to the Lancaster Sewer District Nos. 6, 7, and 8 along with the area bounded by the centerline of Peppermint Road, the north border of the adjacent CSX railroad property, the previous eastern boundary of the Original District and the centerline of Townline Road; and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated May 8, 2006 and a

resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006, an extension to the District has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the District, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer District, (ii) a description of the areas of the Proposed Sewer District to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer District, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$302.32; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated May 8, 2006, a resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, said County Legislature duly adopted Resolution No. 199 on the 13th day of July, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on (i) the

aforesaid extension of Erie County Sewer District No. 4 in accordance with the aforesaid map and plan dated May 8, 2006, and (ii) the consolidation of Erie County Sewer District No. 4 in accordance with the aforesaid map and plan dated May 8, 2006, and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have given due consideration to the impact that the extension and consolidation of Erie County Sewer District No. 4 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 3rd day of August, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. WITH RESPECT TO THE EXTENSION OF THE DISTRICT, and upon the evidence given at the public hearing held on August 3, 2006, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 4.

Section 2. The extension of Erie County Sewer District No. 4 is hereby approved and shall comprise an area described as follows:

TOWN DISTRICT NO. 1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 5, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, more particularly described as follows:

Beginning at a point in the southerly line of Broadway at the point of intersection of the southerly line of Broadway with the west line of great Lot No. 5; running thence southerly and along said west line of Lot No. 5 a distance of 1978.9 feet more or less; running thence easterly and at an angle of 82 degrees 46 minutes to the right a distance of 150 feet; running thence southerly at an angle of 82 degrees 46 minutes to the right a distance of 317.1 feet; running thence easterly at an angle to the right of 89 degrees 14 minutes a distance of 513.22 feet; running thence northerly on a line parallel with the west line of Lot No. 5 and 661.98 feet easterly therefrom measured on a line drawn at right angles thereto a distance of 2120.7 feet; running thence westerly along the southerly line of Broadway a distance of 678.58 feet more or less to the point of beginning; being the same premises designed at the Parkdale Estates under Cover No. 1325 as filed in the Erie County Clerk's Office

TOWN DISTRICT NO. 2

Beginning at a point in the centerline of Walden Avenue, (formerly known as Ellicott Road), at its intersection with the west line of Sublot 1 as extended, Map Cover No. 470, thence east along the center line of Walden Avenue, a distance of 2,831.84 feet more or less, to a point, said point being 128.54 feet easterly from the east line of Seneca Place, (measured along the centerline of Walden Avenue), thence north along the centerline of Sublot 165, Cover Map No. 900, thence continued north along the east property lines of Sublots 169 and 243, thence west 1110 feet more or less, along the north line of Farm Lot 11, Section 8 and Farm Lot 1, Section 11 to a point, said point being the dividing lines between John Vrieson on the west and Leonard Dubiel on the east, thence north along the boundary line between said John Vrieson on the west and Leonard Dubiel on the east, to the south property line of lands owned by the Board of Education, Central District No. 1, Lancaster, Cheektowaga and Elma, thence east along the south line of said school lands to the east line of Farm Lot No. 2, thence north along the east line of Farm Lot No. 2, a distance of 900 feet, to a point, thence west across the said school lands to the center line of Central Avenue, thence south along the said center line to a point, said point being 522.80 feet north of centerline of Columbia Road, thence west 1,000 feet more or less, parallel to the centerline of Columbia Road and 522.80 feet distance therefrom to a point, being the northwest corner of lands owned by Henry S. Paul, thence south 522.80 feet to the center line of Columbia Road thence west along said center line 80 feet more or less to a point, said point being the westerly line extended to Sublot 27, Map Cover 1333, thence south along the west property lines of Sublots 27, 18 and 7, Map Cover No. 1333, and continued south along the west property lines of Sublots 31 and 32, Map Cover No. 556, and continued south along the west property lines of Sublots 151, 17, 16 to 5 inclusive and Sublot 1, Map Cover No. 470 approximately 2,458.11 feet to the point or place of beginning.

Section 3. Such extension includes the acquisition from the Town of Lancaster of the all sewer facilities, including pipes, manholes, pumping stations and force mains of the following Town of Lancaster Sewer Districts: #1, and #2, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) and no additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. WITH RESPECT TO THE CONSOLIDATION, it is hereby determined that it is in the public interest to assess all expenses of Erie County Sewer District No. 4, including all extensions heretofore and hereafter established, as a charge against the entire area of Erie County Sewer District No. 4 as extended.

