

May 2, 2019

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

- a. INTRO. 18-3 (2018)
LOUGHRAN & LORIGO: “Fourth Resolution Terminating Appointment of Erie County Water Authority Commissioner Jerome Schad”
(Chair’s Ruling)
- b. COMM. 20E-25 (2018)
LORIGO & LOUGHRAN: “Letter to Chair of Legislature Regarding Remove ECWA Commissioner Shad”
(Chair’s Ruling)
- c. COMM. 23E-28 (2018)
LOUGHRAN & LORIGO: “Letter to Chair, Energy & Environment Committee – Erie County Water Authority Hiring Practices”
(Chair’s Ruling)
- d. COMM. 3E-6 (2019)
SAVAGE: “Public Notice Concerning Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- e. COMM. 3E-7 (2019)
SAVAGE: “Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- f. COMM. 3E-8 (2019)
SAVAGE: “Interviews for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)

- g. COMM. 3E-9 (2019)
SAVAGE: “Letter to Democratic Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- h. COMM. 3E-10 (2019)
SAVAGE: “Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- i. COMM. 3E-11 (2019)
SAVAGE: “Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- j. COMM. 3E-12 (2019)
SAVAGE: “Letter to Independence Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- k. COMM. 4M-2 (2019)
JEROME D. SCHAD: “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s Ruling)
- l. COMM. 4M-11 (2019)
PETER A. REESE: “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s Ruling)
- m. COMM. 5E-10 (2019)
LORIGO: “Submission to the Public Record – Statement from Buffalo Niagara Coalition for Open Government, Regarding ECWA Board Appointment”
(Chair’s Ruling)
- n. COMM. 5M-2 (2019)
NYSDEC: “Invitation for Public Comment – Proposal to Address Contamination at Brownfield Site on Elmwood Ave., Buffalo”
(Chair’s Ruling)

- o. COMM. 5M-7 (2019)
ECWA: “Requirements for Position of Executive Director of ECWA”
(Chair’s Ruling)
- p. COMM. 5M-8 (2019)
PAUL W. WOLF, ESQ.: “Press Release Regarding Buffalo Niagara Coalition for Open Government Concerning Speaking Request at Legislative Committee Meeting”
(Chair’s Ruling)
- q. COMM. 8E-19 (2019)
COUNTY EXECUTIVE: “ECSD No. 8 – Engineering Term Contract Agreement”
(Chair’s Ruling)
- r. COMM. 8E-20 (2019)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineering Term Contract Agreement”
(Chair’s Ruling)
- 2. COMM. 8E-16 (2019)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 7E-9 (2017). Contract No. BVPS #3-D was awarded to Frey Electric Company, Inc. to construct the Boston Valley Pumping Station Improvements 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. BVPS #3-D, in the final contract amount of \$361,651.03 which includes Change Order No. 1 (final), a decrease of (\$41,348.97) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. BVPS #3-D between the County of Erie and Frey Electric Company, Inc. (100 Pearce Avenue, Tonawanda, New York 14150) is accepted in the final contract amount of \$361,651.03 which includes Change Order No. 1 (final), a decrease of (\$41,348.97) and is allocated in Erie County Sewer District No. 3 Capital Project C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract BVPS #3-D to Frey Electric Company, Inc. for a total contract amount of \$361,651.03; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

- 3. COMM. 8E-17 (2019)
COUNTY EXECUTIVE
WHEREAS, the County of Erie is interested in the improvement of the Shoreline trail system;
and

WHEREAS, Erie County owns and maintains the Shoreline Trail and is responsible for capital improvements that are needed periodically; and

WHEREAS, Erie County applied and was awarded a \$200,000 New York State Office of Parks, Recreation and Historic Preservation’s (SHPO) Recreational Trails Program (RTP) grant for the purposes of undertaking capital improvements on the Shoreline Trail in the Town and City of Tonawanda; and

WHEREAS, Erie County also applied and was awarded a \$200,000 Niagara River Greenway Commission grant for the purposes of undertaking capital improvements on the Shoreline Trail; and

WHEREAS, the RTP Grant requires a 20% match; and

WHEREAS, matching funds for the RTP grant in the amount of \$50,000 are available from the grant awarded by the Niagara River Greenway; and

WHEREAS, Erie County is desirous of engaging engineering and construction management services for the Shoreline Trail Enhancement Project in the Town and City of Tonawanda; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #1903 VF.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to Capital Project A.19075:

Increase Revenue/ Appropriations totaling \$200,000 as follows:

Revenue

Commitment Item 420499 (Other Local Source Revenue) \$200,000

Appropriation

Commitment Item 516020 (Professional Services – Contractual Fees) \$200,000

Increase Revenue/Appropriations totaling \$200,000 as follows:

Revenue

Commitment Item 420499 (Other Local Source Revenue) \$200,000

Appropriation

Commitment Item 516020 (Professional Services – Contractual Fees) \$200,000

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to execute all agreements necessary to accept funding and seek reimbursement of these funds in an amount not to exceed \$200,000 from the New York State Office of Parks, Recreation and Historic Preservation’s (SHPO) Recreational Trails Program (RTP) grant program; and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into all agreements necessary to accept funding and accept reimbursement of these funds in an amount not to exceed \$200,000 from the New York Power Authority or Community Foundation for Greater Buffalo; and be it further

RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Construction Management services for the Shoreline Trail Enhancement Project in an amount not to exceed \$195,477 with Nussbaumer and Clarke, Inc.; and be it further

RESOLVED that an amount of \$195,477 be allocated from Capital Project A.19075 for Engineering and Construction Management Services and additional amount of \$19,548 be allocated for a Department of Environment and Planning design contingency fund with authorization from the County Executive to approve contract amendments with Nussbaumer and Clarke, Inc. not to exceed \$19,548, also be allocated from Capital Project A.19075; 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 State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Public Works and the Commissioner of Department of Parks, Recreation and Forestry.
(6-0)

**TIMOTHY MEYERS
CHAIR**