

JULY 12, 2005

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. INTRO 10-3 (2005)
WEINSTEIN & MARINELLI: In Support of Approving Replacement Power Legislation (S. 1136/A. 2715)
(4-1) Legislator Ranzenhofer in the negative.
 - b. COMM. 12E-42 (2005)
COUNTY EXECUTIVE: ECSD No. 2 - Herr Rd. - Buffalo Beach & Shorecliff - Pumping Station Modification Project - Contracts 61PS"A" - General/Mechanical - 61PS"B" - HVAC - 61PS"D" - Electrical - Contract Award
(5-0)
 - c. COMM. 14E-16 (2005)
COUNTY EXECUTIVE: ECSD No. 2 - Contract No. 38H - General Lakeshore Pumping Station Elimination - Bid Opening
(5-0)
 - d. COMM. 19E-28 (2005)
COUNTY EXECUTIVE: ECSD Nos. 2 & 4 - Engineer Term Agreement - Work Order: MPI-1, Legislative Comm. 21E-33
(5-0)
 - e. COMM. 19E-34 (2005)
COUNTY EXECUTIVE: Southtowns Sewage Treatment Agency - Engineer Term Agreement
(5-0)
 - f. COMM. 19E-35 (2005)
COUNTY EXECUTIVE: ECSD No. 6 - Engineer Term Agreement - Work Order: DA-2
(5-0)
 - g. COMM. 19E-44 (2005)
COUNTY EXECUTIVE: ECSD No. 6 - SSTA - Disinfective Improvements - Contract No. 6ST-A - Change Order No. 1 - Summit Construction Group
(5-0)

- h. COMM. 19E-52 (2005)
COUNTY EXECUTIVE: Proposed ECSD No. 8 - EC Sewer Agency Report - Village of East Aurora/Town of Aurora
(5-0)
- i. COMM. 19D-3 (2005)
PARKS, RECREATION, & FORESTRY: Monitoring Report for the Erie County Golf Courses - May 2005
(5-0)
- j. COMM. 19D-14 (2005)
PARKS, RECREATION, & FORESTRY: Monitoring Report for the Erie County Golf Courses - June 2005
(5-0)
- k. COMM. 19M-6 (2005)
ECWA: Comprehensive Annual Financial Report For Year Ending 12/31/04
(5-0)
1. COMM. 19M-12 (2005)
ECWA: 2004 Annual Report
(5-0)
2. INTRO 7-11 (2004)
DUSZA
WHEREAS, many larger retail establishments have found it difficult and impractical to place price labels on each individual item for sale, and

WHEREAS, in the absence of individual price markings, a number of businesses have relied on computer assisted scanning checkout systems operated by retail employees to interpret an item's Universal Product Code (UPC) and report on that item's price, and

WHEREAS, in 1997 the Erie County Legislature approved Local Law Number 7 in relation to item pricing and scanner accuracy in Erie County, which allows establishments to apply for waivers from item pricing and provides consumers with recourse when inaccurately charged for an item, and

WHEREAS, recent trends in retail stores show a movement toward customer self-scanner checkout technology, and

WHEREAS, locally self-scanners can be found in Tops Supermarkets, Home Depot Stores, Wal-Mart Supercenters, BJ's Wholesale Clubs as well as other retail establishments, and

WHEREAS, Forester Research firm found that fifty percent of American consumers have at one time used self-checkouts, and

WHEREAS, Western New York Tops Markets and Home Dept management report approximately 1/3 of all sales in stores with self-scanning technology are processed by consumers through the self-checkout system, and

WHEREAS, while self-scanners have been demonstrated to be a viable option for consumers, the technology also removed the interpersonal interaction traditionally associated with the retail payment process, and

WHEREAS, this recent technology raises new questions about compliance, enforcement and consumer rights related to Local Law No. 7-1997.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature continues to make consumer protection a priority, and be it further

RESOLVED, that in light of the increase in local self scanner usage, this Honorable Body requests the presence of Ed Gonsiorek, Director of Public Works – Weights & Measures at an upcoming Legislative committee meeting to report on the role of self-scanners in relation to Local Law No. 7-1997 and the consumers' course of action in inaccurate price reading situations, and be it further