Section 5. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.
(4-0)

3. INTRO 13-3 (2006)
LOUGHRAN, MARINELLI, IANNELLO, WHYTE, KOZUB, KENNEDY, LOCKLEAR, KONST & MILLS

WHEREAS, On June 22, 2006, David Crane, President and Chief Executive Officer of NRG Energy, Inc. announced plans for a \$1.5 billion upgrade of the power plant located on the east shore of the Niagara River, off River Road, in the Town of Tonawanda, which aims to double generating output, secure and create good-paying jobs, and result in a much more clean and environmentally responsible operation; and

WHEREAS, The CR Huntley Station has a long history on its 120-acre site in Tonawanda, with some of its structures dating back to 1916 when "River Station" first began commercial service, and at one time was the largest coal-fired plant in the world during World War II; and

WHEREAS, The investment in CR Huntley will not only lead to a more cleaner-running and environmentally-friendly power plant, it also means a brighter and more secure future for the 131 people

currently employed there, the creation of about 100 new positions, and also the creation of more than 1,000 construction jobs; and

WHEREAS, The upgrade includes the installation of modern emission control equipment on two CR Huntley units that have been problematic in controlling harmful pollutants, and will result in dramatic reductions in sulfur dioxide, nitrogen oxide, and mercury emissions, according to NRG officials; and

WHEREAS, A new power plant will also be constructed on the CR Huntley site, utilizing “Integrated Gasification Combined Cycle” (IGCC), a technology used to convert coal into combustible gas, with the resulting byproducts cleaned and resold for other industrial and construction uses; and

WHEREAS, When the new IGCC plant comes on line in 2012, combined with the existing two upgraded coal-fueled units, generating capacity will nearly double, from 552 megawatts today to 1,010 megawatts; and

WHEREAS, Moreover, adding to the positive local job outlook and environmental benefits, the new vision for the CR Huntley Station will mean more stable electricity prices, and perhaps a reduction, for Western New York residents, according to NRG Executive Vice President Curt Morgan, who said that with more “baseload generation” in New York State, the added megawatts will help to reduce the volatility in electric bills that have affected local consumers in recent years.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in saluting NRG Energy Inc. upon the good news of a proposed \$1.5 billion upgrade to the CR Huntley Generating Station located in the Town of Tonawanda; and be it further

RESOLVED, That this Legislature notes that the modernization of CR Huntley has long been a goal of environmentalists who are understandably concerned about emissions generated by the plant, the harmful effects of these greenhouse gasses, and their link to global warming; and be it further

RESOLVED, That this Legislature respectfully requests that NRG consider linking this proposed upgrade with the Erie County Workforce Investment Board for possible job training/retraining initiatives, Erie Community College for educational and/or job training collaborations, and the Erie County Industrial Development Agency for incentives to move this noteworthy project forward; and be it further

RESOLVED, That this Legislature respectfully requests that NRG seeks to optimize local economic development by maximizing the construction employment opportunities through an exemplary local construction trades workforce as well as economic development opportunities through local marketing of IGCC by-products; and be it further

RESOLVED, That this Legislature is strongly encouraged by the leadership of State and Federal officials, as well as members of Local #97 International Brotherhood of Electrical Workers Union, in coming together to advance this initiative; and be it further

RESOLVED, That this Legislature urges support for proposed federal tax credits from the Department of Energy, Empire Zone and other New York State incentives, as well as the selection of the upgraded plant by New York State as a designated clean coal power plant, further financially ensuring its viability; and be it further

RESOLVED, That certified copies of this resolution be forwarded to NRG Energy Inc., New York Governor George A. Pataki, the Western New York delegations to Congress and the New York State Legislature, the United States Department of Energy, and Erie County Executive Joel A. Giambra.
(4-0)

4. COMM. 13E-15 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 30 to Intercounty Paving Associates; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 30 in the corrected final contract amount of \$795,144.00 which includes Change Order No. 2(final), a corrected decrease of \$37,265.00, and release retention monies to the contractor. The funds for this contract were allocated from Sewer Capital, Erie County Sewer District No. 1, Fund No. C.00032 (430-694). The funds for Change Order No. 1 were allocated from Sewer Capital, Erie County Sewer District No. 5, Fund No. C.00056.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 30 between the County of Erie and Intercounty Paving Associates, LLC, 859 Willow Grove Street, Hackettstown, New Jersey 07840 be accepted in the corrected amount of \$795,144.00, which includes Change Order No. 2(final), a corrected decrease of \$37,265.00, and release of retention monies to Intercounty Paving Associates, LLC; and be it further

RESOLVED, that the Clerk of the Legislature be directed to two certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to County Executive Joel Giambra, County Executive; James M. Hartman, Comptroller; Ken Vetter, Director

of Budget, Management and Finance; and one certified copy to Gregory Dudek, Assistant County Attorney.
(4-0)

