

July 14, 2011

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MAZUR & DIXON
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-12 (2011)
COUNTY EXECUTIVE: "ECSDM - Engineering Service Agreement"
(4-0)
 - b. COMM. 14M-2 (2011)
NYSDEC: "Fact Sheet: Environmental Investigation & Demolition to Begin at the Former American Linen Supply Company Facility"
(4-0)
 - c. COMM. 14M-4 (2011)
EC WATER AUTHORITY: "Copy of Annual Financial Report for Years Ended 12/31/2010 & 2009, Including Audited Financial Statements for Year Ended 12/31/2010"
(4-0)
 - d. COMM. 15E-14 (2011)
COUNTY EXECUTIVE: "ECSD No. 5 - Engineer Term Agreement"
(4-0)
2. COMM. 9E-10 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 3, Contract Nos. 43PS-G and 43PS-E at 2:00 P.M. on June 22, 2011.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 43PS-G General Mechanical	STC Construction, Inc. 63 Zoar Valley Road Springville, N.Y. 14141	\$328,502.00
Contract 43PS-E Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$210,500.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County; and

WHEREAS, the County of Erie and Village of Hamburg have executed an intermunicipal agreement (Comm. 3E-14(2011)) requiring the County to retain construction contractors for the Village to subsequently reimburse the County for the costs associated with the construction of the Crescent Avenue Pumping Station to replace the South Buffalo Pumping Station and all associated appurtenant work.

NOW, THEREFORE, BE IT

RESOLVED, that the Crescent Avenue Pump Station, Contract 43PS-G General Mechanical and Contract 43PS-E Electrical be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 43PS-G General Mechanical	STC Construction, Inc. 63 Zoar Valley Road Springville, N.Y. 14141	\$328,502.00
Contract 43PS-E Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$210,500.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the Budget in Erie County Sewer District No. 3 Capital Project C.00073 as follows; Estimated Revenue Account 417030 (Other Local Match) \$539,002.00 and Appropriations Account 516020 (Professional Services) \$539,002.00; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$539,002.00 from Erie County Sewer District No. 3, Capital Account C.00073 for this project; 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, the Director of Budget and Management, the County Comptroller, Eric Ziobro, Assistant County Attorney and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(4-0)

3. COMM. 13E-14 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 3, Contract Nos. 12ST-A and 12ST-D at 2:00 P.M. on June 28, 2011.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 12ST-A General/Mechanical	John W. Danforth Company 300 Colvin Woods Parkway Tonawanda, N.Y. 14150	\$1,798,000.00
Contract 12ST-D Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$115,400.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County; and

WHEREAS, there is available cash in Erie County Sewer District No. 3 Capital Reserve Account C.00007; and

WHEREAS, the Division of Sewerage Management wants to utilize a portion of the cash balance in Capital Reserve Account C.00007 to partially fund the contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Dewatered Sludge Pump Replacement Project, Contract 12ST-A General/Mechanical and Contract 12ST-D Electrical be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 12ST-A General/Mechanical	John W. Danforth Company 300 Colvin Woods Parkway Tonawanda, N.Y. 14150	\$1,798,000.00
Contract 12ST-D Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$115,400.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized to establish budgets as necessary and directed to transfer \$1,500,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Account C.00067; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized and directed to increase the estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Account C.00067 by \$1,500,000.00; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$1,913,400.00 from Erie County Sewer District No. 3, Capital Account C.00067 for this project; 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, the Director of Budget and Management, the County Comptroller, Eric Ziobro, Assistant County Attorney and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(4-0)

4. COMM. 14E-2 (2011)
COUNTY EXECUTIVE

WHEREAS, on December 9, 2010 the Erie County Legislature passed Comm. 19E-10 (2010) which authorized the County Executive to enter into agreements with Buffalo Niagara Riverkeeper to

accept revenue for Department of Environment and Planning (the "Department") staff to support the Niagara River Watershed Planning project; and

WHEREAS, the revenue from Buffalo Niagara Riverkeeper was appropriated to the WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (162WNYSCMS4AP1112) grant account; and

WHEREAS, due to the workload of Department grant personnel it is necessary to transfer the \$50,000 in grant resources and related work from the WNY Stormwater Coalition: MS4 Assistance Grant Project 2011/12 (162WNYSCMS4AP1112) grant budget to the existing Storm Water Coalition Local Ordinance Grant Project (162STWTRLCRD0608) grant budget where existing staff have the capacity to do the requisite work.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Niagara River Watershed Planning Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (Grant Period: 01/01/11-12/31/12), SAP Grant Account #162WNYSCMS4AP1112

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
420499	Other Local Source Revenue	\$124,000	0	\$124,000
479100	Other Contributions	<u>\$50,000</u>	<u>(\$50,000)</u>	<u>0</u>
TOTAL REVENUE				\$124,000

APPROPRIATIONS:

Account	Description	Current Budget	Revision	Revised Budget
500000	Full Time Salaries	\$120,000	(\$33,931)	\$86,069
502000	Fringe Benefits	<u>\$54,000</u>	<u>(\$16,069)</u>	<u>\$37,931</u>
TOTAL APPROPRIATIONS				\$124,000

Storm Water Local Ordinance Project 2006/08 (Grant Period: 01/01/06-12/31/12),
SAP Grant Account #162STWTRLCRD06082006-2008

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
409000	State Aid Revenue – New York State Department of Environmental Conservation	\$328,000	0	\$328,000
420499	Other Local Source Revenue – Western New York Stormwater Coalition	\$315,000	0	\$315,000
479100	Other Contributions	<u>0</u>	<u>\$50,000</u>	<u>\$50,000</u>
TOTAL REVENUE				\$693,000

