

JANUARY 17, 2008

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 4-3 (2007)
WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR: Renegotiation of City and County Parks Agreement
(6-0)
 - b. COMM. 8D-5 (2007)
LEGISLATURE CHIEF OF STAFF: Environmental Group Proposals
(6-0)
 - c. COMM. 11D-8 (2007)
PUBLIC WORKS: Park Superintendent Houses
(6-0)
 - d. INTRO 12-5 (2007)
REYNOLDS: Erie County Forestland Resource Management Proposal
(6-0)
 - e. INTRO 12-6 (2007)
REYNOLDS: Support for Federal Funding Great Lakes Act
(6-0)
 - f. COMM. 14M-6 (2007)
CHEEKTOWAGA TOWN BOARD: Certified Resolution Re: Support Dedication of County Forest Preserves as Parklands
(6-0)
 - g. COMM. 20E-2 (2007)
MILLS: Copy of Letter to Loughran Re: Appointment of a Commissioner to the ECWA
(6-0)
 - h. COMM. 21E-29 (2007)
MARINELLI: Letter to Clerk of the Legislature Re: Appointment of Commissioner to the ECWA
(6-0)

- i. COMM. 21M-12 (2007)
ECWA: Copy of Advertisement Appearing in 9/12/07 Buffalo News
(6-0)
- j. COMM. 22E-7 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Proposed Transfer/Lease of the Remaining - Town of Sewer Districts - Sanitary Sewer Assets
(6-0)
- k. COMM. 26E-15 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Engineering Agreement Dated 8/22/05 - Parsons Engineering - Change Order No. 1
(6-0)
- l. COMM. 1E-16 (2008)
COUNTY EXECUTIVE: Copy of Letter to Roger Kelly Re: Appointment of Erie County Representative to Erie County Greenway Fund Standing Committee
(6-0)

2a. COMM. 2E-11 (2007) **AS AMENDED**
COUNTY EXECUTIVE
WHEREAS, the State Comptroller has made an order, in duplicate, dated January 3, 2008, granting permission for the establishment of Erie County Sewer District No. 8, one copy of which has been duly filed in the office of the Clerk of this Legislature; and

WHEREAS, it is now desired to adopt an order pursuant to Section 258 of the County Law establishing said County Sewer District; NOW, THEREFORE,

IT IS HEREBY ORDERED, by the Legislature of the County of Erie, New York, as follows:

Section 1. A County Sewer District in the County of Erie, New York, to be designated and known as Erie County Sewer District No. 8, is hereby established in accordance with the aforesaid order of the State Comptroller. Said District shall comprise the area in said County consisting of parts of the Town of Aurora, and the Village of East Aurora, more particularly bounded and described as follows:

All that tract or parcel of land situate in the Town of Aurora and the Village of East Aurora, County of Erie, State of New York, and lying within Township 9, Range 6, Lots 14, 15, 16, 20, 21, 22, 24, 28, 29, 30, 31, 32, 38, 39 and 40 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point in the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way, said point being 521 feet northwesterly from the centerline of Bowen Road as measured along the centerline of said Buffalo Road, said point also being the northwest corner of SBL 164.00-1-31 as described in Liber 11065 page 58; thence easterly along the northerly line of said SBL 164.00-1-31 a distance of 250 feet to a point; thence southeasterly along the easterly line of said SBL 164.00-1-31 and continuing southeasterly on an extension thereof a distance of 241 feet to a point on the northerly line of SBL 164.00-1-33 as described in Liber 9286 page 635, said point being 250 feet east of the centerline of Buffalo Road as measured along said northerly line; thence easterly along said northerly line a distance of 157 feet to a point, said point being the most northerly corner of said SBL 164.00-1-33; thence southerly along the easterly line of said SBL 164.00-1-33 a distance of 280 feet to a point in the centerline of Bowen Road as a 66 foot wide County right-of-way, said point being the southeast corner of said SBL 164.00-1-33 and also being on the boundary line between the Town of Aurora and the Village of East Aurora, as annexed November 26, 1984; thence easterly along the said centerline of Bowen Road and said boundary line, the following (2) distances (1) 144.10 feet, (2) 259.07 feet to a point at the most northerly corner of SBL 164.65-1-1 as described in Liber 9417 page 651; thence continuing to follow said Town and Village boundary line the following (4) courses, (1) southeasterly 495± feet, (2) easterly 1013± feet to a point at the southwest corner of SBL 164.15-2-41.1 as described in Liber 10644 page 2, (3) north 298.35± to a point at the southwest corner of SBL 164.15-4-9 as described in Liber 10961 page 5005, (4) easterly 257.66± feet to a point at the southwest corner of SBL 164.15-4-11.12 as described in Liber 11010 page 4215; thence northerly along the west line of said SBL 164.15-4-11.12 a distance of 130.0± feet to a point at the northwest corner of said SBL 164.15-4-11.12; thence easterly along the north line of said SBL 164.15-4-11.12 a distance of 266.36± feet to a point on the centerline of Hamlin Avenue as a 50 foot wide Town right-of-way; thence northerly along the said centerline of Hamlin Avenue a distance of 51± feet to the point of intersection with the centerline of Beechwood Ave as a 50 foot wide Town right-of-way; thence easterly along said centerline of Beechwood Ave a distance of 327± feet to a point on the east right-of-way of Willow Street as a 50 foot wide right-of-way, said point being 25 feet south of the north right-of-way of Beechwood Ave; thence northerly along said east right-of-way of said Willow Street a distance of 25 feet to a point at the northwest corner of SBL 164.15-3-22 as described in Liber 10904 page 2706, said point also being on the north right-of-way of said Beechwood Ave; thence easterly along the north line of said SBL 164.15-3-22 a distance of 185.3± feet to a point at the northeast corner of said SBL 164.15-3-22; thence southerly along the east line of said SBL 164.15-3-22 a distance of 195.01± feet to a point at the southeast corner of said SBL 164.15-3-22; thence easterly a distance of 1166± feet to a point at the northeast corner of SBL 164.15-3-11 as described in Liber 10911 page 1701, said point also being on the centerline of Maple Road as a 60 foot wide County right-of-way; thence northerly along the said centerline of Maple Road a distance of 24± feet to a point at the southwest corner of SBL 164.16-4-41.1 as described in Liber 6645 page 589; thence easterly along the south line of said SBL 164.16-4-41.1 the following distances, 248.5 feet and 422.5± feet to a point at the most northeasterly corner of SBL 164.16-4-40.12 as described in Liber 10637 page 46; thence following the boundary line of said SBL 164.16-4-40.12 southerly a distance 40.2 feet and easterly a distance of 40± feet to a point at the northwest corner of SBL 164.16-4-36.1 as described in Liber 10960 page 3319; thence easterly along the north line of said SBL 164.16-4-36.1 a distance of 346.19± feet to a point on the centerline of Ruskin Ave as a 60

