

September 17, 2009

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

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

- a. COMM. 13M-7 (2009)
SENATOR SCHUMER: "Copy of Letter to Tonawanda Coke Concerning Air Pollution"
(6-0)
- b. COMM. 13M-8 (2009)
SENATOR THOMPSON: "Copy of Letter to NYS Health Commissioner Regarding Health Impacts from Air Pollution - Tonawanda Coke"
(6-0)
- c. COMM. 13M-9 (2009)
NYS HEALTH COMMISSIONER: "Copy of Letter to Legislator Iannello Regarding Health Impacts from Air Pollution - Tonawanda Coke"
(6-0)
- d. COMM. 13M-10 (2009)
ATTORNEY CRAIG A. SLATER: "Copy of Letter to Legislator Iannello Concerning Air Pollution - Tonawanda Coke"
(6-0)
- e. COMM. 14M-2 (2009)
NYSDEC: "Fact Sheet - Former Bethlehem Steel - Lackawanna - Public Meeting"
(6-0)
- f. COMM. 17E-5 (2009)
COMPTROLLER: "Pennsylvania Electric Motor Service"
(6-0)
- g. COMM. 17E-34 (2009)
COUNTY EXECUTIVE: "ECSD #2 - Engineer Term Agreement - Wendel - Duchscherer - Work Order"
(6-0)

- h. COMM. 17E-35 (2009)
COUNTY EXECUTIVE: "ECSD #3 & #6 - Engineer Term Agreement - Liro Engineers, Inc. - Work Order"
(6-0)
- i. COMM. 17E-38 (2009)
COUNTY EXECUTIVE: "ECSD #1- #6 & #8 - Section 270/271 Resolutions"
(6-0)
- j. COMM. 17E-39 (2009)
COUNTY EXECUTIVE: "Semi-Annual Attendance Records - Board of Managers - ECSDs"
(6-0)
- k. COMM. 17E-45 (2009)
COUNTY EXECUTIVE: "EC Division of Sewer Management - ECSD #2 - Engineering Agreement - Stearns & Wheler, LLC - Change Order #1"
(6-0)
- l. COMM. 17E-46 (2009)
COUNTY EXECUTIVE: "ECSD # 3, #4 & #5 - Engineer Term Agreement - Greenman-Peterson, Inc. - Work Order GPI-2"
(6-0)
- m. COMM. 17D-3 (2009)
ENVIRONMENT & PLANNING COMMISSIONER: "Project Description - Negative Declaration of Elimination Project of Aurora Pump Station - Lancaster & Cheektowaga"
(6-0)
- n. COMM. 17D-7 (2009)
COUNTY ATTORNEY: "Pennsylvania Electric Motor Service"
(6-0)
- o. COMM. 17D-14 (2009)
ENVIRONMENT & PLANNING COMMISSIONER: "Project Description - Negative Declaration of Botanical Gardens Cistern Installation Project - South Park Ave., Buffalo"
(6-0)
- p. COMM. 17D-28 (2009)
ENVIRONMENT & PLANNING COMMISSIONER: "Project Description - Negative Declaration of South Main St. Waterline Improvements - Village of Angola"
(6-0)

- q. COMM. 17M-1 (2009)
NYSDEC: “Region 9 Fish & Wildlife Highlights - 1/15/09 - 3/15/09”
(6-0)
- r. COMM. 17M-12 (2009)
NYSDEC: “Region 9 Fish & Wildlife Highlights - 5/16/09 - 6/15/09”
(6-0)
- s. COMM. 17M-30 (2009)
NYSDEC: “Region 9 Fish & Wildlife Highlights - 6/16/09 -7/15/09”
(6-0)
- t. COMM. 17M-31 (2009)
SCHOHARIE CO. BOARD OF SUPERVISORS: “Resolution Encouraging Immediate Relief for Dairy Farmers”
(6-0)

2. COMM. 17E-40 (2009)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Chestnut Ridge Park – 2009 – Casino Building Roof Replacement & Exterior Facade Work on July 2, 2009; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into contracts for an amount not to exceed \$674,638.00; and

WHEREAS, the lowest responsible bidders and their respective bids are as follows:

General Construction Work

Miller Enterprises, Inc.	Base Bid	\$507,000.00
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Roofing Work

Joseph A. Sanders & Sons, Inc.	Base Bid	<u>\$259,342.00</u>
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TOTAL OF CONTRACTS		\$766,342.00
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and

