

November 1, 2012

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 13

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18E-15 (2012)  
**COUNTY EXECUTIVE:** “ECSD Nos. 3 & 6 - Revised State Pollutant Discharge Elimination System (SPDES) Permits”  
(5-0)
  - b. COMM. 18M-3 (2012)  
**NYSDEC:** “Fact Sheet: Fish Consumption Advisory Injury Determination”  
(5-0)
  - c. COMM. 18M-14 (2012)  
**NYSDEC:** “Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - 5565 River Road Site - Tonawanda, NY”  
(5-0)
2. COMM. 18E-9 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain almost 1,000 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and seven (7) wastewater treatment plants worth over an estimated \$1 billion; and

WHEREAS, due to the age, condition, and complexity of the existing Erie County Sewer District facilities, numerous problems that arise that require engineering solutions; and

WHEREAS, the Erie County Sewer Districts are also facing increased regulatory requirements that necessitate detailed engineering evaluation and study; and

WHEREAS, it is not practical to issue proposals on each and every small engineering project; and

WHEREAS, it is further recognized that there is the need to have engineering assistance on standby for time critical projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for engineering assistance on a term contract basis and received thirteen (13) timely responses from qualified engineering firms; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top five (5) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE BE IT

RESOLVED, that agreements with Arcadis/Malcolm Pirnie, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202; Conestoga-Rovers & Associates, 285 Delaware Ave, Suite 500, Buffalo, New York 14202; DiDonato Engineering and Design Professionals, 689 Main Street, Buffalo, New York 14203; URS Corporation, 77 Goodell Street, Buffalo, New York 14203; and Wendel Companies, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228; in an amount not to exceed \$300,000.00 each for engineering term contract services during the years of 2013, 2014, and 2015 are hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$300,000.00 for each agreement from any of the Sewer Capital projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be it further

RESOLVED, that no individual assignment issued under these agreements be greater than \$75,000.00; and be it further

RESOLVED, that one (1) certified copy of this resolution be provided to the County Executive, County Comptroller, County Director of Budget and Management, and Kristen Walder (Assistant County

Attorney); and two (2) certified copies of this resolution be provided to Joseph Fiegl, P.E., Deputy Commissioner, Division of Sewerage Management.  
(5-0)

3.        **COMM. 18E-10 (2012)**  
          **COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 11E-7 (2009) Contract 79B was awarded to MLP Plumbing and Mechanical, Inc. for the installation of heating, ventilation and air-conditioning equipment for the Lake Street and Point Breeze Pumping Stations; 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. 79B, Lake Street and Point Breeze Pumping Stations Project, in the final contract amount of \$269,960.02 which includes Change Order No. 2 (final), a decrease of \$4,306.88, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 79B, Lake Street and Point Breeze Pumping Stations Project between the County of Erie and MLP Plumbing and Mechanical, Inc. (3198 Union Road, Suite 300, Cheektowaga, NY 14227) is accepted in the final contract amount of \$269,960.02 which includes Change Order No. 2 (final), a decrease of \$4,306.88, and is allocated in Erie County Sewer District No. 2 Bond Account C.00004; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 79B, Lake Street and Point Breeze Pumping Stations Project to MLP Plumbing and Mechanical, Inc. for a total contract amount of \$269,960.02; 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.  
(5-0)

4.        **COMM. 18E-16 (2012)**  
          **COUNTY EXECUTIVE**

WHEREAS, the proper process for naming an Erie County facility or property is for the Department that supervises and controls the facility or property to request and receive authorization from your honorable body; and

WHEREAS, to honor a 20-year old US Ranger from the Town of Wales who died in the Invasion of Grenada, the Erie County Legislature adopted a Legislator’s Resolution in 1983 urging the County Executive to take the steps necessary to change the name of “Hunters Creek Park” to “Sgt. Mark A. Rademacher Memorial Park”; and

WHEREAS, the County Executive at that time rededicated the site “Sgt. Mark A. Rademacher Memorial Park/Hunter’s Creek Park” without requesting and receiving authorization from the County Legislature; and

WHEREAS, the park is a 760-acre conservation site within the Erie County park system and is located in the Town of Wales; and

WHEREAS, the park is popularly referred to as both “Sgt. Mark A. Rademacher Memorial Park” and “Hunter’s Creek Park”; and

WHEREAS, the Department of Parks, Recreation and Forestry wishes for this honorable body to reaffirm the decision to name the park “Sgt. Mark A. Rademacher Memorial Park/Hunter’s Creek Park” and has requested authorization to officially change the name.

NOW, THEREFORE, BE IT

RESOLVED, the 760-acre Erie County park in the Town of Wales shall henceforth be known as “Sgt. Mark A. Rademacher Memorial Park/Hunter’s Creek Park”; and be it further

RESOLVED, that the Department of Parks Recreation and Forestry shall continue to install appropriate signage of the name of the Park; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive and the Commissioner of the Department of Parks, Recreation and Forestry.  
(5-0)

**TERRENCE D. McCracken**  
**CHAIR**