foot wide Town right-of-way; thence northerly along the said centerline of Ruskin Ave a distance of 136± feet to a point on the south line of Map Cover 2013; thence easterly along the south line of said Map Cover 2013 a distance of 825± feet to a point at the southeast corner of said Map Cover, said point also being the westerly line of lands of Conrail, (formerly Penn Central Railroad); thence southerly along said westerly line of said lands of Conrail a distance of 570± feet to a point on the north line of the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north, said point also being the southeast corner of SBL 164.16-4-32.1 as described in Liber 10995 page 2135; thence along the boundary line between the Village of East Aurora and the Town of Aurora the following (15) courses: (1) easterly 127± feet, (2) northerly 122.6± feet, (3) northerly 446.57 feet, (4) easterly 20± feet, (5) northerly 1132.6± feet, (6) northerly 632.9± feet, (7) easterly 1643± feet to the west line of Farm Lot 16, (8) northerly 73.8± feet along the west line of said Farm Lot 16, (9) northeast 328.9± feet, (10) northeast 441.9± feet to the boundary line between the Town of Aurora and the Town of Elma, (11) easterly 229.5± feet along said boundary line, (12) southerly 974.9± feet, (13) westerly 102.59± feet, (14) southerly 813.8± feet, (15) westerly 706.8± feet to a point on the center line of Pine Street as a 66 foot wide County right-of-way; thence northerly along said center line a distance of 187± feet to a point at the northeast corner of SBL 165.13-3-1.2 as described in Liber 11073 page 6695; thence westerly along the north line of said SBL 165.13-3-1.2 also being the boundary line between the Village of East Aurora and the Town of Aurora a distance of 608.88 feet to a point; thence southerly continuing along said boundary line a distance of 1332.68 feet to a point; thence easterly along said boundary line a distance of 639.98 feet to the centerline of Pine Street as a 66 foot wide County right-of-way; thence southerly along said centerline of Pine Street a distance of 62± feet to a point; thence easterly along the boundary line between the Village of East Aurora and the Town of Aurora a distance of 731± feet to the centerline of Dorchester Road as a 49.5 foot wide Town right-of-way; thence northerly along the said centerline of Dorchester Road a distance of 100± feet to a point at the northwest corner of SBL 165.13-4-32 as described in Liber 7612 page 291; thence easterly along the north line of said SBL 165.13-4-32 a distance of 307.5± feet to a point at the northeast corner of said SBL; thence southerly along the east line of said SBL a distance of 100± feet to a point on the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north; thence along said boundary line between the Village of East Aurora and the Town of Aurora the following (14) courses: (1) easterly 608± feet to the easterly line of SBL 165.17-3-1 as described in Liber 10458 page 59, (2) northeasterly 139± feet to the centerline of Martin Drive as a 50 foot wide Town right-of-way, (3) northwesterly along said centerline of Martin Drive 178± feet to its intersection with the centerline of Lawrence Avenue as a 49.5 foot wide Town right-of-way, (4) northeasterly along said centerline of Lawrence Avenue 95± feet to the southwest corner of SBL 165.14-4-7 as described in Liber 10374 page 484, (5) easterly 537.33± feet to the southeast corner of SBL 165.14-4-10 as described in Liber 10889 page 4001, (6) northerly 235.25 feet along said east line of said SBL 165.14-4-10, (7) easterly 1710.52± to the east line of Farm Lot 16 and also being the southeast corner of SBL 165.14-4-32 as described in Liber 10980 page 7866, (8) southerly 1776.0± feet along said east Farm Lot line to the southeast corner of sub lot 21 of Map Cover 2402 and also being the west line of the Aurora Expressway (Route 400), (9) southwesterly 271.49± feet along the west line of the Aurora Expressway to the southeast corner of Map Cover 2402, (10) westerly 675.59± feet to the northwest corner of SBL 165.18-4-2.11 as described in Liber 9007 page 453, (11) south 164.33 feet, (12) west 58.72 feet, (13) south

