



JOHN FENZ
TOWN ATTORNEY
jfenz@twsny.org

TOWN OF WEST SENECA

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

TO: The Honorable Town Board

FROM: John J. Fenz, Esq.
Town Attorney

DATE: June 25, 2015

RE: National Grid's Gardenville Substation project
Agreement to Fund Wetland Mitigation

Kindly authorize the Supervisor to execute the necessary documents to enter into an Agreement with National Grid for funding of wetland mitigation support actions. Pursuant to this Agreement, National Grid would contribute \$80,000 to the Town to fund planning and execution of certain component's of National Grid's compensatory wetland mitigation plan.

National Grid is currently before the Planning Board with an application for site plan approval for property located at 885 Indian Church Road for rebuilding an existing electrical substation and realignment of electrical transmission lines. A portion of this project disturbs wetlands and rather than commence wetland mitigation support actions onsite, with the aid of the Town's Environmental Commission, National Grid has elected to mitigate offsite at a more meaningful location.

JUN 29 2015



Agreement

PARTIES: Town of West Seneca, 1250 Union Road, West Seneca NY 14224;

and

National Grid, 300 Erie Boulevard West, Syracuse, NY 13202

SUBJECT: National Grid's Gardenville Substation Project
Funding of Wetland Mitigation Support Actions

DATE: June 29, 2015

National Grid is upgrading and improving its existing Gardenville Electric Substation complex (the "Project") located on Indian Church Road in the Town of West Seneca. As part of that work, National Grid has developed a wetland mitigation plan to compensate for the temporary and permanent impacts to state and federally regulated wetlands on the Project site.

This Agreement between National Grid and the Town of West Seneca (the "Town") acknowledges a monetary contribution from National Grid to the Town in the amount of Eighty Thousand Dollars (\$80,000.00) made on or August 1, 2015 to fund the Town's planning and execution of certain components in support of National Grid's compensatory wetland mitigation plan. Actions to be undertaken by the Town include the following:

- The development of a timber frame wetland viewing platform to be located either at Town of West Seneca lands at the Buffalo Creek Oxbow or on National Grid lands immediately north of Meyer Road in the Town of West Seneca. Both locations would provide enhanced public access to wetland areas;
- The planting of low growing (under 10 ft. maximum height) shrubs along the banks of Buffalo Creek within the National Grid transmission line corridor directly north of Mineral Springs Road. The stream bank plantings will extend approximately 100 ft. along both sides of the stream and are intended to stabilize the stream banks at that location, enhance stream bank wildlife habitat, shade a portion of the Buffalo Creek channel and provide a visual break along the transmission corridor; and
- The removal of invasive shrub species at the Buffalo Creek fishing access on Indian Church Road adjacent to the abandoned railroad bridge directly across from the Gardenville Station. Invasive shrub species will be removed in favor of planting selected native shrub species to enhance the site aesthetics and habitat potential.

The above-listed work will be undertaken directly by Town staff and/or by contract labor with oversight by Town staff between June 2015 and June 2017; the parties acknowledge that completion of the work within this timeframe is both necessary and desirable. Materials (both lumber and plant materials) and design will be procured by the Town using the specified funds contributed by National Grid. The Town reserves the right to use the contributed funds to leverage additional funding opportunities by third parties to further support the noted actions.

National Grid

By: _____

Title: _____

Date: _____

Town Of West Seneca

By: _____

Title: _____

Date: _____