

June 4, 2015

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. 11E-14 (2015)
COUNTY EXECUTIVE: "EC Sewer District No. 6 - Modification of Plans - EC Sewer Agency Report"
(6-0)
 - b. COMM. 11E-15 (2015)
COUNTY EXECUTIVE: "EC Sewer District No. 6 - Engineer Term Contract Agreement - CRA Infrastructure & Engineering Inc - Work Order CRA-5"
(6-0)
 - c. COMM. 11D-7 (2015)
CLERK OF THE LEGISLATURE: "NYS DEC Documents Received"
(6-0)
2. COMM. 11E-12 (2015)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water and habitat resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the fulfillment of Sections 4.57 and 4.58 of the *Initiatives for a Smart Economy* to "contribute to the expansion of natural habitat and public access along the Buffalo River Corridor", and to "maintain and enhance the existing County Natural Parks along the Buffalo River"; and

WHEREAS, the New York State Office of Parks and Historic Preservation (NYSOPHP), Environmental Protection Fund provides grant assistance to municipalities to purchase parkland, to improve water quality and preserve natural habitat; and

WHEREAS, Erie County will adjoin the purchased .54 acre parcel to the existing approximate 11 acres of Erie County Seneca Bluffs Natural Habitat Park, and it will remain public parkland in perpetuity; and

WHEREAS, DEP provides technical assistance regarding the management of the Erie County Natural Habitat Parks; and

WHEREAS, the New York State Office of Parks and Historic Preservation (NYSOPHP), awarded Erie County an Environmental Protection Fund Grant of \$75,000.00; and

WHEREAS, the addition of this habitat restoration initiative necessitates the execution of a grant contract with the NYSOPHP, and the adoption of a grant budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental protection Act of 1993, in an amount not to exceed \$75,000.00 and enter into an agreement with the State for such financial assistance to Erie County for the purpose of conservation and preservation of public parkland at Seneca Bluffs Natural Habitat Park that was acquired by Erie County on October 15, 2014; and be it further

RESOLVED, that the grant budget and project period for the NYSOPHP grant is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281, as follows:

"Seneca Bluffs Natural Habitat Park", SAP Grant Account #162SBNHP1517

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	(\$75,000.00)
TOTAL REVENUE		(\$75,000.00)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services Contracts	\$73,500.00
506200	Maintenance & Repair	<u>\$ 1,500.00</u>
TOTAL APPROPRIATIONS:		\$75,000.00

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with engineering and construction firms in order to complete the proposed park improvements; 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; Maria R. Whyte, Deputy County Executive and Commissioner of Environment and Planning; Thomas R. Hersey, Jr., Deputy Commissioner of Environment and Planning; and Bonnie Lawrence, Coordinator – Pollution Prevention Program.

(6-0)

3. COMM. 11E-13 (2015)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded an Erie County Sewer District No. 4 engineering agreement to CRA Infrastructure & Engineering, Inc.; and

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

WHEREAS, the Engineer has been paid in full; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the acceptance of the Erie County Sewer District No. 4 engineering agreement to complete professional services associated with upgrades at the Vanderbilt Pumping Station, Depew Pumping Station, and Depew Overflow Retention Facility in the final contract amount of \$521,753.52.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sewer District No. 4 engineering agreement between the County of Erie and CRA Infrastructure & Engineering, Inc., 285 Delaware Avenue Buffalo, New York 14202 is accepted in the amount of \$521,753.52; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Erie County Sewer District No. 4 engineering agreement between the County of Erie and CRA Infrastructure & Engineering, Inc., allocated in Bond Account C.00063 in the amount of \$521,753.52; 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, and Gregory Kammer 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)

4. COMM. 11E-16 (2015)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment, on the recommendation of the County Executive, of Garry S. Pecak, P.E. of 26 South Lane, Orchard Park NY 14127, to serve as Member of the Board of Managers for Erie County Sewer District No. 8.

RESOLVED, the Erie County Legislature hereby confirms the appointment, on the recommendation of the County Executive, of Thomas Malecki of 190 South Woodside Drive, Alden, NY 14004, and Kathleen T. Grimm, MD, FAAP, FACP, MHSc of 800 West Ferry Street, Buffalo, NY 14222, to serve on the Erie County Medical Center Corporation Board of Directors, for terms ending December 31, 2016.
(6-0)

5. COMM. 11E-26 (2015)
COUNTY EXECUTIVE

WHEREAS, the Tribute Garden Wall will honor those whose lives have been affected by domestic violence and give survivors and their families a safe place to reflect and find solace; and

WHEREAS, the Erie County Department of Public Works completed Phase 1 of the Tribute Garden Wall last summer; and

WHEREAS, Joy Kuebler, Landscape Architect, PC has the necessary expertise to provide the design and construction documents, and completed the design and constructions with great success for Phase 1 of the project; and

WHEREAS, the New York State Power Authority (Greenway) is fully funding Phase II of the Tribute Garden Wall Project through a grant to the County of Erie; and

WHEREAS, the Tribute Garden Wall-Phase II work must be complete prior to mid-September 2015 for a bike marathon which will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award construction contracts to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment to provide professional services for the Isle View Park-Tribute Garden Wall-Phase II Project with Joy Kuebler, Landscape Architect, PC for an amount not to exceed \$23,695.00 including reimbursables and design contingencies; and be it further

RESOLVED, that County be authorized to accept a grant for the project from the New York State Power Authority (Greenway) Fund for an amount not to exceed \$181,660.00; and be it further

RESOLVED, that the Director of the Division of Budget & Management is hereby authorized to set up the grant in Fund 281 for an amount not to exceed \$181,660.00; 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 Federal, State, and New York State Power Authority funding requirements; and be it further

RESOLVED, that the County Executive is authorized to award a construction contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract amount, including construction contingency, not to exceed \$157,965.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the New York State Power Authority (Greenway) Grant, Fund 281; 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, Department of Public Advocacy, the Department of Parks, Forestry and Recreation, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

**TED B. MORTON
CHAIR**