491.04± feet along the west line of said SBL 165.18-4-2.11 and an extension thereof to a point on the centerline of Main Street (Route 20A) as a 66 foot wide State right-of-way; (14) westerly 326± feet along said centerline of Main Street to a point, said point being the northwest corner of SBL 176.06-2-5 as described in Liber 10356 page 159; thence southerly leaving the said Town and Village boundary line along the west line of said SBL 176.06-2-5 a distance of 236± feet to a point at the southwest corner of said SBL; thence easterly a distance of 101.3± feet to a point at the southeast corner of said SBL 176.06-2-5, said point also being on the west line of SBL 176.06-2-6 as described in Liber 10929 page 8368; thence southerly along said west line a distance of 40± feet to the northwest corner of SBL 176.00-1-21.111 as described in Liber 11076 page 31; thence southerly following the west line of said SBL 176.00-1-21.11 the following (3) distances, (1) 235.50, (2) 719.65, (3) 1164.50 to a point at the northwest corner of SBL 176.10-3-50.11 as described in Liber 10964 page 1418 Schedule A; thence southerly along the west line of said SBL 176.10-3-50.11 a distance of 221.55 feet to a point on the north line of a parcel labeled "B" "exception to subdivision" on Map Cover 2588, said point described in Liber 10964 page 1401 and being part of said SBL 176.10-3-50.11; thence westerly following along said parcel "B", a distance of 226.62 feet to the easterly right-of-way of Victoria Heights as a 60 foot wide road; thence southerly along said easterly right-of-way of said road a distance of 1.17 feet and 50.48 feet to a point at the southwest corner of said parcel "B"; thence easterly along said south line of Parcel "B" as distance of 278.93 feet; thence northerly 36.46 feet to a point at the northwest corner of sub lot 23 as shown on said Map Cover 2588; thence easterly along said north line of said Map Cover a distance of 509.26 feet to a point, said point being the northeast corner of sub lot 22 of said Map Cover 2588, said point also being on the west line of the Aurora Expressway (Rt. 400); thence southerly along the east line of said Map Cover 2588 and the west line of said Aurora Expressway a distance of 978.74 feet and 299.15 feet to a point on the north line of Farm Lot 14, said point also being the southeast corner of Map Cover 2588; thence westerly along the north line of said Farm Lot 14 a distance of 3428± feet to a point on the westerly line of lands of Conrail, (formerly Penn Central Railroad), said point also being on the east line of SBL 176.00-1-31.1 as described in Liber 10240 page 521; thence southeasterly along the westerly line of lands of Conrail a distance of 1460± feet to a point on the centerline of Lapham Road as a 66 foot wide County right-of-way; thence westerly along said centerline of Lapham Rd a distance of 668± feet to a point on the centerline of Olean Road (Route 16) as a 66 foot wide State right-of-way; thence southerly along the said centerline of Olean Road a distance of 44± feet to a point on the easterly extension of the southerly line of SBL 175.00-2-27.31 as described in Liber 11016 page 9368; thence westerly along said easterly extension and the southerly line of said SBL 175.00-2-27.31 the following (3) courses: (1) westerly 275± feet, (2) northerly 125.26 feet, (3) westerly 231.75 feet to a point at the most westerly corner of said SBL 175.00-2-27.31, said point also being on the easterly line of SBL 175.00-2-27.12 as described in Liber 10956 page 1708; thence following along the boundary line of said SBL 175.00-2-27.12 the following (5) courses: (1) northeasterly 55.44 feet to a point at the southwest corner of SBL 175.00-2-19.2 as described in Liber 11068 page 1385 as parcel "D", (2) northerly 521.92 feet along the westerly line of said SBL 175.00-2-19.2 to a point at the northwest corner of said SBL 175.00-2-19.2, (3) easterly a distance of 472.02 feet to a point on the east line of Farm Lot 22, said point also being the northeast corner of SBL 175.00-2-19.1 as described in Liber 11068 page 1385 as Parcel "C" (4) northerly 60 feet along said Farm Lot line to the southeast corner of SBL 176.13-1-13.1 as described in Liber 11018 page 6833, (5) westerly 269.15 feet to