RESOLVED, that certified copies of this resolution be sent to Ed Gonsiork (DPW-Weights & Measures) and Angelo Velake (United Food & Commercial Workers).
(5-0)

3. **COMM. 19E-46 (2005)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 2, Herr Road, Buffalo Beach and Shorecliff Pumping Station Modification Project, Contract Nos. 61PS-A General/Mechanical, 61PS-B HVAC, and 61PS-D Electrical, at 2:00PM on May 19, 2005.

| <u>Contract</u> | <u>Lowest Responsible Bidder</u> | <u>Amount Bid</u> |
|---------------------------------------|--|-------------------|
| Contract 61PS-A General/Mechanical | Kandey Company, Inc. 19 Ransier Road West Seneca, NY 14224 | \$2,274,000.00 |
| Contract 61PS-B HVAC | DV Brown & Associates, Inc. 567 Vickers Street Tonawanda, NY 14150 | 142,800.00 |
| Contract 61PS-D Electrical | O'Connell Electric Company 830 Phillips Road Victor, NY 14564 | 279,500.00 |
| | For a Total Project Cost of | \$2,696,300.00 |

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Herr Road, Buffalo Beach and Shorecliff Pumping Station Modification Project, Contract Nos. 61PS-A General/Mechanical, 61PS-B HVAC, and 61PS-D Electrical, be awarded to the lowest responsible bidders as follows:

| <u>Contract</u> | <u>Low Bidder</u> | <u>Amount Bid</u> |
|---------------------------------------|--|-------------------|
| Contract 61PS-A General/Mechanical | Kandey Company, Inc. 19 Ransier Road West Seneca, NY 14224 | \$2,274,000.00 |
| Contract 61PS-B HVAC | DV Brown & Associates, Inc. 567 Vickers Street Tonawanda, NY 14150 | 142,800.00 |
| Contract 61PS-D Electrical | O'Connell Electric Company 830 Phillips Road Victor, NY 14564 | 279,500.00 |

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$1,684,924.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00002 (430-147), \$546,376.00 from Account C.00013 (430-444), and \$465,000.00 from Account C.00028 (430-533) for Contract 61PS – A, Contract 61PS – B, and Contract 61PS – D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Gregory Gach, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.
(5-0)

4. COMM. 19E-49 (2005)
COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U. S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, since April of 2000, the Erie County Department of Environment and Planning (ECDEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

WHEREAS, through Legislative resolution (Comm. 15E-44) dated July 8, 2004, Erie County accepted from NYSERDA a total of \$75,000 in grant resources to continue to coordinate the Rebuild Partnership into the year 2005; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the County to most efficiently utilize the remaining grant resources; and

WHEREAS, the ECDEP has applied for and received authorization from NYSERDA to revise the existing budget.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Erie County Rebuild Western New York Initiative (162REBUILD0405) will be revised as follows:

APPROPRIATIONS:

| <u>Account</u> | <u>Description</u> | <u>Current Budget</u> | <u>Revisions</u> | <u>Revised Budget</u> |
|-----------------------|--------------------------------------|-----------------------|------------------|-----------------------|
| 500000 | Salaries | \$51,200 | (\$1,865) | \$49,335 |
| 502000 | Fringe Benefits | 16,800 | 5,230 | 22,030 |
| 505000 | Office Supplies | 300 | 0 | 300 |
| 510000 | Local Mileage Reimbursement | 300 | (287) | 13 |
| 510100 | Out of Area Travel | 2,700 | (943) | 1757 |
| 510200 | Training and Education | 25 | 0 | 25 |
| 516020 | Professional Service Contract & Fees | 1,675 | (1,000) | 675 |
| 530000 | Other Expenses | 1,000 | (761) | 239 |
| 561410 | Lab & Technical Equipment | 1,000 | (374) | 626 |
| TOTAL APPROPRIATIONS: | | \$75,000 | | \$75,000 |

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

RAYMOND K. DUSZA
CHAIRMAN