

February 13, 2020

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-24 (2020)
COUNTY EXECUTIVE: "ECSD No. 1 - Engineering Term Contract Agreement"
(Chair's Ruling)
 - b. COMM. 3E-25 (2020)
COUNTY EXECUTIVE: "ECSD Nos. 2, 3 & 8 - Construction Inspection Term Contract Agreement"
(Chair's Ruling)
 - c. COMM. 3E-26 (2020)
COUNTY EXECUTIVE: "ECSD Nos. 1, 4 & 5 - Construction Inspection Term Contract Agreement - GPI-1"
(Chair's Ruling)
 - d. COMM. 3E-27 (2020)
COUNTY EXECUTIVE: "ECSD Nos. 1, 4 & 5 - Construction Inspection Term Contract Agreement - WSA-1"
(Chair's Ruling)
 - e. COMM. 3E-31 (2020)
COUNTY EXECUTIVE: "ECSD No. 3 - Southtowns AWTF ORF Rehabilitation - Contract 59, Change Order No. 2"
(Chair's Ruling)
 - f. COMM. 3M-2 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at Former Buffalo Forge Property Site"
(Chair's Ruling)
 - g. COMM. 3M-3 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at Former Trico Site, Buffalo"
(Chair's Ruling)
 - h. COMM. 3M-4 (2020)
NYSDEC: "Fact Sheet – Completion of Brownfield Cleanup Program at 1155 Main St., Buffalo"
(Chair's Ruling)
 - i. COMM. 3M-5 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at 2424 Hamburg Turnpike, Lackawanna"
(Chair's Ruling)
 - j. COMM. 3M-6 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at MOD-PAC Site, Buffalo"
(Chair's Ruling)
 - k. COMM. 3M-7 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at Pierce Arrow Site, Buffalo"
(Chair's Ruling)
 - l. COMM. 3M-8 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at Chandler Incubator Site, Buffalo"
(Chair's Ruling)
 - m. COMM. 3M-9 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at 837 Bailey Ave., Buffalo"
(Chair's Ruling)
 - n. COMM. 3M-10 (2020)
NYSDEC: "Invitation for Public Comment - Proposal for No Further Action at Brownfield Site at 441 Elmwood Ave, Buffalo"
(Chair's Ruling)
 - o. COMM. 3M-13 (2020)
NYSDEC: "Public Notice - Brownfield Cleanup Program Application for 8 St. Louis Pl., Buffalo"
(Chair's Ruling)
 - p. COMM. 3M-18 (2020)
NFTA: "NFTA Board Minutes for Meeting Held on 12/19/2019"
(Chair's Ruling)

- q. COMM. 3M-19 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at ENRX Annex Site, Buffalo”
(Chair’s Ruling)
- r. COMM. 3M-20 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at ExxonMobil Oil Former Buffalo Terminal Operable Unit 3, Buffalo”
(Chair’s Ruling)
- s. COMM. 3M-21 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at ExxonMobil Oil Former Buffalo Terminal Operable Unit 2 West, Buffalo”
(Chair’s Ruling)
- t. COMM. 3M-22 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at ExxonMobil Oil Former Buffalo Terminal Operable Unit 2 East, Buffalo”
(Chair’s Ruling)
- u. COMM. 3M-23 (2020)
EC SOIL & WATER CONSERVATION DISTRICT: “2020 Budget Submission - Pursuant to 2019 Budget Accountability Act”
(Chair’s Ruling)

2. COMM. 3E-20 (2020)
COUNTY EXECUTIVE
WHEREAS, the State of New York through its Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC) provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$50,000.00 for the Erie County Sewer District (ECSD) No. 6 Ammonia Nitrogen Removal Pilot Testing Study; and

WHEREAS, a 20% minimum local match is required for the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby determines the proposed ECSD No. 6 Ammonia Nitrogen Removal Pilot Testing Study is a Type II action in accordance with 6 NYCRR Section 617.5 (c) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive or his/her designee is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management or his/her designee is authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that a minimum of 20% local match as required by the Engineering Planning Grant Program for the project will be provided through ECSD No. 6 Accounts; and be it further

RESOLVED, that upon award of an Engineering Agreement for the project and a determination of final scope and budget, the grant budget shall be adjusted with the understanding that the local match share shall be at a minimum 20%; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning, and the Albany offices of New York State DEC and EFC.
(5-0)

3. COMM. 3E-32 (2020)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 11E-29 (2019), Contract 59 (General/Mechanical) was awarded to Hohl Industrial Services, Inc. to construct the Southtowns Advanced Wastewater Treatment Facility (AWTF) Overflow Retention Facility (ORF) Rehabilitation Project, in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that additional contract time is needed to complete contract work (with no cost implications); and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Change Order No. 1 to extend contract time 90 days after a reissued Notice to Proceed.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 59 (General/Mechanical) between the County of Erie and Hohl Industrial Services, Inc. (770 Riverview Blvd., Tonawanda, New York 14150) be amended to add 90 days of Contract Time after a reissued Notice to Proceed; 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.
(4-0) Chair Baskin not present for vote.

TIMOTHY J. MEYERS
CHAIR