the southeast corner of SBL 175.00-2-20.12 as described in Liber 8985 page 253; thence northerly along the east line of said SBL 175.00-2-20.12 a distance of 408.76 feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL 175.00-2-20.12 and its extension westerly a distance of 791 feet to a point at the northwest corner of SBL 175.00-2-27.2 as described in Liber 10956 page 1719, said point also being the southwest corner of SBL 176.13-1-1 as described in Liber 11055 page 731; thence northerly along the west line of said SBL 176.13-1-1 a distance of 250.2 feet to a point on the north line of Farm Lot 22, said line is also the center line of South Street as a 49.5 foot wide right of way, said point is the northwest corner of said SBL 176.13-1-1; thence westerly along the north line of said Farm Lot 22 and the centerline of South Street a distance of 26 feet to a point, said point being the northeast corner of SBL 175.16-1-17.2 as described in Liber 10909 page 9530; thence southerly following the east line of said SBL 175.16-1-17.2 and its extension a distance of 695.17 feet to a point, said point being the southeast corner of sub lot No. 9 under Map Cover No. 2193; thence westerly along the south line of said sub lot No. 9 a distance of 160.08 feet to a point where the south line of sub lot No. 9 intersects the east line of sub lot No. 10 under said Map Cover No. 2193; thence southeasterly along said east line of sub lot No. 10 a distance of 238.16 feet to the southeast corner of said sub lot; thence westerly following the south line of Map Cover 2193 a distance of 786.22 feet to a point at the southwest corner of sub lot No. 16 of said Map Cover 2193, said point also being on the east line of sub lot No. 5 under Map Cover No. 2161; thence southerly along said east line of said sub lot No. 5 a distance of 128.31 feet to the southerly corner of said sub lot; thence westerly along the south line of said sub lot No. 5 a distance of 143.41 feet to a point, said point being on the west line of SBL 175.00-2-27.12; as described in Liber 10956 page 1708; thence southerly along the west line of said SBL 175.00-2-27.12 a distance of 355.04 feet to a point; thence easterly along said SBL a distance of 230.0 feet to a point in the centerline line of Cazenovia Creek, said point also being on the west line of said SBL 175.00-2-27.12, said point also being the northeast corner of SBL 175.00-2-18 as described in Liber 10957 page 6286; thence southerly along the east line of said SBL a distance of 939± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.00-2-18 a distance of 1725.0± feet to a point at the northwest corner of SBL 175.04-1-19.13 as described in Liber 9496 page 225; thence southerly along the west line of said SBL 175.04-1-19.13 a distance of 471.74± feet to a point at the southwest corner of said SBL; thence easterly along the southerly line of said SBL 175.04-1-19.13 and its extension easterly a distance of 837.28 feet to a point at the northeast corner of SBL 175.04-1-19.2 as described in Liber 10420 page 98; thence southerly along the east line of said SBL 175.04-1-19.2 a distance of 445± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.04-1-19.2 a distance of 519± feet to a point at the northwest corner of SBL 175.04-1-12 as described in Liber 10988 page 5132; thence southerly along the west line of said SBL 175.04-1-12 a distance of 228.39 feet to a point on the centerline of Hubbard Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 21; thence westerly along the said centerline of said Hubbard Road a distance of 217.7± feet to a point at the northwest corner of SBL 187.02-1-42 as described in Liber 10984 page 3353; thence southerly along the west line of said SBL 187.02-1-42 a distance of 582.8 feet to a point at the southwest corner of said SBL 187.02-1-42, said point also being the southeast corner of SBL 187.00-1-41.1 as described in Liber 8369 page 347; thence easterly along the south line of said SBL 187.02-1-42 a distance of 250± feet to a point at the southeast corner of said SBL, said point also being on the west line of SBL 187.02-1-40 as

