

October 15, 2020

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

1.

RESOLVED, the following items are hereby received and filed:

a.

COMM. 3E-40 (2020)

MEYERS: “Letter to Commissioner of Environment & Planning Concerning Committee Discussion on PACE Local Law”
(Chair’s Ruling)

b.

COMM. 18E-8 (2020)

COUNTY EXECUTIVE: “ECSD No. 4 - Engineering Term Contract Agreement”
(Chair’s Ruling)

c.

COMM. 18M-5 (2020)

NYSDEC: “Information Regarding Start of Riverview Innovation & Technology Cleanup Investigations”
(Chair’s Ruling)

d.

COMM. 18M-6 (2020)

NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 139 Buffalo River Rd. & 610 Ohio St., Buffalo”
(Chair’s Ruling)
2.

COMM. 16E-22 (2020)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals to perform professional services associated with the Big Sisters Creek Water Resource Recovery Facility (WRRF) – NFA Report in Erie County Sewer District (ECSD) No. 2; and

WHEREAS, this project is necessary to address requirements in the State Pollutant Discharge Elimination System (SPDES) permit for ECSD No. 2; and

WHEREAS, a review committee was established by the Erie County Division of Sewerage Management to evaluate all responses to the County’s Request for Proposals for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends GHD Consulting Services, Inc. (GHD) be retained to complete the requested consulting services; and
- WHEREAS, ECSD No. 2 has adequate authorization in Bond Account C.17201 to fund this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with GHD, 285 Delaware Ave, Suite 500, Buffalo, New York 14202 for professional services associated with this project in an amount not to exceed \$156,700.00, 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’s Office; and be it further

RESOLVED, that the costs associated with this project be allocated in Bond Account C.17201; and be it further

RESOLVED, that the Clerk of the Legislature shall send one (1) certified copy each to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Division of Sewerage Management.
(5-0)

3.

COMM. 17E-8 (2020)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Holland WRRF Generator Replacement project, Contract Nos. 64-A (General/Mechanical) and 64-D (Electrical), at 2:00 p.m. on October 1, 2020:

Contract	Lowest Responsible Bidder	Amount
Contract No. 64-A General/Mechanical	The State Group Industrial (USA) Limited 100 Stradtman St. Buffalo, NY 14206	\$186,000.00
Contract No. 64-D Electrical	Frey Electric Construction Co. Inc 100 Pearce Avenue Tonawanda, NY 14150	\$188,000.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed similar work for the Division of Sewerage Management and/or other municipalities; 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 adequate cash reserves available in Erie County Sewer District No. 3 Capital Reserve Account C.00007 to fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Holland WRRF Generator Replacement project, Erie County Sewer District No. 3, Contract Nos. 64-A and 64-D be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 64-A General/Mechanical	The State Group Industrial (USA) Limited 100 Stradtman St. Buffalo, NY 14206	\$186,000.00
Contract No. 64-D Electrical	Frey Electric Construction Co. Inc 100 Pearce Avenue Tonawanda, NY 14150	\$188,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract 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 \$186,000.00 for Contract 64-A and \$188,000.00 for Contract 64-D from Erie County Sewer District No. 3, Capital Bond Account C.17301; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$374,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Bond Account C.17301 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Bond Account C.17301 by \$374,000.00; and be it further

RESOLVED, that any unused funds for these Contracts will be returned to Erie County Sewer District No. 3 Capital Reserve Account C.00007 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each 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., Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

4. COMM. 18E-5 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie wishes to identify the most effective means to reduce energy consumption and costs by energy efficient measures; and

WHEREAS, pursuant to that goal, a Request for Proposals (RFP) was issued to provide architectural and engineering services for a multi-facility building energy consumption reduction plan, also known as an Energy performance Contract (EPC), and such proposals were received; and

WHEREAS, the first step towards beginning the EPC process was to conduct an investment grade energy audit, approved via Comm. 24E-2 (2018), December 20, 2018, which was finalized during the summer of 2019; and

WHEREAS, an array of cost effective facility improvement measures have been found at various facilities; and

WHEREAS, the Department of Public Works worked diligently to narrow the focus of the audit results and has decided on a set of projects that it feels warrants the most immediate attention; and

