

May 7, 2015

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 9D-5 (2015)

**CLERK OF THE LEGISLATURE:** "Transcript of Public Hearing Regarding EC Sewer District No. 3 - Modification of Plans"  
(5-0)

b. COMM. 9D-6 (2015)

**CLERK OF THE LEGISLATURE:** "NYS DEC Documents Received"  
(5-0)

2. COMM. 6E-6 (2015)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Contract No. 54 STP- A at 10:00 a.m. on April 9, 2015.

Contract	Low Bidder	Amount
Contract 54 STP-A	Hohl Industrial Services, Inc.	\$483,000.00
General	770 Riverview Blvd. Tonawanda, N.Y. 14150	

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Southtowns Sludge Incinerator Emissions Upgrade Project, Contract No. 54 STP-A be awarded as follows:

Contract	Low Bidder	Amount
Contract 54 STP-A	Hohl Industrial Services, Inc.	\$483,000.00
General	770 Riverview Blvd. Tonawanda, N.Y. 14150	

AND BE IT FURTHER,

RESOLVED, that the County Executive be, and is hereby authorized to execute the Contract with the aforementioned lowest responsible bidder 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 Erie County Comptroller and Director of Budget & Management be authorized to increase appropriations and estimate revenue \$483,000.00 in Capital Project C.14301; and it be further

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to establish budgets as necessary and directed to transfer \$483,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No.3 Capital Account C.14301 for Contract No. 54 STP-A; and it be further,

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$483,000.00 from Erie County Sewer District No.3 Capital Account C.14301 for this project; and it be further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller's Office, Gregory Kammer, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(5-0)

3. INTRO. 9-3 (2015)

**BURKE**

WHEREAS, The Division of Sewer Management is responsible for over 900 miles of sewer, with 87 wastewater pumping stations, three storm sewer pumping stations, 462 low pressure grinding units, 5 overflow retention facilities, and seven advanced wastewater treatment facilities; and

WHEREAS, the Division of Sewerage Management has divided these areas up into eight separate sewer districts; and

WHEREAS, each district is a self-supporting entity which New York State law has given complete autonomy to the County of Erie to run this agency; and

WHEREAS, a portion of the Town of Cheektowaga is already served by Erie County Sewer District 1; and

WHEREAS, the Division of Sewerage Management is self-sustaining and receives their operating revenue from appropriating service fees, levying sewer taxes, flat rate charges, parcel charges, footage charges, user charges, and sewer charges based on the assessed value of real property and other property and usage characteristics; and

WHEREAS, additional revenue will be added to the Division of Sewerage's budget by expanding Erie County Sewer District 1 to include the Town of Cheektowaga and Village of Sloan; and

WHEREAS, including the Town of Cheektowaga and Village of Sloan current sewer system not already serviced Erie County into the already functioning Sewer District 1 would make for an easier transition to the Buffalo Sewer Authority waste water treatment plant; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls on the Division of Sewerage Management to investigate the feasibility of including all of the Town of Cheektowaga and Village of Sloan's sewer system to be fully serviced by Erie County Sewer District 1.  
(5-0)

4. COMM. 9E-5 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie advertised for and received responses to a request for proposals from consulting firms to perform professional services associated with the Pretreatment Local Limits for Southtowns Advanced Wastewater Facility (AWTF), East Aurora and Lackawanna Wastewater Treatment Plants (WWTPs); and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management was established to evaluate all responses to the County's request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining CHA Consulting, Inc. (CHA) to complete the requested consulting services and;

WHEREAS, there is available cash in Erie County Sewer District Nos. 3 & 8 Professional Services Account 516020 Fund 220 cost center 1831010 and Erie County Sewer District No. 6 Capital Account C.00064.