described in Liber 10970 page 9829; thence following along the property line of said SBL 187.02-1-40 the following (10) courses: (1) north 332.8± feet, (2) east 631.4± feet, (3) north 26.0± feet, (4) east 200.0± feet, (5) south 26.0± feet, (6) east 228.40± feet, (7) north 217.0± feet to the south right-of-way of said Hubbard Road, (8) east along said south right-of-way 60± feet, (9) south 217.0± feet, (10) east 250± feet to a point at the northeast corner of said SBL 187.02-1-40; thence southerly along east line of said SBL 187.02-1-40 and its continuation southerly a distance of 2905± feet to a point at the southeast corner of SBL 175.00-3-21.1 as described in Liber 10883 page 1208; thence westerly along the south line of said SBL 175.00-3-21.1 a distance of 1211.43± to a point at the southeast corner to SBL 175.00-3-21.21 as described in Liber 10892 page 470 and Liber 10873 page 7845; thence northerly along the easterly line of said SBL 175.00-3-21.21 a distance of 150 feet to a point at the northeast corner of said SBL 175.00-3-21.21; thence westerly along the north line of said SBL 175.00-3-21.21 a distance of 803 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way and also being on the west line of Farm Lot 21; thence southerly along said centerline and said Farm Lot line a distance of 52 feet to a point at the northwest corner of SBL 175.00-3-20.1 as described in Liber 7717 page 423; thence easterly along the north line of said SBL a distance of 250 feet to the northeast corner of said SBL 175.00-3-20.1; thence southerly on a line parallel with the west line of Farm Lot 21 a distance of 723.03 feet to a point at the southwest corner of SBL 175.00-3-19.21 as described in Liber 11044 page 9957, said point also being in the centerline of Sweet Road as a 66 foot wide County right-of-way and also being the south line of Farm Lot 21; thence westerly along said line a distance of 62.97 feet to a point, said point being 187.03 feet east of the west line of Farm Lot 20, said line also being the centerline of Center Street; thence southerly parallel with the west line of Farm Lot 20 a distance of 273.03 feet to a point at the southwest corner of SBL 187.00-3-1.22 as described in Liber 11018 page 4011; thence easterly along the south line of said SBL a distance of 154 feet to a point at the southeast corner of said SBL 187.00-3-1.22; thence southerly parallel with the west line of Farm Lot 20 a distance of 551.32 feet to a point at the southwest corner of SBL 187.00-3-53.121 as described in Liber 10975 page 6862, said point also being on the northerly line of SBL 187.00-3-30 as described in Liber 7619 page 289; thence following along the boundary line of said SBL 187.00-3-30 the following (7) courses: (1) easterly 659± feet, (2) southerly 200 feet, (3) easterly 1100± feet, (4) southerly 795.78 feet, (5) westerly 232.86 feet, (6) southerly 14.12 feet, (7) westerly 1594.14± feet along the south property line of said SBL 187.00-3-30 to a point at the southeast corner of SBL 187.00-3-28 as described in Liber 9555 page 498, said point being 273 feet east of the west line of Farm Lot 20; thence northerly on a line parallel to the west line of Farm Lot 20 a distance of 250 feet to a point at the northeast corner of SBL 187.00-3-29 as described in Liber 8634 page 77; thence westerly along the north line of said SBL 187.00-3-29 a distance of 273 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said point also being on the west line of Farm Lot 20, and also being the northwest corner of said SBL 187.00-3-29; thence southerly along said centerline of Center Street and west line of Farm Lot 20 a distance of 870± feet to a point at the southeast corner of SBL 187.00-2-4 as described in Liber 7522 page 495; thence along the boundary line of said SBL 187.00-2-4 the following (8) courses: (1) westerly 460± feet to a point, said point being the northwest corner of SBL 187.00-2-5 as described in Liber 6512 page 417, (2) southerly 125± feet to a point at the southwest corner of said SBL 187.00-2-5, (3) westerly 1507± feet to a point at the southwest corner of said SBL 187.00-2-4, (4) northerly 1295± feet, (5) easterly 353.1± feet, (6) northerly 915± feet to a point at the southwest

