

March 12, 2020

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 5

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. 5E-12 (2020)  
**COUNTY EXECUTIVE:** “ECSD No. 2 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
  - b. COMM. 5M-2 (2020)  
**NYSDEC:** “Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation - SpotOn Legacy LLC, 145 Ganson St., Buffalo”  
(Chair’s Ruling)
  - c. COMM. 5M-7 (2020)  
**NYSDEC:** “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 240 Lakefront Blvd., Buffalo”  
(Chair’s Ruling)
  - d. COMM. 5M-8 (2020)  
**NYSDEC:** “Fact Sheet - Completion of Brownfield Cleanup Program at 1827 Fillmore Ave., Buffalo”  
(Chair’s Ruling)
  - e. COMM. 5M-9 (2020)  
**NYSDEC:** “Fact Sheet - Completion of Brownfield Cleanup Program at 1665 Main St., Buffalo”  
(Chair’s Ruling)
  - f. COMM. 5M-10 (2020)  
**NYSDEC:** “Environment Site Remediation Database Details for 127 Buffalo River, 189 Ganson St. & 191 Ganson St., Buffalo”  
(Chair’s Ruling)
  - g. COMM. 5M-11 (2020)  
**NYSDEC:** “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 2075 Seneca St., Buffalo”  
(Chair’s Ruling)

2. COMM. 5E-7 (2020)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County on behalf of Erie County Sewer District Nos. 1 – 6 & 8 entered into an agreement with Wendel WD Architecture Engineering Surveying & Landscape Architecture P.C. (Wendel) on December 15, 2016 (Legislative Communication 22E-4 (2016)) to provide professional Engineering Services for various projects in Erie County Sewer District Nos. 1 – 6 & 8; and

WHEREAS, as part of this agreement Wendel was retained to evaluate the outfall for the Clarence Research Park Water Resource Recovery Facility in Erie County Sewer District No. 5; and

WHEREAS, an Engineer’s Report drafted by Wendel as part of the evaluation of the Clarence Research Park Water Resource Recovery Facility will soon be submitted to the New York State Department of Environmental Conservation for review; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management is of the opinion that continuity of engineering experience on the Clarence Research Park Water Resource Recovery Facility project would be in the best interest of Erie County Sewer District No. 5; and

WHEREAS, a time extension to Wendel’s December 15, 2016 agreement would be required to allow for additional engineering work to be performed by Wendel, as necessary, to successfully complete the Clarence Research Park Water Resource Recovery Facility project.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 to the County of Erie/Wendel Term Agreement, dated December 15, 2016, be approved to allow for up to a two (2) year time extension for the agreement, with no modification to the overall cost; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby authorized to execute and process the no-cost time extension change order for Wendel’s December 15, 2016 agreement; and be it further

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

3. COMM. 5E-8 (2020)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2019-2020 snowmobile season in the amount not to exceed \$183,552.00; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$183,552.00 as pertains to snowmobile trail maintenance performed during the 2019-2020 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$183,552.00 for the purpose of snowmobile trail maintenance on club trails during the 2019-2020 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$ 17,172.00
Eden Trail Blazers Inc.	\$ 10,752.00
Grand Island Snowmobile Club Inc.	\$ 5,712.00
Hamburg Snowmobile Club Inc.	\$ 21,108.00
Holland Sno-Rascals Inc.	\$ 28,320.00
Marilla Sno-Mob Inc.	\$ 14,568.00
Northern Erie SnoSeekers Inc.	\$ 20,496.00
Pioneer Sno-Surfers Inc.	\$ 13,764.00
Southern Tier Snowdrifters Inc.	\$ 21,132.00
WNY Snowmobile Club of Boston Inc.	\$ <u>30,528.00</u>
	\$183,552.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$183,552.00, as well as an increase in appropriations in the amount of \$183,552.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.

(5-0)

4. COMM. 5E-13 (2020)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 19E-7 (2017), Contract 96 was awarded to Quackenbush Company, Inc. to construct the Big Sister Creek Water Resource Recovery Facility (WRRF) Aeration System Replacement Project, in Erie County Sewer District No. 2; 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. 96, in the final contract amount of \$534,940.00 which includes Change Order No. 1 (final), a decrease of (\$1,050.00) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 96 between the County of Erie and Quackenbush Company, Inc. (495 Kennedy Road, Buffalo, NY 14227) is accepted in the final contract amount of \$534,940.00 which includes Change Order No. 1 (final), a decrease of (\$1,050.00) and is allocated in Erie County Sewer District No. 2 Capital Account C.00011; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 96, to Quackenbush Company, Inc. for a total contract amount of \$534,940.00; 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, Kristen Walder, Assistant County Attorney, and Joseph L. Fiegl, P.E., Department of Environment and Planning. (5-0)

**TIMOTHY J. MEYERS**  
**CHAIR**