NOW, THEREFORE, BE IT

RESOLVED, that CHA be retained to perform professional services associated with the Pretreatment Local Limits for the Southtowns AWTF, East Aurora and Lackawanna WWTPs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute a Professional Services Agreement with CHA, 2200 Main Place Tower, Buffalo, New York 14202 in an amount not to exceed \$45,429.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the contract be funded as follows: \$19,977 from Erie County Sewer District No. 6, Capital Account C. 00064 for this project and \$25,425 from Fund 220 cost center 1831010, Account 516020 Professional Services for the ECSD Nos. 3 & 8 portion; and it be further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Gregory Kammer, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.  
(5-0)

5. COMM. 9E-6 (2015)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Contract No. 54 STP- D at 10:00 a.m. on May 1, 2015.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 54 STP-D Electrical	CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, New York 14218	\$137,700.00

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Southtowns Sludge Incinerator Emissions Upgrade Project, Contract No. 54 STP-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 54 STP-D Electrical	CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, New York 14218	\$137,700.00

and be it further,

RESOLVED, that the County Executive be, and is hereby authorized to execute the Contract with the aforementioned lowest responsible bidder 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 Erie County Comptroller and Director of Budget & Management be authorized to establish budgets as necessary and directed to transfer \$137,700.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No.3 Capital Account C.14301 for Contract No. 54 STP-D; and it be further,

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to increase appropriations and revenue \$137,700.00 in Capital Project C.14301; and it be further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$137,700.00 from Erie County Sewer District No.3 Capital Account C.14301 for this project; and it be further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller's Office, Gregory Kammer, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(5-0)

6. COMM. 9E-10 (2015)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York ("District No. 3"), has heretofore been established; and

WHEREAS, the Erie County Sewer Agency prepared map and plan dated August 27, 2014 (the "Sewer Agency Report") regarding an increase and improvement of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the amount of \$5,000,000; and

WHEREAS, pursuant to a resolution adopted on October 1, 2014, the District No. 3 Board of Managers has accepted and adopted the Sewer Agency Report, recommended that the Sewer Agency report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A of the County Law of the State of New York and directed that the Erie County Sewer Agency pursue

an increase and improvements of facilities (2014) for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000; and

WHEREAS, the estimated annual cost to the average home in District No. 3 would see an annual increase of approximately \$6.85 after the total bond authorization of \$5,000,000 is issued; and

WHEREAS, a copy of the Sewer Agency Report has been filed with the County Legislature; and

WHEREAS, the County Legislature now desires to call a public hearing to consider such increase and improvements of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000 in accordance with the provisions of Section 254 of the County Law;

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

Section 1. The County Legislature of County of Erie, New York shall meet at 92 Franklin Street, 4th Floor in Buffalo, New York, on the 3rd day of June , 2015 at 1:30 o'clock p.m., for the purpose of conducting a Public Hearing on the proposed increase and improvements of facilities of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the Challenger Newspaper and the Amherst Bee, the official newspapers of the County and the Hamburg Sun for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.  
(5-0)

7. COMM. 9E-11 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has determined that an existing waterline at the Southtowns Sewage Treatment Plant is in conflict with the installation of a new 42" forcemain pipe; and

WHEREAS, the existing waterline has to be relocated to facilitate the installation of the forcemain pipe.

NOW, THEREFORE BE IT

RESOLVED, that the Change Order No. 2 to the Contract 37 STP-A, Southtowns Influent Pump Station and ORF Improvements with Kandey Company, Inc. in the amount of \$87,322.00 be approved; and it be further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 2, subject to certification of availability of funds by the Comptroller's Office; and it be further

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to increase appropriations and estimate revenue \$87,322.00 in Capital Project C.00012; and it be further

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to establish budgets as necessary and directed to transfer \$87,322.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Account C.00012 for Contract No. 37 STP-A; and it be further,

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$87,322.00 from Erie County Sewer District No. 3, Capital Account C.00012 for payment of this change order; and it be further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller's Office, Gregory Kammer, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(5-0)

**TED B. MORTON**  
**CHAIR**