

May 4, 2017

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-16 (2017)
COUNTY EXECUTIVE: "EC Sewer District No. 3 - Engineer Term Agreement - Work Order AECOM-2"
(5-0)
 - b. COMM. 8M-4 (2017)
THE MENTHOLATUM COMPANY: "Letter in Opposition to LL Intro. 1-1 (2017)"
(5-0)

2. COMM. 7E-9 (2017)
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. BVPS #3-A (General/Mechanical) and BVPS #3-D (Electrical) at 10:00 a.m. on April 26, 2017:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. BVPS #3-A General/Mechanical	Nichols, Long & Moore Construction Corp. 770 Riverview Blvd. Tonawanda, NY 14150	\$2,667,000.00
Contract No. BVPS #3-D Electrical	Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, NY 14150	\$403,000.00

; and

WHEREAS, the aforementioned lowest responsible bidders are recognized as a reputable contractors capable of completing this project; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there are adequate cash reserves in Erie County Sewer District No.3 Capital Reserve Account C.00007.

NOW, THEREFORE, BE IT,

RESOLVED, that the Boston Valley Pump Station Improvements, Erie County Sewer District No. 3, Contract Nos. BVPS #3-A (General/Mechanical) and BVPS #3-D (Electrical) be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. BVPS #3-A General/Mechanical	Nichols, Long & Moore Construction Corp. 770 Riverview Blvd. Tonawanda, NY 14150	\$2,667,000.00
Contract No. BVPS #3-D Electrical	Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, NY 14150	\$403,000.00

; 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's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$3,070,000.00 from Erie County Sewer District No. 3, Capital Account C.00062 for Contract Nos. BVPS #3-A (General/Mechanical) and BVPS #3-D (Electrical); and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer \$1,100,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Sewer District No. 3 Capital Account C.00062 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Account C.00062 by \$1,100,000.00 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, Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th floor.
(5-0)

3. COMM. 8E-14 (2017)
COUNTY EXECUTIVE

WHEREAS, household hazardous waste is being generated by residents in Erie County; and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County; and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community; and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 60,000 residents within Erie County; and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Erie County HHW Program is dependent upon State Aid assistance for partial funding; and

WHEREAS, Erie County deems it to be in the public interest and benefit to file an application for State Aid; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application for State assistance for the Household Hazardous Waste Program in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is directed and authorized to enter into an agreement and sign the resulting contract for partial reimbursement for

expenses incurred while conducting the County HHW Program if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees that it will fund the cost of said HHW Program and will be reimbursed by the State for the State share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation (NYSDEC) together with a complete application; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; Thomas J. Dearing, Commissioner of Environment and Planning; Thomas Hersey, Deputy Commissioner of Environment and Planning; Paul Kranz, P.E., Associate Engineer; the County Comptroller; and the County Attorney.
(5-0)

4. COMM. 8E-15 (2017)
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals to perform professional services associated with the Erie County Sewer District No. 6 – Flow Monitoring and I/I Quantification Project; and

WHEREAS, the completion of flow monitoring and I/I quantification will assist Erie County Sewer District No. 6 in making informed decisions relative to collection system work and regulatory requirements; and

WHEREAS, the project has been awarded a \$100,000 grant from the New York State Department of Environmental Conservation; and

WHEREAS, Erie County Sewer District No. 6 has adequate authorization in Bond Account C. 00064 to fund the local share of this project; and

WHEREAS, a review committee was established to evaluate all responses to the County's Request for Proposals for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends Arcadis of New York, Inc. (Arcadis) to complete the requested consulting services; and

WHEREAS, the Division of Sewerage Management has determined that this proposed project is a Type II action in accordance with 6 NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT,

RESOLVED, that Arcadis be retained to perform professional services associated with the Erie County Sewer District No. 6 – Flow Monitoring and I/I Quantification Project for the Division of Sewerage Management; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Arcadis, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202 for professional services associated with this project in an amount not to exceed \$178,000, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to increase estimated revenues and appropriations in Bond Account C.00064 for the \$100,000 grant from the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the costs associated with this project be allocated from Bond Account C.00064; and be it further

RESOLVED, that the Clerk of the Legislature shall send one (1) certified copy each to the County Executive, the Erie County Director of Budget and Management, the Erie County Comptroller, Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.

(5-0)

5. COMM. 8E-17 (2017)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry wishes to install a cricket field at Ellicott Creek Park; and

WHEREAS, the Department of Parks, Recreation and Forestry is finding it increasingly difficult to maintain athletic fields due to lack of staffing; and

WHEREAS, the India Association of Buffalo is willing to enter into an agreement with the County to take over some of the maintenance aspects of the cricket field, including, but not limited to, repairs and signage.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with India Association of Buffalo for the purpose of permitting the maintenance of the cricket field at Ellicott Creek Park; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry and Assistant County Attorney, Kristen Walder, of the Law Department.

(5-0)

TED B. MORTON
CHAIR