

JUNE 14, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed.
 - a. INTRO 5-14 (2006)
LOUGHRAN: Section 239 Review Fee
(4-0)
 - b. COMM. 7E-40 (2006)
COUNTY EXECUTIVE: Fees for County Review of Municipal Planning and Zoning Actions
(4-0)
 - c. COMM. 8D-5 (2006)
PARKS, RECREATION & FORESTRY: Erie County Parks Department - Wendt Beach -
Comm. 24E-8
(4-0)
 - d. COMM. 9E-4 (2006)
COMPTROLLER: Wendt Beach Concessions
(4-0)
 - e. COMM. 10E-27 (2006)
COUNTY EXECUTIVE: ECSD No. 6 - Bethlehem Park Phase II/Village of Hamburg Phase IV
- Contract No. 32SA - Change Order No. 1 - Kandey Company, Inc.
(4-0)
 - f. COMM. 10E-29 (2006)
COUNTY EXECUTIVE: ECSTSTA - Engineering Service Agreements - Work Order: URS-5 -
Comm. 21E-33
(4-0)
 - g. COMM. 11M-2 (2006)
NYS DEPT. OF AGRICULTURE & MARKETS: EC Agriculture District No. 7
(4-0)
2. COMM. 28E-15 (2006) **AS AMENDED**

COUNTY EXECUTIVE

RESOLUTION NO.

RESOLUTION DATED _____, 2006

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3 AND
MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2006.

(Adopted) _____, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated February 15, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated February 15, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be a cost increase of \$0.50 per unit incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 141 on the 11th day of May, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may

have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 25th day of May, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on May 25, 2006, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

LEGAL DESCRIPTION OF PROPOSED
ENGEL DRIVE SANITARY SEWER IMPROVEMENT AREA

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 18, Township 9, Range 8 of the Holland Land Company's Survey, and further described as follows:

BEGINNING at a point on the north line of Old Lakeview Road, the said point also being on the east line of Engel Drive; thence easterly along the north line of Old Lakeview Road, a distance of 118 feet more or less to the southeast corner of Parcel No. 195.03-2-8; thence northerly along the east line of said parcel, a distance of 186 feet more or less to the northeast corner of said parcel; thence westerly along the north line of said parcel, a distance of 53 feet more or less to the northeast corner of Sublot No. 1, Map Cover 1761 as filed in the Erie County Clerk's office; thence northerly along the east line of said Map Cover and extension thereof, a distance of 495 feet more or less to the northeast corner of Parcel No. 195.03-2-2.1; thence westerly at a right angle, a distance of 256 feet more or less to the west line of Engel Drive; thence northwesterly along a curve to the left and along the Engel Drive right-of-way, a distance of 129 feet more or less to the east line of Sublot No. 7, Map Cover 1761; thence northerly along the east line of said Sublot No. 7, a distance of 3 feet more or less to the northeast corner of said Sublot No. 7; thence westerly along the north line of said Sublot No. 7, a distance of 290 feet more or less to the northwest corner of Sublot No. 7, Map Cover 1761; thence southerly along the west line of Map Cover 1761, a distance of 829 feet more or less to the southwest corner of Sublot No. 13, Map Cover 1761; thence easterly along the south line of Map Cover 1761, a distance of 375 feet more or less to the north line of Old Lakeview Road; thence easterly along the north line of Old Lakeview Road, a distance of 130 feet more or less to the point or place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 however, there will be a cost increase of \$0.50 per unit incurred by the Erie County Sewer District No. 3, with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.
(4-0)

3. COMM. 7E-38 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Environmental Management Council for the term expiring April, 1, 2008.

APPOINTMENTS

<u>NAME AND ADDRESS</u>	<u>REPRESENTATION</u>
Fred Streif 130 Streif Road Elma, New York 14059	Town of Elma

(4-0)

4. **COMM. 8E-21 (2006)** **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 6, Wilmuth Avenue Pump Station Mechanical Bar Screen and Roof Replacement Project, Contract Nos. 41-G General and 41-E Electrical, at 10:00 a.m. on May 24, 2006.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 41-G General	Kohl Construction, Inc. 1427 Two Rod Road Alden, NY 14004	\$558,620.00
Contract 41-E Electrical	CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, NY 14218-2536	\$33,700.00
	For a Total Project Cost of	\$592,320.00

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Wilmuth Avenue Pump Station Mechanical Bar Screen and Roof Replacement Project, Contract Nos. 41-G General and 41-E Electrical, be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 41-G General	Kohl Construction, Inc. 1427 Two Rod Road Alden, NY 14004	\$558,620.00
Contract 41-E Electrical	CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, NY 14218-2536	33,700.00

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 and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$592,320.00 from Sewer Capital, Erie County Sewer District No. 6, Account C.00037; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Gregory Gach, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.
 (4-0)

5. **COMM. 9E-15 (2006)** **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Nos. 1, 4, 5, Pleasant View Drive Pumping Station Generator Replacement and Northern Region Office Generator Installation Project, Contract 38 on May 31, 2006.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 38	Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, New York 14150	\$212,000.00

WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Pleasant View Drive Pumping Station Generator Replacement and Northern Region Office Generator Installation Project, Contract No. 38 be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 38	Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, New York 14150	\$212,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate a total of \$212,000.00 from the following Capital Bond Accounts: Erie County Sewer District No. 1 – C.00057, \$44,450.00; Erie County Sewer District No. 4 – C.00063, \$148,500.00; and Erie County Sewer District No. 5 – C.00056, \$19,050.00; for Contract 38; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to Gregory Gach, Erie County Comptroller's Office and one certified copy to Gregory Dudek, Assistant County Attorney.
(4-0)

6. INTRO 10-6 (2006)
LOUGHRAN

WHEREAS, the County of Erie is interested in advancing the development and use of the Wendt Beach property; and

WHEREAS, in 2005, the County of Erie pursued this interest by issuing an RFP (Request for Proposal) and entering into discussions with the ONLY respondent; and

WHEREAS, the RFP process employed in the effort has been described as 'flawed;' and

WHEREAS, the only respondent to the 2005 RFP has publicly stated their withdrawal of interest in this project in conjunction with an uncomplimentary interpretation of the Erie County Legislature's responsibility to transparency on behalf of the taxpayers; and

WHEREAS, the 2005 RFP was limited in its publication resulting in very little in terms of response; and

WHEREAS, the 2005 RFP set no minimum of proven past success in this arena of concessionaire activity; and

WHEREAS, a report by the Erie County Comptroller's office has raised issues of importance relative to this transaction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls for a new request for proposal (RFP) to be issued with more definitive terms and that such RFP be widely publicized through a broad array of media communications, ie newspapers, trade journals, the internet, etc.; and be it further

RESOLVED, that in order to assure full transparency the new RFP is to be reviewed by the Legislature prior to release.
(4-0)

7. COMM. 10E-11 (2006)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment and reappointments of the following individuals to the Erie County Fisheries Advisory Board for the term stated:

APPOINTMENT

NAME & ADDRESS

TERM EXPIRES

Mr. John Jaroszewski
213 Atlantic Avenue

December 31, 2008

Sloan, New York 14212

REAPPOINTMENTS

<u>NAME & ADDRESS</u>	<u>TERM EXPIRES</u>
Mr. Gerald May 5858 Lakecrest Drive Lakeview, New York 14085	December 31, 2006
Mr. Herbert Schultz Southtowns Walleye Association of WNY 55 North Shore Drive Blasdell, New York 14219	December 31, 2006
Mr. Tony Scime Niagara Muskie Association 242 Southwood Drive Buffalo, New York 14223	December 31, 2006

(4-0)

8. COMM. 10E-14 (2006)
COUNTY EXECUTIVE

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County \$328,000 to establish the Western New York Stormwater Coalition Local Ordinance Project; and

WHEREAS, the local match will be provided by the Western New York Stormwater Coalition in cash and in-kind services; and

WHEREAS, it is necessary to enter into a contract with the Western New York Stormwater Coalition to accept the \$315,000 local cash match; and

WHEREAS, a portion of the proposed grant budget will be used to reimburse staff within both the Department of Environment and Planning and the Department of Law over the next three fiscal years for work identified in the grant workplan; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the State, and Erie County be executed for such State aid; and

WHEREAS, the County of Erie herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the New York State Department of Environmental Conservation to accept and implement the Western New York Stormwater Coalition Local Ordinance Project in an amount not to exceed \$328,000 in grant resources; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the Western New York Stormwater Coalition to accept a \$315,000 local cash match; and be it further

RESOLVED, that Joel A. Giambra, County Executive, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that the revenue from the Western New York Stormwater Coalition Local Ordinance Project is hereby appropriated in the grant for the period from June 1, 2006 to March 31, 2008 as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	\$328,000
420499	Local Aid – Western New York Stormwater Coalition (Other Local Source Revenue)	\$315,000
TOTAL REVENUE		\$ 643,000

APPROPRIATIONS:

505000	Office Supplies	5,000
510000	Local Travel and Mileage	1,500
530000	Other Expenses	2,000
561410	Lab and Technical Equipment	69,500
516020	Contractual Services	315,000
916200	ID Dept. Environment and Planning Services	125,000
916000	ID Department of Law Services	<u>125,000</u>

TOTAL APPROPRIATIONS \$ 643,000

and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal & State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the County Attorney and the Albany office of the New York State Department of Environmental Conservation. (4-0)

9. COMM. 10E-22 (2006)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED solicited a proposal from Erie County Department of Environment and Planning (DEP) for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, such a proposal was submitted to and approved by NYSDDED in March, 2003; and

WHEREAS, through Legislative resolution (Comm. 18E-9) dated November 13, 2003, Erie County accepted from NYSDDED a total of \$195,369 in grant resources to conduct a Pollution Prevention Program; and

WHEREAS, through that same Legislative resolution the sum of \$25,000 was transferred from the Regionalism/Economic Fund (DAC 110 9043038301299) to Account 886-6209, Interfund Subsidies, in the budget of the DEP to be used as the required local match; and

WHEREAS, the DEP is successfully implementing this project; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the county to most efficiently utilize the remaining grant resources; and

WHEREAS, the DEP has applied for and received authorization from NYSDDED to revise the existing budget.