corner of SBL 187.00-2-3 as described in Liber 11009 page 2377, (7) easterly 490.69± feet, (8) northerly 450± feet to a point on the center line of Sweet Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 28 and also being the northeast corner of said SBL 187.00-2-3; thence easterly along said center line of Sweet Road a distance of 226± feet a point at the southeast corner of SBL 187.02-1-17.11 as described in Liber 10924 page 7578; thence northerly along the easterly line of said SBL 187.02-1-17.11 a distance of 1959.85± feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 425± feet to a point at the southwest corner of SBL 187.02-1-9 as described in Liber 10926 page 6868; thence northerly along the west line of said SBL a distance of 182± feet to the northwest corner of said SBL 187.02-1-9; thence easterly along the north line of said SBL 187.02-1-9 a distance of 920 feet to a point at the southeast corner of SBL 87.02-1-3.2 as described in Liber 9162 page 140; thence northerly along the east line of said SBL 187.02-1-3.2 a distance of 622.80 feet to a point on the south line of SBL 187.02-1-3.4 as described in Liber 9162 page 140; thence easterly along the south line of said SBL 187.02-1-3.4 a distance of 400 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said line also being the east line of Farm Lot 29; thence northerly along said line a distance of 40 feet to the northeast corner of said SBL 187.02-1-3.4; thence westerly a distance of 1320 feet to a point at the northwest corner of SBL 187.02-1-3.3 as described in Liber 9162 page 138; thence northerly a distance of 990± feet to a point on the north line of Farm Lot 29, said point being 1330 feet west of the northeast corner of said Farm Lot 29; thence easterly along said Farm Lot 29 a distance of 34± feet to the southwest corner of SBL 175.00-2-12 as described in Liber 7945 page 315; thence northerly along the west line of said SBL 175.00-2-12 a distance of 366.3± feet to the northwest corner of said SBL; thence easterly along the north line of said SBL 175.00-2-12 a distance of 630.0± feet to a point at the southwest corner of SBL 175.00-2-10.122 as described in Liber 10985 page 7857; thence northerly along the west line of said SBL 175.00-2-10.122 a distance of 1244± feet to a point at the northwest corner of said SBL, said point also being on the south line of SBL 175.00-2-29.1 as described in Liber 9064 page 656; thence westerly along the south line of said SBL 175.00-2-29.1 a distance of 167.0± feet to a point at the southwest corner of said SBL; thence northerly along the west line of said SBL 175.00-2-29.1 a distance of 273.06 feet to a point at the southeast corner of SBL 175.00-2-10.2 as described in Liber 10904 page 5996; thence northerly along the east line of said SBL 175.00-2-10.2 a distance of 876.38± feet to the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 247± feet to a point at the southwest corner of SBL 175.00-2-8 as described in Liber 11033 page 8281; thence northerly along the west line of said SBL 175.00-2-8 a distance of 791.9± feet to a point on the centerline of Mill Street as a 66 foot wide right-of-way, said line also being the north line of Farm Lot 30, said point being the northwest corner of SBL 175.00-2-8 and also being the boundary line between the Town of Aurora on the south and the Village of East Aurora on the north; thence westerly along the said north line of Farm Lot 30 a distance of 600± to a point where the Farm Lot intersects the centerline of the section of Mill road that runs north and south; thence southerly along said centerline of Mill Road a distance of 526± feet to a point at the southeast corner of SBL 175.11-3-1 as described in Liber 10893 page 2013, said point also being the boundary line between the Town of Aurora and the Village of East Aurora; thence along the said boundary line the following (6) courses: (1) westerly 840.0 feet, (2) northerly 260 feet, (3) northwesterly 160 feet, (4) westerly 355 feet, (5) northwesterly 118± feet to a point on the north line of Farm Lot 30, (6) westerly 211± feet along said Farm

Lot line to a point on the top of bank on the north side of Cazenovia Creek, said point being the southeast corner of a portion of land annexed to the Village of East Aurora in Liber 9775 page 34; thence along the said annexed land the following (5) courses: (1) southwest 711± feet to a point on the west line of Farm Lot 30, said point being 486.42 feet southerly from the northwest corner of said Farm Lot 30, (2) west 73.26 feet, (3) northwest 1723.14 feet to the southwest corner of SBL 175.00-1-4 as described in Liber 10869 page 8168, (4) northeast 150± feet to southeast corner of said SBL 175.00-1-4, (5) northwest 375± feet to a point on the centerline of Quaker Road, as a State right-of-way with width varying, said point also being the northwest corner of said annexed land and also being the northeast corner of said SBL 175.00-1-4; thence northeasterly along the centerline of said Quaker Road a distance of 419± feet to a point at the southwest corner of SBL 164.00-2-31 as described in Liber 10903 page 9021; thence northwesterly along the west line of said SBL 164.00-2-31 a distance of 1490.50 feet to a point at the northwest corner of said SBL; thence easterly along the north line of said SBL 164.00-2-31 and its extension easterly a distance of 949± feet to a point on the boundary line between the Town of Aurora on the west and the Village of East Aurora on the east, said point being the northeast corner of SBL 175.06-1-4 as described in Liber 5159 page 115 and also being on the west line of Farm Lot 31; thence northerly along the said boundary line a distance of 2825± feet to a point at the northwest corner of the Village of East Aurora, said point also being the northwest corner of SBL 164.19-1-1; thence easterly along the said boundary line between the Town of Aurora on the north and the Village of East Aurora on the south a distance of 126± feet to a point on the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way; thence northwesterly following along said centerline of Buffalo Road a distance of 309± feet to the point or place of beginning.

Section 2. The Clerk of this Legislature is hereby authorized and directed within 10 days of adoption of this order to cause a certified copy of this order to be recorded in the office of the Clerk of the County of Erie, New York, and in the office of the State Department of Audit and Control at Albany, New York, in accordance with the provisions of Section 259 of the County Law.

Section 3. This order shall take effect immediately.
(6-0)

2b. COMM. 2E-11 (2007)
COUNTY EXECUTIVE
RESOLUTION NO. _____-2008

AS AMENDED

BOND RESOLUTION DATED _____, 2008

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ESTABLISHMENT OF ERIE COUNTY SEWER DISTRICT NO. 8; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A

TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 8 TO SAID COUNTY.