5. COMM. 13E-16 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 22PS-C to M.K.S. Plumbing Corp.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management and the Erie County Sewer District No. 1 Board of Managers has recommended the final acceptance of Contract No. 22PS-C in the amount of \$25,034.29 which includes Change Order No. 1 (final), a decrease of (\$645.71), and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 22PS-C between the County of Erie and M.K.S. Plumbing Corp., 19 Ransier Drive, West Seneca, New York 14224, be accepted in the amount of \$25,034.29, which includes Change Order No. 1(final), a decrease of (\$645.71); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 22PS-C between the County of Erie and M.K.S. Plumbing Corp. in the amount of \$25,034.29 and make final payment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.
(4-0)

6. COMM. 13E-17 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 22PS-D to O'Connell Electric Co.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management and the Erie County Sewer District No. 1 Board of Managers has recommended the final acceptance of Contract No. 22PS-D in the amount of \$133,294.00 which includes Change Order No. 1 (final), a decrease of (\$5,000.00), and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 22PS-D between the County of Erie and O'Connell Electric Co., 830 Phillips Road, Victor, New York 14564, be accepted in the amount of \$133,294.00, which includes Change Order No. 1(final), a decrease of (\$5,000.00); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 22PS-D between the County of Erie and O'Connell Electric Co. in the amount of \$133,294.00 and make final payment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.
(4-0)

7. COMM. 15E-32 (2006)
COUNTY EXECUTIVE

WHEREAS, the United States Department of Agriculture (USDA) provides funding to local governments for a grant program entitled the "Solid Waste Management Grant Program" to reduce or eliminate pollution of water resources in rural areas and to improve planning and management of solid waste sites in rural areas; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided solid waste and recycling education, outreach, and services to the residents of Erie County; and

WHEREAS, rural communities in Erie County are subject to unique problems associated with water pollution prevention and solid waste disposal, such as septic system maintenance, illegal dumping, farm waste, and unused pesticide disposal; and

WHEREAS, the ECDEP is capable of providing the necessary outreach, education, and services to address the unique waste management problems facing rural communities; and

WHEREAS, the USDA has selected the ECDEP proposal entitled "Proper Solid Waste Management in Rural Communities of Erie County" for funding of \$105,000 to provide these necessary programmatic services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a grant program contract to accept funds in the amount of \$105,000 from the USDA to implement the Proper Solid Waste Management in Rural Communities of Erie County Program; and be it further

RESOLVED, that a grant budget be established for the Proper Solid Waste Management in Rural Communities of Erie County Program as follows:

REVENUES:

414000	Federal Aid – United States Department of Agriculture	\$105,000
	TOTAL REVENUE:	\$105,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel/Salaries	\$ 44,338
502000	Fringe Benefits	21,162
505000	Supplies (Office)	950
505800	Supplies (Medical and Health)	950
510000	Travel (Local Mileage)	1,700
516020	Professional Services Dues/Fees	31,900
561410	Equipment (Lab & Tech)	4,000
	TOTAL APPROPRIATIONS:	\$105,000

and be it further

RESOLVED, that a position of Project Coordinator – Rural Solid Waste (JG-11) be created in the grant fund of the Erie County Department of Environment and Planning (B-100 #2367) for the implementation of the Program; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; the Director of Personnel; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

8. **COMM. 15E-35 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has requested that a competitive, civil service position of Assistant Deputy Commissioner-Sewerage Management Administration Job Group 16, be created in the Division of Sewerage Management to direct the Division's efforts in budgeting, accounting, tax and personnel functions, grant administration, negotiations with communities for mergers of services, staff training and career development, public outreach and education, labor relations, and related support; and

WHEREAS, the newly created position will be funded by eliminating two vacant positions (1) Senior Wastewater Treatment Plant Operator, Job Group 9; and (1) Part-Time Wastewater Treatment Plant Operator II, Job Group 7, within the Division that the Division does not have intentions of filling; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control Number 2240 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of the position of Assistant Deputy Commissioner-Sewerage Management Administration, Job Group 16 in the Division of Sewerage Management be approved; and be it further

RESOLVED, that the elimination of (1) Senior Wastewater Treatment Plant Operator, Job Group 9; and (1) Part-Time Wastewater Treatment Plant Operator II, Job Group 7, be approved; and be it further

RESOLVED, that certified copies of the approved resolution be sent to the County Executive, the Erie County Budget Office, the Erie County Comptroller, the Director of Personnel and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(4-0)

9. COMM. 15E-40 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, a 14% reduction in federal funding has occurred in these programs since 2005 requiring implementation of cost saving measures that would lessen the grant's administrative budget; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$17,500 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$21,000; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Cost Center 1621120, GL Account 516020; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel, and the Director of the Division of Budget, Management, and Finance.