WHEREAS, in 2019 the County authorized and partially funded an EPC with J.W. Danforth Company under COMM. 18E-19 (2019), September 26, 2019 and the County would like to add the additional funding to the contract in an amount not to exceed \$7,118,779; and

WHEREAS, authorization is being requested to accept all of the expected \$802,755 in utility incentive rebates for the lighting, building envelope, and heating and cooling equipment upgrades received as a direct result of Facility Improvement Measures (FIM’s) included within the EPC and be added to the budget in A.20007 – 2020 Energy Conservations Implementation Initiatives (Countywide), Fund 410, Funds Center 122; and

WHEREAS, the utility incentives will be used to both fund the EPC as well as reduce the amount of capital money needed to fund the project and provide savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to add the additional funding to the Energy Performance Contract (EPC) contract with J.W. Danforth Company to bring the total contract up to an amount not to exceed \$7,118,779; and be it further

RESOLVED, that authorization is hereby provided for the County to accept all of the expected \$802,755 in utility incentive rebates for the lighting, building envelope, and heating and cooling equipment upgrades received as a direct result of Facility Improvement Measures (FIM's) included within the EPC; and be it further

RESOLVED, that authorization is hereby provided to increase the Capital Project budget A.20007 – 2020 Energy Conservation Implementation Initiatives (Countywide), Fund 410, Funds Center 122 for any and all incentive rebates received; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payments for the Energy Performance Contract with J.W. Danforth Company and that funding for the EPC contract is available in Fund 410, Funds Center 122 in the projects below, from the projects listed in Comm. 18E-19 (2019), and from the utility incentives as follows:

Project	Description	Amount
A.17007	Energy Conservation Implementation Initiatives	\$37,688.72
A.20007	Energy Conservation Implementation Initiatives (Countywide)	\$2,500,000.00
Comm. 18E-19 (2019), 9/26/19		\$4,492,779.00
Utility Incentive Initiatives		\$88,311.28
Not to Exceed		\$7,118,779

and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, and also one copy each to the Department of Environment and Planning, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0)

5. COMM. 18E-6 (2020)
COUNTY EXECUTIVE

WHEREAS, the implementation of an energy efficient lighting system at the Buffalo and Erie County Botanical Gardens will allow it to maintain its competitiveness as a destination, provide energy savings for the facility and preserve it for a longer useful life. Project energy savings from the fixtures upgrade shall be \$14,040/year with a gross annual kWh savings of 140,402kWh, and CO₂ savings of 154,442 lbs.; and

WHEREAS, the Department of Public Works applied for and was awarded a \$5,610 National Grid Energy Initiative Rebate as a result of the implementation of the energy-efficient lighting system; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to accept the rebate revenue and to utilize such revenue as a funding source for new appropriations for the A.16002 – 2016 Botanical Gardens Rehabilitation (Buffalo) Capital Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements to enter into a contract with National Grid to accept a \$5,610 Energy Initiative Rebate as a result of the implementation of the energy-efficient lighting system; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept the incentive award revenue and use such revenue as a funding source for additional Project appropriations for A.16002 – 2016 Botanical Gardens Rehabilitation (Buffalo), Fund 410, Funds Center 122; and be it further

RESOLVED, that all expenditures meet the requirements of the National Grid incentive guidelines and that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with County funding requirements; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Botanical Gardens Society c/o Dave Swarts, and Financial Controller.
(5-0)

6. COMM. 18E-9 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 20E-20 (2019), Contract 65 (General) was awarded to Patterson-Stevens, Inc. to construct the Southtowns Solids Handling Area Repairs Project, in Erie County Sewer District No. 3; 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. 65 (General), in the final contract amount of \$178,559.00 which includes Change Order No. 2 (final), a decrease of (\$2,239.00) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 65 (General) between the County of Erie and Patterson-Stevens, Inc. (400 Sawyer Ave, Tonawanda, New York 14150) is accepted in the final contract amount of \$178,559.00 which includes Change Order No. 2 (final), a decrease of (\$2,239.00) and is allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 65 (General), to Patterson-Stevens, Inc. for a total contract amount of \$178,559.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

TIMOTHY J. MEYERS
CHAIR