(Introduced) _____, 2008

(Adopted) _____, 2008

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 dated January 3, 2008, County Sewer District No. 8 of the County of Erie, New York, has heretofore been established and created on January 3, 2008 to provide sewer services to the Village of East Aurora and a portion of the Town of East Aurora, and

WHEREAS, a petition has been presented and executed on behalf of the Village of East Aurora by the Mayor of said village requesting that all areas within such village be established as a County sewer district; and

WHEREAS, a petition has been presented and executed on behalf of the Town of Aurora by the Supervisor of said town requesting that certain areas within such town be established as a County sewer district; and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed establishment of Erie County Sewer District No. 8 which map, plan, report and estimate of cost have been approved by the Erie County Department of Environment and Planning on June 15, 2005 and 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 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, the maximum estimated cost of the establishment of the Proposed Sewer District is \$4,000,000, to finance the costs of the acquisition of wastewater facilities and the improvements included with the establishment of Sewer District No. 8, to be assessed against a benefited area which consists of the entire area of said Proposed Sewer District; and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the establishment of Erie County Sewer District No. 8, all as more fully described in the report and estimate of cost prepared by County Engineers (Erie County Department of Environment and Planning) on June 15, 2005, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefited area which consists of the entire area of Erie County Sewer District No. 8.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$4,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.
(6-0)

3. COMM. 18E-8 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need for graphic design and printing services to aid in the promotional and advertising elements of the Division's public education and outreach program as necessary; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management completed a professional services selection process, and has recommended Sangini.com, 9 Dickens Avenue, Dix Hills, New York 11746 and Studio i5, 2957 Alt Boulevard, Grand Island, New York 14072.

NOW, THEREFORE, BE IT

RESOLVED, that Sangini.com and Studio i5 be retained at a cost not-to-exceed \$10,000.00 each; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Sangini.com, 9 Dickens Avenue, Dix Hills, New York 11746 and Studio i5, 2957 Alt Boulevard, Grand Island, New York 14072, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED, that funds for this contract be appropriated in the 2007 Sewer Operating Budget, Account 516020 (Professional Services, Contracts and Fees); and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to the County Comptroller, one copy to the Director of Budget, Management and Finance, and one copy to Gregory J. Dudek, Assistant County Attorney.
(6-0)

4. COMM. 21E-16 (2007)
COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has proposed continuation of an Open Item in the Legislature's Energy and Environment Committee to reduce the time required for approval of bond authorization for sewer construction projects.

NOW, THEREFORE, BE IT

RESOLVED, that an Open Item be established in the Energy and Environment Committee of this Legislature for the purpose of considering prerequisite resolutions pertaining to Bond Authorizations and other documents regarding either the Erie County Sewer Districts or the Southtowns Sewage Treatment Agency; 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 Erie County Comptroller, the Director of Budget, Management

and Finance, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney.
(6-0)

5. COMM. 21E-20 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2008 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management is hereby authorized and directed to spread said 2008 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 794,148.39
Sewer District #2	\$ 136,646.65
Sewer District #3	\$1,100,860.73
Sewer District #4	\$ 431,027.68
Sewer District #5	\$ 253,331.20
Sewer District #6	\$1,153,564.08
Sewer District #8	\$ <u>612,891.50</u>
	\$4,482,470.23

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget and Management, Gregory Dudek, Assistant County Attorney and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

6. COMM. 22E-10 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers Housing Programs for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead-based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective September 15, 2000 and require a variety of lead-based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lead-based paint hazard inspection agreement for an amount not to exceed \$110,000, with Stohl Environmental, LLC, funds being available in the Federal Community Development Block Grant and the HOME Investment Partnership Programs; 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 Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Health; The County Comptroller; and the director of the Division of Budget Management and Finance.
(6-0)

7. **COMM. 22E-10 (2007)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers Housing Programs for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead-based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective September 15, 2000 and require a variety of lead-based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lead-based paint hazard inspection agreement for an amount not to exceed \$110,000, with Stohl Environmental, LLC, funds being available in the Federal Community Development Block Grant and the HOME Investment Partnership Programs; 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 Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Health; The County Comptroller; and the director of the Division of Budget Management and Finance.
(6-0)

8. **INTRO 26-4 (2007)** **AS AMENDED**
KOZUB, LOUGHRAN, KONST, WHYTE, MILLS, MARINELLI, REYNOLDS & MILLER-WILLIAMS

WHEREAS, the Division of Sewerage Management's name was legislated in the 1970s to capture the strict function of the Division, that is, management of the sewage system in the County sewer districts; and

WHEREAS, the Division of Sewerage Management is responsible for providing wastewater service to benefited properties within, and in some cases outside of, the Erie County Sewer Districts; and

WHEREAS, the term "sewerage" does not fully capture nor appropriately represent the function of wastewater collection, conveyance and treatment the Division of Sewerage Management executes; and

WHEREAS, the Erie County Charter should be changed to better represent the functions and duties of the Division of Sewerage Management; and

WHEREAS, it is proposed that the Division of Sewerage Management change its name to the Division of Water Quality Management; and

