

July 15, 2021

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 12

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13E-4 (2021)  
**COUNTY EXECUTIVE:** “ECSD No. 3 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
  - b. COMM. 13D-3 (2021)  
**CLERK OF LEGISLATURE:** “Acknowledgment of Filing of Documents Concerning Creation of the Cayuga Creek Water District in the Town of Alden”  
(Chair’s Ruling)
  - c. COMM. 13M-1 (2021)  
**NYS COMPTROLLER - OFFICE OF LEGAL SERVICES:** “Documents Concerning Creation of the Cayuga Creek Water District in the Town of Alden”  
(Chair’s Ruling)
  - d. COMM. 13M-4 (2021)  
**NYSDEC:** “Invitation for Public Comment - Application & Draft Remedial Investigation at 156 Chandler St., Buffalo”  
(Chair’s Ruling)
  - e. COMM. 14E-17 (2021)  
**COUNTY EXECUTIVE:** “ECSD No. 3 - Engineer Term Contract Agreement”  
(Chair’s Ruling)
  - f. COMM. 14E-19 (2021)  
**COUNTY EXECUTIVE:** “ECSD Nos. 1-6 & No. 8 - Board of Managers Resolutions”  
(Chair’s Ruling)
  - g. COMM. 14E-23 (2021)  
**COUNTY EXECUTIVE:** “Authorization to Apply - NYSDEC Climate-Smart Communities Funding”  
(Chair’s Ruling)

- h. COMM. 14M-3 (2021)  
**NYSDEC:** “Public Notice - Program Application for Baseline Rd. & Grand Island Blvd., Grand Island”  
(Chair’s Ruling)
- i. COMM. 14M-4 (2021)  
**NYSDEC:** “Invitation for Public Comment - Program Application for 703 E. Delavan Ave., Buffalo”  
(Chair’s Ruling)
- j. COMM. 14M-5 (2021)  
**NYSDEC:** “Invitation for Public Comment - Program Application for Baseline Rd. & Grand Island Blvd., Grand Island”  
(Chair’s Ruling)
- k. COMM. 14M-6 (2021)  
**NYSDEC:** “Public Notice - Program Application for 703 E. Delavan Ave., Buffalo”  
(Chair’s Ruling)

2. COMM. 8E-22 (2021)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 42 at 11:00 a.m. on June 22, 2021:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 42	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$414,570.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Rowley Road Sanitary Sewer Replacement Project, Erie County Sewer District No. 1, Contract No. 42 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 42	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$414,570.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$420,000.00 in Capital Project No. C.21 1XX (American Rescue Plan funds, pending WBS elements) to fund Contract No. 42; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(4-0)

3. COMM. 12E-5 (2021)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 26 at 11:30 a.m. on June 22, 2021:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 26	National Water Main Cleaning Co. 25 Marshall Street Canton, MA 02021	\$393,844.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Transit Road Cured In Place Pipe Lining Project, Erie County Sewer District No. 5, Contract No. 26 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 26	National Water Main Cleaning Co. 25 Marshall Street Canton, MA 02021	\$393,844.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and/or the County Comptroller are authorized to allocate up to \$400,000.00 in Capital Project No. C.21 1XX (American Rescue Plan funds, pending WBS elements) to fund Contract No. 26; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(4-0)

4. COMM. 14E-3 (2021)  
**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointments of the following individuals to the Erie County Fisheries Advisory Board with terms that will expire on December 31, 2024:

Thomas Sucharski	Kimberly Marron	Wendy Paterson
19 Country Lane	6478 Kevington Place	447 Southside Parkway
Buffalo, NY 14203	Boston, NY 14025	Buffalo, NY 14210

(4-0)

5. COMM. 14E-16 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District (ECS&WCD) who have the essential expertise and personnel to perform the necessary inspections and evaluations, as well as, to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, road, bridge, and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts, and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair road, bridge, and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the ECS&WCD to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the ECS&WCD have previously authorized a municipal agreement on November 5, 2020, via Communication Number 20E-15 for the purpose of performing a County-wide Stream Maintenance Program; and

WHEREAS, scour from Cattaraugus Creek is encroaching on Zoar Valley Road (CR457) approximately across from 2840 Zoar Valley Road and is endangering the road; and

WHEREAS, it is necessary to execute a contract with the ECS&WCD for the stabilization of the stream scour and associated stream bank/roadway embankment failure at the site noted (the "Project"); and

WHEREAS, it is estimated that the cost of the necessary work will not exceed \$500,000 which is available from the SAP Project number hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to renew the contract between the County of Erie and the Erie County Soil and Water Conservation District (ECS&WCD) for \$150,000 to be allocated from the 2021 Highway Department Budget, GL 516020 – Professional Services, Fund 210, Funds Center 1231010 for technical services to identify drainage improvements, reduce erosion, embankment failure, scour, and localized flooding related risks to roads, bridges, culverts, and rights-of-way at various locations; and be it further