WHEREAS, the total value of all contracts for the lowest responsible bidders exceeds the previously authorized not to exceed amount; and

WHEREAS, to fully fund all construction contracts, including a construction contingency, an additional \$200,000.00 is required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for a total award of contracts to be increased by \$200,000.00 from the previously authorized amount of \$674,638.00, for a not to exceed total of \$874,638.00; and be it further

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

A.00044 2002 – Exterior Building and Envelope Rehabilitation	\$ 49,096.00
A.00070 2003 – Roof Replacement and Waterproofing	\$ 91,364.00
A.00227 2004 – Roof Replacement and Waterproofing	<u>\$ 59,540.00</u>

TOTAL PAYMENTS NOT TO EXCEED	\$200,000.00
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and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.
(6-0)

3. COMM. 17E-41 (2009)
COUNTY EXECUTIVE
WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on Wednesday, November 4, 2009 for the purpose of meeting to hear and consider any objections which may be made to the 2010 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of September 27, 2009; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, the County Executive, Erie County Comptroller, and Eric Ziobro, Assistant County Attorney.
(6-0)

4. COMM. 17E-43 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 39 to Tom Greenauer Development, Inc. for the installation of a new sanitary sewer to eliminate failing septic systems; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 39, Broadway and Pavement Sewer Extension, in the final contract amount of \$41,819.10 which includes Change Order No. 1 (final), a decrease of \$4,339.90 in account 516020 in Fund 220 Business Area 181.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 39, Broadway and Pavement Sewer Extension between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140 is accepted in the amount of \$41,819.10 which includes Change Order No. 1 (final), a decrease of \$4,339.90 in account 516020 in Fund 220 Business Area 181 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 39, Broadway and Pavement Sewer Extension between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$41,819.10 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

5. COMM. 17E-44 (2009)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and Buffalo & Pittsburgh Railroad, Inc have license agreements for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays these license agreements fees on an annual basis; and

WHEREAS, the County of Erie and Buffalo & Pittsburgh Railroad, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and Buffalo & Pittsburgh will amend the license agreements and the County will make a final payment of \$6,800.00.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreements between the County of Erie, on behalf of Erie County Sewer Districts Nos. 3 & 6 in the amount of \$6,800.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreements with the Buffalo & Pittsburgh Railroad, Inc. subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized to allocate from Professional Services, Contracts and Fees SD # 3 (1831010), \$3,400.00 and SD # 6 (1861010), \$3,400.00, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.
(6-0)

6. COMM. 17E-53 (2009)

COUNTY EXECUTIVE

WHEREAS, the Buffalo Lakeside Commerce Park is a former brownfield site located in the southwestern portion of the City of Buffalo; and

WHEREAS, the Buffalo Lakeside Commerce Park is one of the most important development sites in the County of Erie; and

WHEREAS, the County of Erie through Erie County Sewer District No. 6 provides sanitary sewer services to the Buffalo Lakeside Commerce Park per an agreement with the Buffalo Urban Development Corporation; and

WHEREAS, improvements to the sanitary sewer system in Buffalo Lakeside Commerce Park are necessary to allow for additional tenants to be secured in the area; and

WHEREAS, the County of Erie desires to apply to the New York Department of State's Local Government Efficiency grant program for \$400,000 to partially fund sanitary sewer system improvements required to support the continued development in the Buffalo Lakeside Commerce Park.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie supports the Local Government Efficiency grant application to partially fund the "Sanitary Sewer Improvements in the Buffalo Lakeside Commerce Park;" and be it further

RESOLVED, that the Erie County Department of Environment and Planning – Division of Sewerage Management be authorized to complete the necessary application for Local Government Efficiency grant funding, with the County of Erie as lead applicant; and be it further

RESOLVED, upon notification of award, the Erie County Department of Environment and Planning – Division of Sewerage Management shall advise the County Legislature; and be it further

RESOLVED, that the County Executive is authorized to execute Standard Cost Reimbursement Contract(s) between the County of Erie and the State of New York to receive grant monies for the "Sanitary Sewer Improvements in the Buffalo Lakeside Commerce Park", 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; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy of this resolution each to the County Executive, the County Comptroller, the County Director of Budget and Management, and Eric R. Ziobro, Esq., Assistant County Attorney; and two (2) certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning – Division of Sewerage Management.

(6-0)

**DANIEL M. KOZUB
CHAIR**