WHEREAS, a proposed Local Law along with copies of the relevant Charter and Code Sections is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature refer this matter to the Energy and Environment Committee to discuss the re-branding of the Division of Sewerage Management to the Division of Water Quality Management proposal in greater detail; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Attorney, Commissioner of the Department of Environment and Planning, and the Deputy Commissioner of Environment and Planning, Division of Sewerage Management.
(6-0)

9. INTRO 1-1 (2008) **AS AMENDED**
REYNOLDS, KOZUB, LOUGHRAN, KONST, WHYTE, MILLS, MARINELLI,
MILLER-WILLIAMS & WROBLEWSKI

WHEREAS, the Great Lakes are the world's single largest source of fresh surface water and although seemingly abundant, fresh water is still relatively limited in quantity and is highly vulnerable to contamination. State and federal policymakers historically have not developed adequate conservation strategies to ensure that the best management practices are in place to effectively shield the Great Lakes from significant degradation. The protection and restoration of the Great Lakes system is instrumental to the region's economy, environment and overall quality of life; and

WHEREAS, since 2001, the Council of Great Lakes Governors (CGLG) has worked to develop a framework of binding agreements among the Great Lakes states and Canadian provinces for managing the Great Lakes resource. The culmination of this effort is the new Great Lakes-St. Lawrence River Basin Water Resources Compact. The agreement details how states and provinces will manage and protect the Great Lakes and St. Lawrence River Basin, including:

- Prohibit new diversions of water from the Basin; limited exceptions could be allowed, such as for public water supply purposes, but would be strictly regulated.
- Establish protection for all the waters of the Great Lakes Basin, including tributary streams, rivers, and the groundwater.
- Preserve the rights of each State to enact stronger protections.
- Direct each State to establish water conservation programs.
- Establish public participation opportunities.
- Enforce a consistent standard to review proposed uses of Great Lakes water.
- Collect and share technical data on the use of Great Lakes water, and promote the sharing of information among Great Lakes states and provinces.
- Develop regional goals for water conservation and efficiency and promote water conservation and efficiency programs in the states and provinces.
- Promote lasting economic development balanced with sustainable water use.
- Recognize the Great Lakes basin as a shared public treasure and commit to continued public involvement in the implementation of policies; and

WHEREAS, Minnesota made history as first state to approve landmark Great Lakes Compact on February 20, 2007, when Governor Pawlenty signed the State Bill into law in Duluth near Lake Superior. The press release stated, "that near the shores of Lake Superior, Governor Tim Pawlenty today signed legislation making Minnesota the first state to formally ratify an interstate compact that will provide unprecedented protections for the GREAT LAKES -ST. LAWRENCE RIVER BASIN;" and

WHEREAS, this resources compact includes a ban on new diversions of water outside the basin with limited exceptions, was endorsed about a year ago by the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. For it to become law, it must be approved by each of the states involved and Congress must give its consent; and

WHEREAS, a recent study report on the effects of global warming on the Great Lakes has recently been issued by the National Wildlife Foundation, which presents the findings of various research groups and concludes that the Lake Erie water level could be nearly two feet lower by 2030 as a result of climate change and the increased demand for water associated with it; and

WHEREAS, the Hamburg Town Board, The Hamburg Shoreline Revitalization Committee, and the Erie County Legislature are very concerned about this situation and the adverse effects that it would result in our shoreline, drinking water systems, shipping, boating, fishing and the other recreational uses; and

WHEREAS, the Great Lakes-St. Lawrence River Basin Water Resources Compact has been developed by representatives of the eight States that border the Great Lakes, and endorsed by the Governors of each of the eight States. When enacted, this Compact will set environmental standards for managing new or increased water withdrawal proposals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Great Lakes-St. Lawrence River Basin Water Resources Compact, requests the New York State Legislature and United States Congress to ratify the Compact as soon as possible, in order to help preserve, protect, and restore the Great Lakes, and prevent the diversion of water from the Great Lakes to other parts of the country; and be it further

RESOLVED, that the Legislature Clerk is requested to send certified copies of this resolution to Senator Charles Schumer, Senator Hilary Clinton, Congressman Brian Higgins, Congresswomen Louise Slaughter, Congressman Thomas Reynolds, Governor Elliot Spitzer, WNY Senators William Stachowski, Dale Volker, Antoine Thompson, Mary Lou Rath and WNY Assembly Members Robin Schimminger, Crystal Peoples, Jack Quinn, Michael Cole, Dennis Gabryszak, Sam Hoyt, Mark Schroeder, James Hayes and the four Co-Chairpersons of the Congressional Great Lakes Task Force (Congressman Vernon Ehlers,

John Dingell, and Mark Kirk, and Congresswoman Louise Slaughter), the Canadian Ambassador to the United States Buffalo Office, and to the New York State Association of Counties.
(6-0)

10. COMM. 1E-27 (2008)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Holly A. Sinnott to the position of Commissioner of Environment and Planning.
(6-0)

DANIEL M. KOZUB
CHAIRPERSON