RESOLVED, that the Erie County Legislature hereby approves the site-specific work on Zoar Valley Road (the Project); and be it further

RESOLVED, the County Executive is authorized to execute a contract amendment for the Project with the ECS&WCD in an amount not to exceed \$500,000 for which funds are available from Fund 420, Fund Center 123, Project B.19017 – General Civil & Geotechnical Services Construction and which are hereby appropriated and made available for the Project; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(4-0)

6. COMM. 14E-20 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain over 1,100 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and six (6) wastewater treatment plants in the Erie County Sewer Districts; and

WHEREAS, the Division of Sewerage Management previously issued a request for proposals for engineering assistance on a term contract basis; and

WHEREAS, pursuant to Legislative Comm. 19E-10 (2019) the top seven (7) ranked firms submitting proposals were retained via engineering term contract agreements at an amount not to exceed \$250,000.00; and

WHEREAS, pursuant to Legislative Comm. 13E-15 (2021) significant capital monies will be provided for infrastructure improvements in the Erie County Sewer Districts through American Rescue Plan funding; and

WHEREAS, the Division of Sewerage Management has identified that additional engineering resources are needed to assist with projects to be implemented through American Rescue Plan funding; and

WHEREAS, to assist with the additional engineering workload, the Division of Sewerage Management recommends the total authorization for the existing seven (7) engineering term contract agreements be increased and three (3) additional firms be retained through new engineering term contract agreements.

NOW, THEREFORE, BE IT

RESOLVED, that agreements for engineering term contract services with C&S Companies (141 Elm Street #100, Buffalo, NY 14203), Greenman-Pedersen, Inc. (4950 Genesee Street – Suite 100, Buffalo, NY 14225), and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (375 Essjay Road, Buffalo, NY 14221) are hereby approved in an amount not to exceed \$250,000.00 each; and be it further

RESOLVED, that the County Executive be and hereby is, authorized to execute agreements with C&S Companies, Greenman-Pedersen, Inc, and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, 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 Deputy Commissioner of the Division of Sewerage Management be approved to issue change orders to the existing engineering term contract agreements with AECOM, Arcadis of New York, Inc., CHA Consulting, DiDonato Engineering and Design Professionals, GHD Consulting Services, Inc., LaBella Associates, and Ramboll/O'Brien & Gere Engineers, Inc. to increase the total authorization of each agreement to an amount not to exceed \$500,000.00; and be it further

RESOLVED, that the County Comptroller be authorized to allocate an amount not to exceed \$250,000.00 for the agreements with C&S Companies, Greenman-Pedersen, Inc, and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC to fund individual work order assignments; and be it further

RESOLVED, that the County Comptroller be authorized to allocate an amount not to exceed \$500,000.00 for the agreements with AECOM; Arcadis of New York, Inc., CHA Consulting, DiDonato Engineering and Design Professionals, GHD Consulting Services, Inc., LaBella Associates, and Ramboll/O'Brien & Gere Engineers, Inc. to fund individual work order assignments; and be it further

RESOLVED, that individual work orders may be funded from any Sewer Capital Project in Fund 430, the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, Account 516020 (Professional Service Contracts)), and/or Capital Project No. C.21 1XX (American Rescue Plan funds, pending WBS elements) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

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

RESOLVED, that the Division of Sewerage Management shall notify the Legislature when a work order is assigned to an engineering firm under this resolution; and be it further

RESOLVED, that when a Capital Project is selected as the funding source for a work order assignment, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.  
(4-0)

7. COMM. 14E-25 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community (Comm. 12E-5 (2014)); and

WHEREAS, the Erie County Legislature authorized a New York State Department of Environmental Conservation (NYSDEC) grant to conduct Climate Smart Community certification activities (COMM 7E-38 (2018)); and

WHEREAS, the County Climate Vulnerability Assessment process has identified extreme heat as an increasing climate vulnerability to County residents; and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15 that can support development of a heat emergency plan; and

WHEREAS, Erie County has identified the required matching funds that can be allocated to this project from in-kind staff support pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County authorizes P. Josh Wilson, Coordinator, Pollution Prevention Program, an employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for one hundred thousand dollars (\$100,000), to be used for development of the Erie County Heat Emergency Plan; and be it further

RESOLVED, that in the event of a grant award, Erie County will make resources available to the project to meet the one hundred thousand dollars (\$100,000) matching funds requirement through in-kind services, or otherwise, through County funds, if allocated in the County budget; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.  
(4-0)

**TIMOTHY J. MEYERS**  
**CHAIR**