

July 18, 2019

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

- 1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 15E-22 (2019)  
**COUNTY EXECUTIVE:** "ECSD No. 3 - Construction Inspection Term Contract Agreement"  
(Chair's Ruling)

- 2. COMM. 14E-8 (2019)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Department of Environment and Planning has negotiated the following lowest responsible bid for Contract No. 63:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 63	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$342,380.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Parker Road Elevated Sewer Repair Project, Erie County Sewer District No. 3, Contract No. 63 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 63	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$342,380.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, 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 \$342,380.00 from Erie County Sewer District No. 3, Capital Bond Account C.00062 for Contract No. 63; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.  
(5-0)

- 3. COMM. 14E-11 (2019)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 18-A (General/Mechanical) and 18-D (Electrical) at 10:00 a.m. on July 9, 2019:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 18-A General/Mechanical	STC Construction, Inc 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$557,124.00
Contract No. 18-D Electrical	CIR Electrical Construction Corporation 400 Ingham Avenue Buffalo, NY 14218	\$135,000.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects for the Division of Sewerage Management in the past; 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.

NOW, THEREFORE, BE IT

RESOLVED, that the East Aurora Water Resource Recovery Facility Influent Building and Screen Replacement, Erie County Sewer District No. 8, Contract Nos. 18-A and 18-D be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 18-A General/Mechanical	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$557,124.00
Contract No. 18-D Electrical	CIR Electrical Construction Corporation 400 Ingham Avenue Buffalo, NY 14218	\$135,000.00

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 \$692,124.00 from Erie County Sewer District No. 8 Capital Account C.00071 for Contract Nos. 18-A and 18-D; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$750,000 from Erie County Sewer District No. 8 Capital Reserve Account C.11801 to Erie County Sewer District No. 8 Capital Account C.00071 for costs associated with Contract Nos. 18-A and 18-D 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. 8 Capital Account C.00071 by \$750,000; and be it further

RESOLVED, that any unused funds be returned to the capital reserve account and the budget be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(5-0)

4. COMM. 15E-9 (2019)  
**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature hereby confirms the appointment of Troy P. Schinzel to the position of Commissioner of Parks, Recreation, and Forestry effective July 27, 2019.  
(5-0)

5. COMM. 15E-10 (2019)  
**COUNTY EXECUTIVE**

WHEREAS, the most recent Commissioner of Parks and Recreation retired in June 2019; and

WHEREAS, a former Commissioner of Parks and Recreation, who has significant experience managing County Parks, is willing to return to his former County position if paid at his former payroll step (Step 5).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum, Job Group 17, Step 5 hiring level for the position of Commissioner of Parks and Recreation for the Department of Parks, Recreation and Forestry; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2019 Budget of the Department of Parks, Recreation and Forestry as necessary; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and the Department of Parks, Recreation and Forestry.  
(5-0)

6. COMM. 15E-31 (2019)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County has identified events resulting from climate change as posing an increasing risk to life and property within the County; and

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community and plan for adaption to unavoidable climate change (COMM. 12E-5 (2014)); and

WHEREAS, Erie County has individual projects and initiatives to address severe weather events, but has not conducted a comprehensive vulnerability assessment or planning related to risks from climate change; and

WHEREAS, the Erie County Legislature authorized the Department of Environment and Planning (DEP) to apply for New York State Department of Environmental Conservation (NYSDEC) grant funding to conduct a climate change adaptation planning project (COMM. 13E-20 (2017)); and

WHEREAS, NYSDEC has awarded DEP a \$100,000 grant to conduct the climate change adaptation planning project; and

WHEREAS, NYSDEC has designated State University of New York at Buffalo (SUNY Buffalo) as the project sub-awardee for the entire funding amount (\$100,000); and

WHEREAS, to proceed with the project it is necessary for Erie County to execute an agreement with the NYSDEC, adopt a project budget; and execute an agreement with SUNY Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$100,000 from the NYSDEC for the purpose of establishing an “Erie County Climate Change Adaptation Planning Project”; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Climate Change Adaptation Planning Project” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Climate Change Adaptation Planning Project  
(August 1, 2019 to March 14, 2023), SAP Grant #162CCAP1923

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	\$100,000
TOTAL REVENUE		\$100,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Contract Services	\$100,000
TOTAL APPROPRIATIONS:		\$100,000

and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with SUNY Buffalo in an amount not to exceed \$100,000; 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 shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and P. Josh Wilson, Coordinator - Pollution Prevention Program.

(5-0)

7. COMM. 15E-43 (2019)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie desires to remediate brownfield properties and clear former industrial sites for productive reuse; and

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (ILDC), has as one of its goals and authorities, the ability to hold industrial property for management and improvement; and

WHEREAS, the ILDC has recently acquired approximately 150 acres of former Bethlehem Steel Site property (ILDC Property) from Tecumseh Redevelopment Inc. (Tecumseh) for redevelopment as a modern industrial park; and

WHEREAS, the Shoreline Trail is a walking and biking trail extending from the Niagara County line to the Buffalo/Lackawanna border immediately adjacent to the ILDC Property; and

WHEREAS, it is the goal of Erie County and New York State to continue the Shoreline Trail from the Buffalo/Lackawanna boarder to Dona Street in the City of Lackawanna and eventually to Woodlawn Beach State Park in the Town of Hamburg, said continuation to traverse along the ILDC Property within a certain fifty-foot wide right-of-way (Property) located within and upon the ILDC Property; and

WHEREAS, the ILDC land purchase agreement with Tecumseh that enabled the ILDC to take title to the ILDC Property as described above is subject to certain covenants and agreements set forth in the Declaration of Covenants (Declaration) that runs with the land and binds the ILDC and its successors and/or assigns requiring that all subsequent land owners be bound by the existing Brownfield Cleanup Program (BCP) and Brownfield Site Cleanup Agreement (BCA) affecting the both the ILDC Property and the Property; and

WHEREAS, real property subject to a BCA that is remediated in accordance with the BCP allows those entities that are parties to a BCA to obtain certain liability relief and protections from New York State; and

WHEREAS, to enable the continuation of the Shoreline Trail as described herein, Erie County must acquire title to the Property; and

WHEREAS, Erie County has completed construction of the Shoreline Trail upon the Property; and

WHEREAS, the Property is enrolled with the BCP and currently subject to a BCA executed by and between the ILDC, Tecumseh, and the New York State Department of Environmental Conservation (DEC); and

WHEREAS, Erie County has previously approved of the purchase of the Property pursuant to that certain resolution adopted by the Erie County Legislature on October 5, 2017 and more particularly described as Resolution No. COMM. 17E-5(2017); and

WHEREAS, to comply with the Declaration, and to obtain the protections provided to parties that are bound by the BCA and the BCP, it is necessary that Erie County becomes a party to the BCA affecting the Property.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to negotiate and execute any and all documents and agreements with the ILDC, Tecumseh, and the DEC, including but not limited to, a BCP "Application to Amend Brownfield Cleanup Agreement and Amendment" currently affecting the Property, thereby permitting Erie County to become a party to the BCP and the BCA affecting the Property; and be it further

RESOLVED, that the County Executive, is authorized, on behalf of Erie County, to execute and submit any and all BCP related documents to the DEC to properly comply with the BCA and to obtain the protections of the BCP; 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 Director of the Division of Budget and Management; the County Comptroller; the Director of Real Property Tax Services; the County Attorney; the Commissioner of the Department of Environment and Planning; and Christopher S. Pawenski in the Department of Environment and Planning.

(5-0)

**TIMOTHY MEYERS  
CHAIR**