

February 28, 2019

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 4

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

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-19 (2019)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 4M-5 (2019)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at Brownfield Site on Fillmore Ave., Buffalo”
(Chair’s Ruling)
 - c. COMM. 4M-6 (2019)
CORNELL COOPERATIVE EXTENSION: “Budget Plan for 2019 County Appropriation - Pursuant to 2019 Budget Accountability Act”
(Chair’s Ruling)
 - d. COMM. 4M-8 (2019)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at Nearby Brownfield Sites on Wilkeson Way & La Riviere Dr., Buffalo”
(Chair’s Ruling)
 - e. COMM. 4M-10 (2019)
EC SOIL & WATER CONSERVATION DISTRICT: “2019 Budget Submission - Pursuant to 2019 Budget Accountability Act”
(Chair’s Ruling)

- 2. COMM. 4E-20 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades and has more recently played an important role in the formation of the Western New York Sustainable Business Roundtable (WNYSBR); and

WHEREAS, DEP is committed to provide staff support and conduct work to assist and expand the WNYSBR so that it can become a stand-alone organization; and

WHEREAS, the United States Protection Agency (USEPA) awarded a grant to DEP in 2016 to provide staff and other support for the WNYSBR; and

WHEREAS, Erie County and the USEPA entered into a contract (SAP Account #162WNYSBR1618) authorized by COMM. 20E-7 (2016); and

WHEREAS, the Erie County Legislature authorized a no-cost extension (COMM 23E-15 (2018); and

WHEREAS, the WNY Sustainable Business Roundtable Coordinator position (JG-12 Senior Environmental Compliance Specialist) was recently vacated and the remaining budget is not sufficient to replace the position; and

WHEREAS, the USEPA and DEP wish to make budget adjustments that will allow for successful completion of the grant work scope by moving the WNYSBR coordinator position to be employed directly by the WNYSBR, instead of by the County; and

WHEREAS, the WNYSBR is considered a sole source for this contract for a Coordinator because they manage and exclusively use the services of the Coordinator; and

WHEREAS, such a revision requires a contract between WNYSBR and Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the WNYSBR Grant is hereby revised in the DEP, Business Area 162, as follows:

Western New York Sustainable Business Roundtable Project
(October 1, 2016 – September 30, 2019), SAP Grant Account #162WNYSBR1618

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
41400	Federal Aid	\$259,963	\$0	\$259,963
TOTAL REVENUE				\$259,963
<u>APPROPRIATIONS</u>				
500000	Full Time Salaries	\$111,352	(\$12,732)	\$98,620
502000	Fringe Benefits	\$78,081	(\$11,841)	\$66,240
510100	Out of Area Travel	\$500	(\$500)	\$0
516020	Professional Services Contract	\$70,030	\$25,073	\$95,103
TOTAL APPROPRIATIONS		\$259,963	\$0	\$259,963

and be it further

RESOLVED, that the Senior Environmental Compliance Specialist (JG-12) position is eliminated from Western New York Sustainable Business Roundtable Project (October 1, 2016 –September 30, 2019), SAP Grant Account #162WNYSBR1618; and be it further

RESOLVED, that County Executive is authorized to execute a contract with WNYSBR not to exceed \$25,073 to finish the remaining grant deliverables; 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 Federal and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

3. COMM. 4E-24 (2019)
COUNTY EXECUTIVE

WHEREAS, Erie County DEP (DEP) has an award from the New York State Department of Environmental Conservation (DEC) to carry out a Project entitled, “Western New York Stormwater Coalition: MS4 Gap Analysis and Mapping Project” (hereafter the “Project”); and

WHEREAS, the afore-noted award provides that the County shall subcontract a portion of the work for student intern services to be provided in connection with the award; and

WHEREAS, the County executed a contract with the Research Foundation of SUNY at Buffalo State in 2018 for the project with a term of March 1, 2018 through February 28, 2019 as authorized by Comm. 13E-18; and

WHEREAS, DEP has determined that project outcomes will be best achieved by executing a no-cost extension to the contract extending it to June 1, 2019; and

WHEREAS, no County funds will be necessary for Erie County to extend this project; and

WHEREAS, legislative approval is required to execute a no-cost extension for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Deputy County Executive to execute the necessary agreements to extend the Research Foundation of SUNY at Buffalo State College agreement for student intern services (February 28, 2019 to June 1, 2019); and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.
(5-0)

4. COMM. 4E-25 (2019)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Erie County Sewer District No. 6, Contract Nos. 57R-A (General), 57R-B (Heating and Ventilation) and 57R-D (Electrical) at 3:00 p.m. on February 12, 2019:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 57R-A General	STC Construction, Inc 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$543,000.00
Contract No. 57R-B Heating and Ventilation	Quackenbush Co., Inc 495 Kennedy Road Buffalo, NY 14227	\$91,900.00
Contract No. 57R-D Electrical	CIR Electrical Construction Corporation 400 Ingham Avenue Buffalo, NY 14218	\$453,500.00

and

WHEREAS, the aforementioned lowest responsible bidders have been recognized in the past as contractors capable of performing the specified work; and

WHEREAS, the Division of Sewerage Management has determined that 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; and

WHEREAS, there is sufficient authorization within Capital Account C.00064 to fund the total project cost.

NOW, THEREFORE, BE IT

RESOLVED, that the Well Street and Wilmuth Avenue Pumping Station Electrical Upgrades Project, Erie County Sewer District No. 6, Contract Nos. 57R-A (General), 57R-B (Heating and Ventilation) and 57R-D (Electrical) be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 57R-A General	STC Construction, Inc 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$543,000.00
Contract No. 57R-B Heating and Ventilation	Quackenbush Co., Inc 495 Kennedy Road Buffalo, NY 14227	\$91,900.00
Contract No. 57R-D Electrical	CIR Electrical Construction Corporation 400 Ingham Avenue Buffalo, NY 14218	\$453,500.00

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’s office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$1,088,400.00 from Erie County Sewer District No. 6, Capital Account C.00064 for Contract Nos. 57R- A (General), 57R- B (Heating and Ventilation) and 57R- D (Electrical); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

JOHN BRUSO
CHAIR