

April 24, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-13 (2014)
MILLS: "Commissioner Jann's Request for Re-appointment as EC Water Authority Commissioner"
(6-0)
 - b. COMM. 7M-2 (2014)
EC FISHERIES ADVISORY BOARD: "2013 Annual Report"
(5-0, Legislator Burke not present for vote)
 - c. COMM. 7M-3 (2014)
NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION:
"Statewide Comprehensive Outdoor Recreation Plan 2014-2019"
(5-0, Legislator Burke not present for vote)
 - d. COMM. 8E-10 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 4 Engineer Term Contract Agreement CRA Infrastructure & Engineering, Inc"
(5-0, Legislator Burke not present for vote)
2. COMM. 7E-10 (2014)
COUNTY EXECUTIVE
WHEREAS, in 2004 the County Legislature of the County of Erie, New York (the "County Legislature") adopted a plan of service or improvement the Erie County Sewer Agency (the "2004 Plan") for Sewer District No.1 (the "District") that recommended the expenditure of \$4,000,000 to rehabilitate sanitary sewers and infiltration and inflow projects within the District (collectively, the "2004 Project"); and

WHEREAS, several of the components of the 2004 Project have been completed; and

WHEREAS, at the direction of the County Legislature, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 1 For A Modifications of Plans (2013)* (the "Report") to be

prepared, which Report recommends the modification of the 2004 Plan and the approval of certain additional improvements within the District, including but not limited to improvements of sanitary sewer lines, pumping stations and/or treatment facilities and related necessary appurtenances (the "Modification of Plans"); and

WHEREAS, on October 4, 2013 the Board of Managers of the District (the "Board of Managers") accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report and the recommendation of the Board of Managers was filed with the County Legislature on October 22, 2013; and

WHEREAS, the Modification of Plans will not result in an increase in the amount of the estimates or the original bond authorization set forth in the 2004 Report, of which there is currently \$3,432,596 in unused authorization; and

WHEREAS, said County Legislature duly adopted Resolution 20E-13 on the 16th day of January, 2013, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider the Modification of Plans in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 19th day of February, 2014, at 1:30 o'clock P.M., Prevaling Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for the facilities of Erie County Sewer District No. 1 in the County of Erie, New York, all as more fully described in the preambles hereof and in the Report, and such Modification of Plans for the improvement of facilities for the District is hereby authorized.

Section 2. This resolution shall take effect immediately.
(6-0)

3. COMM. 7E-11 (2014)
COUNTY EXECUTIVE
 “EC Sewer District No. 3 Engineer Term Agreement URS Corp”
 (Receive, file and print)

4. COMM. 8E-8 (2014)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Department of Public Works received bids for the Emery Park – 2013 Reconstruction of Shelter No. 12 project on March 19, 2014; and

WHEREAS, the lowest responsible bidder is Nichter Construction Inc.; and

WHEREAS, the Erie County Department of Public Works, along with DiDonato Associates, are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Emery Park – 2013 Reconstruction of Shelter No. 12 project for an amount not to exceed as follows:

General Construction Work		
Nichter Construction Inc.	Base Bid:	\$ 89,700.00
	Alternate Bid Alt.-1	\$ 15,000.00
Total Award of Construction Contract:		\$104,700.00

and be it further

RESOLVED, that the sum of \$10,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP project accounts as follows:

A.13008	2013 Countywide Parks Improvements	\$ 70,500.00
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A.13010	2013 Countywide Shelter, Building and Comfort Station Replacement	\$ 44,200.00
	For an amount not to exceed	\$114,700.00

; 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, the Office of the Comptroller, and the Department of Parks, Recreation, and Forestry.

(5-0, Legislator Burke not present for vote)

5. COMM. 8E-9 (2014)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointments of David L. Barus (2246 Center Road, East Aurora, NY 14052) and Joseph Jemiolo (4898 Langford Road, North Collins, NY 142111) to serve on the Erie County Fisheries Advisory Board, for terms ending December 31, 2016. (5-0, Legislator Burke not present for vote)

TED B. MORTON
CHAIR