

November 30, 2017

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 17

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 20M-3 (2017)

EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “2017 Report - EC Agricultural Districts Inclusion of Viable Agricultural Land”
(6-0)

b. COMM. 21M-6 (2017)

LANCASTER UNLEASHED: “Letter to Legislator Morton Regarding Proposal for a Dog Park in the Town of Lancaster”
(6-0)

2. COMM. 20E-12 (2017)

COUNTY EXECUTIVE

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, Erie County hosts at least two household hazardous waste events per year to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land or air; and

WHEREAS, these events service approximately 2,000 households per year; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) has identified the need for a feasibility study to identify how it might effectively and efficiently increase the number of households it serves through this program; and

WHEREAS, New York State Department of State (DOS) provides competitive funding for Local Government Efficiency Grants for local government to better consolidate and share services; and

WHEREAS, Erie County applied to DOS for a grant to support a feasibility study to examine options, including funding mechanisms, for the County to improve its HHW program; and

WHEREAS, Erie County received a DOS award for \$24,000 in funding to conduct such a feasibility study; and

WHEREAS, the DEP has allocated additional funds in an amount of \$24,000 from the Erie County Community Development Block Grant (CDBG) Fund to match DOS funds and further offset costs of this study; and

WHEREAS, the Erie County Legislature passed resolution [COMM. 7E-18 (2017), April 27, 2017] to enter into the contract with DOS and establish a budget; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform a Household Hazardous Waste Feasibility Study; and

WHEREAS, Erie County has conducted a review and selection process of the proposals that have been received for the Household Hazardous Waste Feasibility Study; and

WHEREAS, the review committee has selected Solara Inc. to perform a Household Hazardous Waste Feasibility Study; and

WHEREAS, this study will assess HHW Program procedures, identify best management practices and alternatives, complete an economic and logistical appraisal, and provide recommendations to better serve the community with their hazardous waste disposal needs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with Solara Inc., for an amount not to exceed \$48,000, to perform a Household Hazardous Waste Feasibility Study; and be it further

RESOLVED, that the \$48,000 in Professional Services – Account 516020 funding for this agreement is available from the following sources: \$24,000 in Fund 281, Business Area 162, Grant 162-BSFSADP1718, and \$24,000 in Fund 290, Business Area 162, CDBG project J.00516; and be it further

RESOLVED, that this resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Director of the Division of Budget and Management; the Comptroller’s Office; Thomas R. Hersey, Jr., the Commissioner of the Department of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Paul Kranz, P.E. – DEP Associate Engineer; and the County Attorney.
(6-0)

3. COMM. 21E-16 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 17E-17 (2016), Contract 76 was awarded to Kenyon Pipeline Inspection, LLC to construct the "Sanitary Sewer Cured-in-Place Pipe Lining Project" in Erie County Sewer District Nos. 2, 3, and 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 76, in the final contract amount of \$505,150.00 which includes Change Order No. 1 (final), a decrease of \$97,335.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 76 between the County of Erie and Kenyon Pipeline Inspection, LLC (68 Park Rd, Queensbury, New York 12804) is accepted in the final contract amount of \$505,150.00 which includes Change Order No. 1 (final), a decrease of \$39,287.50 in Erie County Sewer District No. 2, Cost Center 1821010 and a decrease of \$58,047.50 in Erie County Sewer District Nos. 3 and 8, Cost Center 1831010 for a total decrease of \$97,335.00; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 76 to Kenyon Pipeline Inspection, LLC for a total contract amount of \$505,150.00; 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 Erie County Comptroller, the Director of Budget and Management, 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.
(6-0)

4. COMM. 21E-17 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 12E-12 (2012), Contract 90 was awarded to Wendel Energy Services, LLC to perform energy performance upgrades and other improvements at the Big Sister Creek Water Resource Recovery Facility in Erie County Sewer District No. 2; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 90, in the final contract amount of \$1,145,724.59 which includes Change Order No. 3 (final), a decrease of \$14,199.71 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 90 between the County of Erie and Wendel Energy Services, LLC. (375 Essjay Road, Suite 200, Williamsville, New York 14221) is accepted in the final contract amount of \$1,145,724.59 which includes Change Order No. 3 (final), a decrease of \$14,199.71 and is allocated in Erie County Sewer District No. 2 Capital Account C.12201; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 90 to Wendel Energy Services, LLC for a total contract amount of \$1,145,724.59; 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 Erie County Comptroller, the Director of Budget and Management, 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.
(6-0)

