

July 1, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-1 (2013)
NY FARM BUREAU: "Letter to Legislature Concerning Animal Abuse Registry in EC"
(6-0)
 - b. COMM. 13E-18 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 5 - Engineer Term Agreement - DiDonato Associates - Work Order DA-2"
(6-0)
 - c. COMM. 13E-19 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 3 - Engineer Term Agreement - Clough Harbour Associates - Work Order CHA-9"
(6-0)
 - d. COMM. 13E-20 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 8 - Engineer Term Contract Agreement - Wendel - Work Order W-1"
(6-0)

2. COMM. 11E-9 (2014)
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. 37 STP-A, 37 STP-B, and 37 STP-D at 10:00 a.m. on June 27, 2014.

<u>Contract</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
Contract 37STP-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, N.Y. 14224	\$7,327,777.00
Contract 37STP-B	Quackenbush Co., Inc.	\$ 448,000.00

HVAC
495 Kennedy Drive
Buffalo, N.Y. 14227

Contract 37STP-D Electrical	South Buffalo Electric, Inc. 1250 Broadway Buffalo, N.Y. 14212	\$1,752,500.00
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and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Influent Pump Station and ORF Improvements Project, Contract 37 STP-A, 37 STP-B HVAC, and 37 STP-D be awarded as follows:

<u>Contract</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
Contract 37STP-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, N.Y. 14224	\$7,327,777.00
Contract 37STP-B HVAC	Quackenbush Co., Inc. 495 Kennedy Drive Buffalo, N.Y. 14227	\$ 448,000.00
Contract 37STP-D Electrical	South Buffalo Electric, Inc. 1250 Broadway Buffalo, N.Y. 14212	\$1,752,500.00

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 Comptroller is authorized and directed to allocate \$9,528,277.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00012 for Contract Nos. 37 STP-A, 37 STP-B, and 37 STP-D; 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.
(6-0)

3. **COMM. 13E-14 (2014)**
COUNTY EXECUTIVE

WHEREAS, Erie County and the Town of Newstead entered into an Inter-Municipal Agreement dated August 7, 2013 regarding the purchase of certain parkland within Akron Falls Park by the Town of Newstead; and

WHEREAS, the Town of Newstead has agreed to provide \$200,000, minus the cost of necessary property survey and legal description cost, to Erie County as a condition of Erie County transferring approximately 130 acres of Akron Falls Park to the Town of Newstead; and

WHEREAS, an Agreement of Sale, Quit Claim Deed and other necessary documents require execution by the Erie County Executive and authorized Town officials prior to closing on the land transfer; and

WHEREAS, the purchase and transfer of parkland represents an alienation of parkland necessitating submittal by the County Executive of a Municipal Home Rule Request to the New York State Legislature requesting the enactment of a parkland alienation bill on March 17, 2014 by the Erie County Executive; and

WHEREAS, completion of all necessary State approvals of the land transfer is expected to occur in July 2014; and

WHEREAS, the action of transferring County Parkland to the Town of Newstead represents an action subject to review under the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, Erie County, acting through the Department of Environment and Planning served as lead agency for the purposes of SEQR and issued a Negative Declaration on March 20, 2013 determining that the proposed action will not have an adverse environmental impact.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$194,750 from the Town of Newstead and to adjust the 2014 Erie County Department of Parks, Recreation, and Forestry accordingly; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any and all documents necessary to conclude the transfer of an estimated 130 acres of Akron Falls Park to the Town of Newstead, including an Agreement of Sale and Quit Claim Deed with said lands being described in Erie County Legislative Resolution Comm. 17E-9 (2013) adopted by the Erie County Legislature on October 24, 2013; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and the Commissioner of the Department of Parks, Recreation, and Forestry, Rath Building, 13th Floor.
(6-0)

4. **COMM. 13E-15 (2014)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 2 entered into an agreement with Wendel Energy Services on October 8, 2012 to complete the Big Sister Energy Performance Project in Erie County Sewer District No. 2; and

WHEREAS, differing site conditions in the form of the location of concrete encased primary and backup power utilities have been uncovered during preliminary excavation for the Control Room building addition, requiring that the addition be shifted to avoid the power utilities and an additional corridor be constructed to maintain access points to the existing building; and

WHEREAS, without the construction of the Control Room the project cannot be completed; and

WHEREAS, termination, testing, and paneling of four (4) additional fiber optic strands throughout the Big Sister Creek Wastewater Treatment Plant is outside the current Scope of Services but will bring value to the County in the form of redundancy for the SCADA system at the plant and capacity for future expansion; and

WHEREAS, the Project has been awarded the following grants and incentives: \$750,000 from the Clean Water State Revolving Fund (Green Innovation Grant Program (GIGP)) and \$112,000 from National Grid energy efficiency incentives; and