(4-0)

10. COMM. 15E-53 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency has passed a resolution to dissolve; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency wishes to dissolve the Agency with Erie County Sewer District No. 3 taking on the duties, responsibilities, assets and contractual services and agreements of the Erie County/Southtowns Sewage Treatment Agency that may exist; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers has passed a resolution to accept the duties, responsibilities, assets and liabilities of Erie County Southtowns Sewage Treatment Agency upon dissolution of the Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is authorized to make all budgetary changes required to effectuate the Agreement; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement to dissolve the Agency, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Deputy Commissioner, Department of Environment and Planning and Gregory Dudek, Assistant County Attorney.

(4-0)

11. COMM. 15E-55 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-D, Electrical, to Tunney Electric, Inc. for the disinfection improvements at the Lackawanna and Southtowns Sewage Treatment Plants; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 6ST-D, Electrical, in the final contract amount of \$279,595.76 which includes Change Order No. 2 (final), an increase of \$3,848.56 in the Southtowns Bond Account C.00038 and a

decrease of \$3,413.05 in the Erie County Sewer District No. 6 Bond Account C.00037 for a net increase of \$435.51, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-D, Electrical, between the County of Erie and Tunney Electric, Inc., 8565 Roll Road, Clarence Center, NY 14022 is accepted in the amount of \$279,595.76, which includes Change Order No. 2 (final), an increase of \$3,848.56 in the Southtowns Bond Account C.00038 and a decrease of \$3,413.05 in the Erie County Sewer District No. 6 Bond Account C.00037 for a net increase of \$435.51, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6ST-D, Electrical, between the County of Erie and Tunney Electric, Inc. in the amount of \$279,595.76 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and James Hartman, Director of Budget and Management.
(4-0)

12. **COMM. 15E-58 (2006)**
COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 2, 2006 for the purpose of meeting to hear and consider any objections which may be made to the 2007 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 1, 2006; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, Mark Poloncarz, County Comptroller, and Gregory Dudek Assistant County Attorney.
(4-0)

13. **COMM. 15E-60 (2006)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Blasland, Bouck & Lee, Inc. to provide an evaluation of the Erie County Sewer District No. 4 Sluice Gate at Nash Road; 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 December 12, 2002 with Blasland, Bouck & Lee, Inc., in the amount of \$36,031.60.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated December 12, 2002 between Erie County Sewer District No.4 and Blasland, Bouck & Lee, Inc., be formally closed-out in the final amount of \$36,031.60; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the Erie County Sewer District No. 4's Capital Account No. C.00031, between Erie County Sewer District No. 4. and Blasland, Bouck & Lee, Inc.; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning; and one (1) certified copy each to the County Executive; the Director of Budget and Management; the Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.
(4-0)

14. **COMM. 15E-61 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 1ST-D, Electrical, to O'Connell Electric Company for the sand filter improvements at the Southtowns Sewage Treatment Plant; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 1ST-D, Electrical, in the final contract amount of \$154,702.64 which includes Change Order No. 2 (final), a decrease of \$7,664.22 in the Southtowns Bond Account C.00038, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 1ST-D, Electrical, between the County of Erie and O'Connell Electric Company, 830 Philips Road, Victor, New York 14564 is accepted in the amount of \$154,702.64, which includes Change Order No. 2 (final), a decrease of \$7,664.22 in the Southtowns Bond Account C.00038, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 1ST-D, Electrical, between the County of Erie and O'Connell Electric Company in the amount of \$154,702.64 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, Gregory Dudek, Assistant County Attorney and the Director of Budget and Management.
(4-0)

15. COMM. 15E-65 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-B, HVAC, to John W. Danforth Company for the disinfection improvements at the Big Sister Creek Sewage Treatment Plant; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 66STP-B, HVAC, in the final contract amount of \$47,448.00 which includes

Change Order No. 1 (final), an increase of \$3,448.00 in the Erie County Sewer District No. 2 Bond Account C.00013, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-B, HVAC, between the County of Erie and John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, NY 14150 is accepted in the amount of \$47,448.00, which includes Change Order No. 1 (final), an increase of \$3,448.00 in the Erie County Sewer District No. 2 Bond Account C.00013, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 66STP-B, HVAC, between the County of Erie and John W. Danforth Company in the amount of \$47,448.00 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, Gregory Dudek, Assistant County Attorney and the Director of Budget and Management.
(4-0)

THOMAS J. LOUGHRAN
CHAIRMAN