5. COMM. 21E-18 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 6E-15 (2015), Contract 17A was awarded to Kandey Company, Inc. to construct the Rush Creek Interceptor Wet Weather Relief Pumping Station and Force Main in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 17A, in the final contract amount of \$6,028,408.18 which includes Change Order No. 1 (final), a decrease of \$614,116.82 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 17A between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, New York 14224) is accepted in the final contract amount of \$6,028,408.18 which includes Change Order No. 1 (final), a decrease of \$614,116.82 and is allocated in Erie County Sewer District No. 3 Capital Account C.00012; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 17A, to Kandey Company, Inc. for a total contract amount of \$6,028,408.18; 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 Erie County Comptroller, the Director of Budget and Management, 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.
(6-0)

6. COMM. 21E-19 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 13E-20 (2016), Contract 58 was awarded to Kenyon Pipeline Inspection, LLC to construct the Ontario & Park Sanitary Sewer Cured-in-Place Pipe Lining Project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 58, in the final contract amount of \$490,247.00 which includes Change Order No. 1 (final), a decrease of \$125,263.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 58 between the County of Erie and Kenyon Pipeline Inspection, LLC (68 Park Rd, Queensbury, New York 12804) is accepted in the final contract amount of \$490,247.00 which includes Change Order No. 1 (final), a decrease of \$125,263.00 and is allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 58, to Kenyon Pipeline Inspection, LLC for a total contract amount of \$490,247.00; 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 Erie County Comptroller, the Director of Budget and Management, 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.
(6-0)

7. COMM. 21E-22 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$320,000 to commence the WNY Stormwater Coalition (WNYSC): Storm System Mapping Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the WNYSC membership in in-kind services; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff positions: Junior Environmental Compliance Specialist (JG 7) and Environmental Compliance Specialist (JG 9); and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the "State", and Erie County be executed for such State aid; and

WHEREAS, it is necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Storm System Mapping Project; and

WHEREAS, the County of Erie, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, accept \$320,000 in grant funding

and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNY Stormwater Coalition: Storm System Mapping Project, in an amount not to exceed \$5,000 in grant resources; and be it further

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: Storm System Mapping Project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: Storm System Mapping Project
SAP Grant Account #162WNYSCSSMP1720
Grant Period: 6/1/17 – 6/30/20

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$320,000)
TOTAL REVENUE		(\$320,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$190,000
502000	Fringe Benefits	\$114,000
505000	Office Supplies	\$500
510000	Local Travel	\$500
516020	Professional Service Contract	\$5,000
561410	Lab & Technical Equipment	\$10,000
TOTAL APPROPRIATIONS		\$320,000

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the WNY Stormwater Coalition: Newly Designated Urbanized Area Project 162WNYSCNDUAP1518, Business Area 162, Fund 281 upon consumption of the current budget:

Environmental Compliance Specialist (JG 9)
B-100 No. 9741
Budgeted Annual Salary: \$42,400

and be it further

RESOLVED, that the following position which is 100% grant funded will be created:

Junior Environmental Compliance Specialist (JG 7)
B-100 No. 9741
Budgeted Annual Salary: \$32,616

and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; 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 the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.
(6-0)

8. **COMM. 21E-37 (2017)**
COUNTY EXECUTIVE

WHEREAS, Erie County and Western New York offer a world class sport fishery, drawing sportsmen and their families from across the US and the world; and

WHEREAS, a hardcopy (paper) version of the Western New York Hot Spot Fishing Map, covering Erie, Niagara, and Chautauqua Counties has proven to be very popular among the local sportfishing community; and

WHEREAS, it is recognized that a digital version of the Western New York Hot Spot Fishing Map is needed to provide mobile access to the wealth of information on sportfishing Hot Spots and fishing related services which the paper map contains, and that a mobile app will help keep Erie County competitive in this important segment of the Erie County economy; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to develop and host an Online Hot Spot Fishing App; and

WHEREAS, Erie County has conducted a review and selection process of the proposals that have been received for developing an Online Hot Spot Fishing App; and

WHEREAS, the results of the selection process are included as an attachment to this resolution as outlined in the Erie County Administrative Code Section 19.08; and

WHEREAS, Erie County desires to work with MRF Geosystems Corporation to develop an Online Hot Spot Fishing App; and

WHEREAS, a suitable enhancement to the Online Hot Spot Fishing App has been proposed requiring funding beyond the scope of the existing contract, necessitating the execution of a contract amendment with MRF Geosystems Corporation.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of MRF Geosystems Corporation to be retained to provide custom geospatial application services associated with the Online Hot Spot Fishing App; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to amend the “Retaining a Consultant to Develop and Host an Online Hot Spot Fishing App” contract in an amount not to exceed \$8,000, to develop two custom tools within the Western New York Online Hot Spot Fishing App; and be it further

RESOLVED, that funds for this study are available from the 2017 Budget, Funds Center 16200, Fund 110, GL Account 517601 – Erie County Fish Advisory Board; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Director of the Division of Budget and Management; the Comptroller’s Office; the Commissioner of the Department of Environment and Planning, and the County Attorney.
(6-0)

**TED B. MORTON
CHAIR**