

June 28, 2012

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-9 (2012)
COUNTY EXECUTIVE: "OPEN ITEM/PLACEHOLDER - Re-Occurring Bond Authorization"
(5-0)
 - b. COMM. 12M-1 (2012)
NYSDEC: "Fact Sheet: Interim Remedial Measure Proposed; Public Comment Period Announced, 6/4/2012 & 6/5/2012 for Site Known as 1218 Niagara Street, Buffalo, NY"
(5-0)
 - c. COMM. 12M-7 (2012)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter Concerning Agricultural Districts No. 2 & No. 4"
(5-0)
2. COMM. 12E-7 (2012)
COUNTY EXECUTIVE
WHEREAS the County of Erie on behalf of Erie County Sewer District No. 2 entered into an agreement with URS Corporation on August 29, 2002 to provide design and Engineering Services associated with the upgrade and improvement of five (5) sewerage pumping stations in Erie County Sewer District No. 2; and

WHEREAS, URS Corporation as part of the agreement is providing General Services during construction and Resident Inspection for the final phase of the agreement, the Lake Street and Point Breeze Pumping Station Modification Project Contract 79A, B, and D; and

WHEREAS, there have been numerous delays in the contracts with acceptance of certain installations, equipment and material deliveries, coordination with utilities, and coordination of schedules with multiple prime contractors that have extended the contract completion time and depleted the budget allocated for general services and resident engineering for the contracts; and

WHEREAS, URS has provided the continuous resident inspection and general engineering services necessary for the successful completion of the contracts, and Change Order No. 9 identifies the additional cost associated with providing the Resident Inspection and General Engineering Services; 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. 9 to the County of Erie/URS Corporation Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 9 to the County of Erie/URS Corporation Agreement dated June 11, 2012 be approved in the amount of \$96,771.73; 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 project C.00004 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.00004 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 \$96,771.73 from Sewer District No. 2 Account C.00004 for payment of this Change Order; and be it further

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

3. COMM. 12E-11 (2012)
COUNTY EXECUTIVE

WHEREAS, the Western New York Stormwater Coalition (WNYSC) has decided to lead by example by constructing five (5) stormwater cisterns to capture rainwater for reuse and to reduce the need for potable water in municipal operations; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) coordinates the activities of the WNYSC; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Environmental Facilities Corporation in a resolution passed on November 3, 2011 (Comm. 22E-8 (2011)) to accept funding for the WNY Stormwater Coalition: Rainwater Harvesting Installation Project; and

WHEREAS, the required in-kind match for this award, in the form of engineering and construction services, will be provided by the following municipal partners: the Town of Tonawanda, the Village of Orchard Park as well as by the Erie County Department of Public Works and the Erie County Department of Environment and Planning; and

WHEREAS, it is necessary to establish the budget in accordance with the current project workplan and contractual requirements set forth by the granting agency.

NOW, THEREFORE, BE IT

RESOLVED, that the revenue from the New York State Environmental Facilities Corporation is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

WNY Stormwater Coalition: Rainwater Harvesting Installation Project
 (Grant Period: 3/28/12 – 3/28/14)
 SAP Grant Account #162WNYSCRHI1214

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue – New York State Environmental Facilities Corporation	(<u>\$626,000</u>)
TOTAL REVENUE		(<u>\$626,000</u>)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Services Contracts and Fees	(<u>\$626,000</u>)
TOTAL APPROPRIATIONS		(<u>\$626,000</u>)

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 the Clerk of the Legislature send certified copies of this resolution to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; the GIGP Project Coordinator (address: Katie M. Syron, Project Coordinator, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997), and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
 (5-0)

4. COMM. 12E-12 (2012)
COUNTY EXECUTIVE

WHEREAS, Wendel Energy Services (Wendel) completed an audit titled “Energy Efficiency Study for Big Sister Creek Wastewater Treatment Plant (WWTP)” (December 2009) that identified several viable facility improvement measures to decrease the electrical usage, decrease operational costs, and modernize the WWTP; and

WHEREAS, the Big Sister Creek WWTP Energy Efficiency Improvement Project (herein after referred to as “the Project”) was developed to begin the engineering necessary to implement said facility improvement measures; and

WHEREAS, Wendel has identified \$130,000 in combined annual operating and energy savings from said facility improvement measures; and

WHEREAS, per New York State Energy Law Article 9, said savings are guaranteed; and

WHEREAS, the Project has been awarded or anticipates to receive the following grants and incentives: \$363,000 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 the local share of this project; and

WHEREAS, it is necessary to execute an agreement with Wendel to complete the Project.

NOW, THEREFORE, BE IT

RESOLVED, that Wendel Energy Services be retained to complete the Big Sister Creek WWTP Energy Efficiency Improvement Project; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Wendel Energy Services, LLC, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228 to complete the Big Sister Creek WWTP Energy Efficiency Improvement Project, 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 Commissioner of Environment and Planning is authorized to execute all other documents and instruments outside of the Grant Agreement with EFC to implement the project that is necessary to bring about the Project and to fulfill the County's obligation under the GIGP Agreement; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to establish a Capital Project in Erie County Sewer District No. 2 (C.12201) with budgeted Appropriations and estimated Revenues as follows:

Appropriations	\$1,100,000
Transfer in Capital Reserve	\$625,000
Grants (GIGP)	\$363,000
National Grid	\$112,000

and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$625,000 from Erie County Sewer District No. 2 capital reserve account C.00008 to Erie County Sewer District No. 2 Capital Project C.12201 and to establish all budgetary accounts as necessary to facilitate the transfer of \$625,000; and be it further

RESOLVED, that the Clerk of the Legislature one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Kristen Walder, 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)

TERRENCE D. McCracken
CHAIR