WHEREAS, Erie County Sewer District No. 2 has adequate cash in its capital reserve account C.00008 to fund this Change Order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 2 to the County of Erie/Wendel Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 to the County of Erie/Wendel Agreement dated June 17, 2014 be approved in the amount of \$59,924.30; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptrollers Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 2 Capital Project C.12201 by \$100,000.00; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$100,000.00 from Erie County Sewer District No. 2 Capital Reserve Account C.00008 to Sewer District No. 2 Capital Project C.12201 and to establish all budgeting accounts necessary to facilitate the transfer of \$100,000.00; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate \$59,924.30 from Sewer District No. 2 Account C. 12201 for payment of this Change Order and \$40,075.70 to provide a contingency for the remainder of the Contract; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Director of Budget, Management and Finance, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-1, Legislator Savage voted in the negative)

5. COMM. 13E-16 (2014)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature had awarded Contract No. 12 to CMH Company, 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. 12 in the final contract amount of \$83,950.00, which includes Change Order No. 1 (final), a decrease of \$5,000.00.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 12 between the County of Erie and CMH Company, Inc. 12704 North Road, Alden, New York 14004-9772, is accepted in the amount of \$83,950.00 which includes Change Order No. 1 (final), a decrease of (\$5,000.00); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 12 between the County of Erie and CMH Company, Inc. in the amount of \$83,950.00 and make final payment from Erie County Sewer District No. 8 Account No. C.00071; 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 Erie County Comptroller's Office, and 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.
(6-0)

6. COMM. 13E-21 (2014)
COUNTY EXECUTIVE
WHEREAS, Erie County maintains the Times Beach Nature Preserve in conjunction with the City of Buffalo; and

WHEREAS, the Department of Environment and Planning wishes to commemorate the dedication of four citizens that have made extraordinary contributions to the success and perpetuity of the Times Beach Nature Preserve; and

WHEREAS, the trail leading from the overlook to the far blind adjacent to the Coast Guard station will be designated, "Robert Andrle Trail"; and

WHEREAS, the bird blind located at the far end of the trail leading to the dike wall adjacent to Wilkeson Pointe Park will be designated, "George K. Arthur Blind"; and

WHEREAS, the first overlook on the trail to the west, adjacent to the Wilkeson Pointe Park border will be designated, "Michael Hamilton Overlook"; and

WHEREAS, the Fuhrmann Boardwalk center entrance will be designated, "Paul MacClennan Main Entrance".

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to officially name four commemorative areas of the Times Beach Nature Preserve in honor of the aforementioned four individuals who played a critical role in the success and perpetuity of the nature preserve as a natural habitat park and bird sanctuary; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Parks, Recreation and Forestry; the Commissioner of the Department of Environment and Planning; and the Deputy Commissioner of Environmental Compliance Services.
(6-0)

7. COMM. 13E-22 (2014)

COUNTY EXECUTIVE

WHEREAS, Advanced Architecture & Planning and Watts Architecture and Engineering has the necessary expertise and manpower to provide professional design, construction and environmental services for the Elma Meadows Golf Course -2014- Club House Roof Replacement; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture & Planning and Watts Architecture and Engineering for providing Professional Design and Environmental Services on Erie County Projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firms of Advanced Architecture and Planning and Watts Architecture and Engineering for providing Professional Architectural/Engineering and Environmental Services for the Elma Meadows Golf Course -2014- Club House Roof Replacement project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the Advanced Architecture and Planning Agreement for providing Professional Architectural/Engineering Services for the design of additional roof replacements for the amount not to exceed \$40,000.00, including design contingency; and be it further

RESOLVED, that the County Executive is hereby authorized to amend the Watts Architecture and Engineering Agreement for providing additional Environmental Services for the testing, surveying and designing for hazardous materials for an amount not to exceed \$10,000.00, including design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.20918- 2009 Countywide Roof Replacement & Waterproofing, for a total amount not to exceed \$50,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 13E-23 (2014)

COUNTY EXECUTIVE

WHEREAS, the Akron Falls Park Bridge Replacement Project No. BR-PK-2-12 was approved, appropriated, and awarded to the low bidder Accadia Site Contracting Inc., via Comm.12E-14 (2012) of July 12, 2012; and

WHEREAS, it has been determined that unanticipated on-site work scope and quantity changes requires an increase to the contract with Accadia Site Contracting Inc. and an increase to the construction engineering services and construction inspection services with TY Lin International.

NOW, THEREFORE, BE IT

RESOLVED, that the initial estimated project construction authorization of \$750,000.00 be increased by the amount of \$99,069.41 which is available from capital account SAP B.13016, 2013 Capital Overlay (PAYGO); and be it further

RESOLVED, that the County Executive be authorized to execute negotiated change orders in the amount not to exceed the allowable project construction total between the County of Erie and project contractor Accadia Site Contracting, Inc. as well as project engineer TY Lin International for unanticipated on-site work scope and quantity changes; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

**TED B. MORTON
CHAIR**