

May 3, 2012

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23D-2 (2011)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Botanical Gardens Cistern Installation Project"
(6-0)
 - b. COMM. 1D-6 (2012)
COMPTROLLER'S OFFICE: "Letter to County Executive Including Audit Report of the EC Tow Path Park Development Project for Period of 11/18/2002 - 12/31/2009"
(6-0)
 - c. COMM. 5E-7 (2012)
GRANT: "Letter to Legislator McCracken Concerning Appointment of Commissioner to the EC Water Authority"
(6-0)
 - d. COMM. 5E-8 (2012)
GRANT: "Letter to Clerk of Legislature Concerning Appointment of Commissioner to the EC Water Authority"
(6-0)
 - e. COMM. 6E-9 (2012)
COUNTY EXECUTIVE: "ECSD Nos. 1, 3, 4 & 5 - Engineer Term Contract Agreement"
(6-0)
 - f. COMM. 6D-1 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Rush Creek Interceptor & Elimination of Pumping Stations & Blasdell Wastewater Treatment Plant - SEQR Notification"
(6-0)
 - g. COMM. 6D-5 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Lease of USCG Property & Related Improvements - SEQR Notification"

- h. (6-0)
COMM. 6M-14 (2012)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - Wide Beach Community, Brant, NY"
(6-0)
- i. COMM. 6M-18 (2012)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - 110 Furhmann Blvd., Buffalo, NY"
(6-0)
- j. COMM. 6M-19 (2012)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Legislature Concerning Receipt of Resolution Regarding a Report & Plan to Modify EC Agricultural District No. 2"
(6-0)
- k. COMM. 7M-4 (2012)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - 110 Furhmann Blvd., Buffalo, NY 14202"
(6-0)
- l. COMM. 8E-17 (2012)
COUNTY EXECUTIVE: "ECSD Nos. 1,2,4 & 5 - Engineer Term Agreement - LiRo Engineers, Inc."
(6-0)
2. COMM. 7E-2 (2012)
COUNTY EXECUTIVE
WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Village of Hamburg; and

WHEREAS, Erie County Sewer District No. 3 needs to acquire a permanent .06± acre and a temporary .06± acre easement (SBL 183.15-5-1) adjacent to the McKinley Pumping Station for the future construction of sanitary sewers to enable the elimination of the existing pumping station; and

WHEREAS, an independent appraisal has been prepared of the easement area for Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 3 be authorized to acquire said easements adjacent to the McKinley Pumping Station owned by James Appolson (SBL 183.15-5-1) for the sum not to exceed \$50,000.00, with documents subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$50,000.00 from Erie County Sewer District No. 3, Sewer Capital C.00062; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Kristen Walder, Assistant County Attorney.

(6-0)

3. COMM. 7E-3 (2012)
COUNTY EXECUTIVE

WHEREAS, the County of Erie/Erie County Sewer District No. 3, as stated in an Inter-Municipal Agreement (February 2005) owns and operates the Village of Hamburg's sanitary sewer collection system; and

WHEREAS, the Village has entered into an Order on Consent (hereinafter also referred to as "ORDER") with the New York State Department of Environmental Conservation (hereinafter referred to as "NYSDEC") for the reduction of sanitary sewer overflows; and

WHEREAS, in response to the ORDER, the Village has agreed to complete projects to restore and rehabilitate the sanitary sewer collection system formerly owned and operated by the Village; and

WHEREAS, one such project will eliminate the Charlotte, Sherburn and McKinley Pumping Stations and demolish the Brookwood Pumping Station; and

WHEREAS, the Inter-Municipal Agreement executed on February 17, 2005 between the Village and the County states the Village shall be the contracting entity for engineering and construction work related to the Village Collection System and the County shall serve as the Village's agent for implementation of said work; and

WHEREAS, a construction contractor must be retained for the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project; and

WHEREAS, the Village and County agree that construction of the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project would be more efficiently and effectively administered directly by the County rather than by the County acting as agent for the Village; and

WHEREAS, the Village and County are desirous that the County shall be the contracting entity for services related to construction of the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project; and

WHEREAS, the Village will reimburse the County for the costs related to the construction of the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Inter-Municipal Agreement between the County, on behalf of Erie County Sewer District No. 3 and the Village of Hamburg for reimbursement of construction costs related to the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Inter-Municipal agreement with the Village of Hamburg subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Kristen Walder, Assistant County Attorney; and Hon. Thomas Moses, Mayor, Village of Hamburg.
(6-0)

4. COMM. 7E-4 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 65 to Pinto Construction Services, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 65 in the amount of \$83,977.45 which includes Change Order No. 1 (final), a decrease of (\$13,435.05) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 65 between the County of Erie and Pinto Construction Services, Inc., 1 Babcock Street, Buffalo, New York 14210, be accepted in the amount of \$83,977.45 which includes Change Order No. 1 (final), a decrease of (\$13,435.05); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 65 between the County of Erie and Pinto Construction Services, Inc. in the amount of \$83,977.45; as follows \$26,994.50 in Erie County Sewer District No. 1 Bond Account No. C.00057 and \$56,982.95 in Erie County Sewer District No. 3 Bond Account No. C.00062 and return the unused portion of \$13,435.05 to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Erie County Comptroller's Office; Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10th floor.
(6-0)

5. COMM. 8E-5 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Environmental Management Council for a term expiring 5/31/2013:

Ms. Jennifer Lougen-Wiertel
8390 Wehrle Drive
Clarence, New York 14031

(6-0)

6. COMM. 8E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 11ST to Hohl Industrial Services, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 11ST in the final contract amount of \$345,673.16, which includes Change Order No. 1 (final), a decrease of \$1.84.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 11ST between the County of Erie and Hohl Industrial Services, Inc. 770 Riverview Blvd. Tonawanda, New York 14150, is accepted in the amount of \$345,673.16 which includes Change Order No. 1 (final), a decrease of (\$1.84); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 11ST between the County of Erie and Hohl Industrial Services, Inc. in the amount of \$345,673.16 and make final payment form Erie County Sewer District No. 3 Capital Project C.11302 and return the unused balance to Erie County Sewer District No. 3 Capital Reserve C.00007; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Erie County Comptroller's Office; Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10th floor.
(6-0)

7. COMM. 8E-18 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the Erie County Legislature have previously authorized funding for the Aurora North Interceptor sanitary sewer in the Town of Lancaster and the Town of Cheektowaga; and

WHEREAS, Erie County Sewer District No. 4 needs to acquire a .65 acre permanent easement and a temporary easement for the work area (SBL 115.03-1-58.2 & 59) adjacent to the Flix Theaters for the future construction of sanitary sewers to enable the elimination of the Aurora North Pumping Station; and

WHEREAS, an appraisal based on the Real Property Rolls and applied standard percent reduction for easement acquisition has been prepared for the required easement area.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County/Erie County Sewer District No. 4 be authorized to acquire said easement adjacent to the Aurora North Pumping Station owned by M & B Flix LLC (SBL 115.03-1-58.2 & 59) for the sum not to exceed \$36,000.00; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$36,000.00 from Erie County Sewer District No. 4, Sewer Capital C.00072; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning; and one certified copy each to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; and Kristen Walder, Assistant County Attorney.

(6-0)

TERRENCE D. McCRACKEN
CHAIR