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the Erie County Pollution Prevention Technical Assistance Program (162PP_ASSIST0406) will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Salaries	\$160,534	\$3,476	\$164,010
502000	Fringe Benefits	48,335	1,008	49,343
505000	Office Supplies	500	(250)	250
510000	Local Mileage Reimbursement	500	786	1,286
510100	Out of Area Travel	1,500	(1,470)	30
516020	Professional Services	6,323	(1,550)	4,773
530000	Other Expenses	2,677	(2,000)	677

	TOTAL REVENUE	\$10,406
<u>APPROPRIATIONS:</u>		
516020	Contractual Services	<u>\$10,046</u>
	TOTAL	\$10,046

and be it further

RESOLVED, that the director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; John C. Loffredo, P.E. Commissioner of Public Works, Gerard J. Sentz, P.E., Deputy Commissioner of Highways, the County Comptroller; the County Attorney and the Albany office of the New York State Department of Environmental Conservation. (4-0)

11. INTRO 11-2 (2006)
KOZUB

WHEREAS, the site known as Times Beach Nature Preserve located on the Buffalo Waterfront has a long social and historical legacy including being the site of an original Shanty Town and was once the site of Buffalo's only public bathing beach; and

WHEREAS, the Times Beach site has evolved into a significant and important habitat for a variety of land and water animals including but not limited to approximately 240 species of migrant and breeding birds; and

WHEREAS, the concept of a nature preserve defines the site as primarily to preserve, restore, and conserve nature, natural ecosystems, promote sound ecological use, and to prohibit the use of the property for other purposes; and

WHEREAS, the County of Erie has recognized the Times Beach site as a nature preserve and identified the property as a centerpiece in the revitalization of Buffalo and Erie County's waterfront and as one of the best birding areas in the Northeastern United States; and

WHEREAS, the Times Beach site includes three significant ecosystems and four different habitat zones, including emergent marsh, silt flat, woodland, upland and aquatic zones; and

WHEREAS, the Times Beach Nature Preserve is widely recognized as one of the few remaining undeveloped habitats on the Great Lakes and is strategically located because of its proximity to the City of Buffalo, Lake Erie, the Niagara River; and

WHEREAS, the Times Beach Nature Preserve is recognized as part of the Atlantic Flyway and is an important stop over for migrating birds; and

WHEREAS, the Times Beach Nature Preserve is located in the globally significant Niagara River Corridor Important Bird Area and near the Tift Nature Preserve Important Bird Area; and

WHEREAS, the Times Beach Oversight Committee which is comprised of a group of citizen activists and representatives from the City of Buffalo, Erie County, the State of New York, the United States Army Corps of Engineers, and the government of the United States has played a significant role in the protection and restoration of this precious waterfront nature preserve.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the vital importance of the Times Beach Nature Preserve to the responsible and sustainable development of the waterfront and to the continued public health and welfare on a local, regional and global scale to a diverse array of bird species and other living resources and agrees to work cooperatively towards the continued stewardship of the natural communities and the resources upon which they depend; and be it further

RESOLVED, that the Erie County Legislature recognizes that valuable contributions of the Times Beach Oversight Committee in its role as facilitator, benefactor and protector of the Times Beach Nature Preserve and commends and thanks them for their invaluable services to the citizens of Erie County and the region; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Times Beach Oversight Committee, the County Executive, the Commissioner of Parks and Recreation, the Commissioner of Environment and Planning and the County Attorney. (4-0)

12. COMM. 11E-7 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has been working with the New York State Canal Corporation to coordinate design and construction of the Erie Canalway Trail through parts of the Towns of Amherst and Tonawanda; and

WHEREAS, prior to constructing the project Erie County is required to obtain land control/occupancy agreements from those landowners having properties that will be utilized by said project; and

WHEREAS, the project will traverse a small land parcel owned by the Town of Amherst as part of the Old Niagara Falls Boulevard right-of-way,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a land control/occupancy agreement with the Town of Amherst for lands to be traversed by the Erie Canalway Trail and generally located on Attachment A to this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the Commissioner of the Department of Public Works.

(4-0)

13. COMM. 11E-10 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-B, HVAC, to John W. Danforth Company for the disinfection improvements at the Southtowns Sewage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 6ST-B, HVAC, in the final contract amount of \$152,946.11 which includes Change Order No. 2 (final), a decrease of \$5,608.20, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-B, HVAC, between the County of Erie and John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, NY 14150 is accepted in the amount of \$152,946.11, which includes Change Order No. 2(final), a decrease of \$5,608.20, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6ST-B, HVAC, between the County of Erie and John W. Danforth Company in the amount of \$152,946.11 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.
(4-0)

**THOMAS LOUGHRAN
CHAIRMAN**