APPROPRIATIONS:

Account	Description	Current Budget	Revisions	Revised Budget
500000	Full Time Salaries	\$98,215	\$33,931	\$132,146
500020	Regular Part Time Wages	\$48,734	0	\$48,734
502000	Fringe Benefits	\$81,504	\$16,069	\$97,573
505000	Office Supplies	\$1,269	0	\$1,269
510000	Local Mileage Reimbursement	\$551	0	\$551
510200	Training & Education	\$299	0	\$299
516020	Professional Service Contract	\$360,482	0	\$360,482
530000	Other Expenses	\$752	0	\$752
561410	Lab and Technical Equipment	\$1,551	0	\$1,551
916090	ID Law Grant Services	<u>49,643</u>	<u>0</u>	<u>49,643</u>
TOTAL APPROPRIATIONS				\$693,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of the Division of Budget and Management; the Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(4-0)

5. COMM. 14E-6 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry operates and manages passive and active parks and forest lands throughout Erie County; and

WHEREAS, 14 of the Parks AFSCME staff who care for the parks and forest lands have job titles that are RPT status; and

WHEREAS, a 2011 MOU between the County of Erie and the AFSCME union have granted full time benefits to RPT staff working full time hours; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry schedules all RPT staff at 40 hours per week; and

WHEREAS, the work expected of RPT staff is the same as work expected of full time staff; and

WHEREAS, changing the 14 RPT positions to Full Time will increase departmental efficiency by allowing management to effectively schedule staff in accordance with the rules of the AFSCME contract and allow for scheduling flexibility necessary to staff the Parks Department during peak times; and

WHEREAS, the only increased cost will be \$2,450 annually to cover additional costs associated with meal day pay.

NOW, THEREFORE, BE IT

RESOLVED, that 14 AFSCME titles with the following position numbers currently classified as RPT be converted to full time status (B-100 #6375) effective Saturday, July 30, the start of PP #17, 2011;

PMW 1 RPT	Position number 51002757
PMW 1 RPT	Position number 51002763
PMW 1 RPT	Position number 51002752
PMW 1 RPT	Position number 51002720

PMW 1 RPT	Position number 51002718
PMW 1 RPT	Position number 51002751
PMW 1 RPT	Position number 51002762
PMW 1 RPT	Position number 51007568
PMW 1 RPT	Position number 51002759
PMW 1 RPT	Position number 51002764
PMW 1 RPT	Position number 51002716
PMW 1 RPT	Position number 51007797
PMW 1 RPT	Position number 51005989
Auto Mechanic RPT	Position number 51007301;

and be it further

RESOLVED, that funds to cover the increased cost of meal day pay in the amount of \$2,450 are available within the Personal Services lines of the Parks Department 2011 Budget; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to transfer unexpended funds within the 2011 budget of the Department of Parks, Recreation and Forestry, Fund Center 16410, in Account 500020, Regular PT Wages to Account 500000, Full Time-Salaries, as necessary to cover the costs associated with this change; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management and the Erie County Department of Law.
(4-0)

6. COMM. 14E-10 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 42PS to O'Connell Electric Company; 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. 42PS in the final contract amount of \$227,231.77, which includes Change Order No. 1 (final), a decrease of \$12,568.23.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 42PS, between the County of Erie and O'Connell Electric Company, 929B Ransom Road, Lancaster, New York 14214 is accepted in the amount of \$227,231.77, which includes Change Order No. 1 (final), a decrease of \$12,568.23; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 42PS between the County of Erie and O'Connell Electric Company in the amount of \$227,231.77 and make final payment from Erie County Sewer District No. 3 Capital Project C.10301; 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 Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(4-0)

7. COMM. 14E-11 (2011)
COUNTY EXECUTIVE

WHEREAS, the current Sea Lamprey trap at Scoby Dam is no longer functional; and

WHEREAS, the Department of Parks, Recreation and Forestry has received a request from the US Fish and Wildlife Service (USFWS) to construct and operate a Sea Lamprey trap at Scoby Dam Park; and

WHEREAS, the USFWS will be responsible for the design, construction, operation and funding for this trap; and

WHEREAS, this trap will help protect the fresh water fish life from this parasitic Lamprey.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a Memorandum of Understanding, License Agreement and Cooperative Agreement with USFWS for the construction, operation and maintenance of a Sea Lamprey Trap at Scoby Dam; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the County Attorney and the Commissioner of the Department of Parks, Recreation and Forestry.
(4-0)

8. COMM. 15E-19 (2011)

COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized Architectural/Engineering Term Agreements for several Architectural/Engineering firms; and

WHEREAS, Arcadis/Malcolm Pirnie and Great Lakes Environmental have recently submitted qualifications complying with this department's Term Agreement and this department is requesting these firms be added to the term list of Architectural/Engineering firms for providing professional Architectural/Engineering services; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the firm of Arcadis/Malcolm Pirnie for providing Architectural/Engineering environmental services necessary to audit all Counties facilities for environmental compliance; and

WHEREAS, the County desires to be proactive and address environmental issues.

NOW, THEREFORE, BE IT

RESOLVED, that the firms of Arcadis/Malcolm Pirnie and Great Lakes Environmental be added to this department's list of approved Architectural/Engineering Consultants; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the firm of Arcadis/Malcolm Pirnie for providing professional Architectural/Engineering environmental services to audit all County facilities for environmental compliance for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP accounts A.00309, in the amount of \$32,287.77, and A.20917, in the amount of \$117,712.23 for the Project; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(4-0)

THOMAS J. MAZUR
CHAIR