

March 8, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-2 (2018)
VISIT BUFFALO NIAGARA “Submission Pursuant to 2018 Erie County Budget Resolution No. 80”
(Chair’s ruling)
 - b. COMM. 3M-3 (2018)
NFTA “Letter to Chair Savage Concerning Five-Year Fiscal Plan and Annual Operating Budget”
(Chair’s ruling)
 - c. COMM. 4M-2 (2018)
BUFFALO NIAGARA CONVENTION CENTER “Management Corporation Personnel Listing”
(Chair’s ruling)
 - d. COMM. 4M-3 (2018)
NFTA “Board Minutes for Meeting Held 12/18/17”
(Chair’s ruling)
 - e. COMM 4M-6 (2018)
VISIT BUFFALO NIAGARA “2018 Operating Budget & Business/Strategic Plan”
(Chair’s ruling)
 - f. COMM. 4M-11 (2018)
CORNELL COOPERATIVE EXTENSION “Budget Plan for 2018”
(Chair’s ruling)
 - g. COMM. 4M-13 (2018)
BUFFALO NIAGARA CONVENTION CENTER “Financial Information Concerning Erie County Budget Resolution #71”
(Chair’s ruling)

- h. COMM. 5M-1 (2018)
SUPERVISOR, TOWN OF BOSTON “Letter to Legislator Mills Concerning Zimmerman Rd.”
(Chair’s ruling)
 - i. COMM. 5M-9 (2018)
NFTA “17A Report & Capital Expenditure Reports”
(Chair’s ruling)
 - j. COMM. 5M-11 (2018)
ECIDA “Letter to Governor Cuomo Concerning Deferment of Business Tax Credits”
(Chair’s ruling)
2. INTRO. 2-5 (2017)
BURKE
WHEREAS, this Legislature has gone on record supporting the expansion of twenty first century, broadband internet in Erie County by approving a resolution to form the Erie County Broadband Committee as well as funding a broadband feasibility study; and

WHEREAS, the Erie County Broadband Committee released a white paper analyzing the state of broadband in Erie County; and

WHEREAS, the white paper found that a large expense in expanding fiber cable was the excavation costs associated with installing conduit; and

WHEREAS, aside from the expense, digging and laying conduit is often an inconvenience to motorists, pedestrians and businesses; and

WHEREAS, adopting a “Dig Once” policy where conduit is installed while roads or right of ways are already being excavated will be a significant step towards the expansion of twenty first century internet in Erie County, a tremendous cost savings to taxpayers, and a potential revenue source when conduit is leased.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County shall adopt a “Dig Once” policy; and be it further

RESOLVED, that the Erie County Commissioner of Environment and Planning shall oversee its implementation; and be it further

RESOLVED, that this Legislature encourages all municipalities within Erie County to adopt this policy as well; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; Commissioner of Environment and Planning, Thomas Hersey; ECIDA Chairwoman Brenda McDuffie; and all supervisors and mayors of towns and villages and cities within Erie County.
(6-0)

3. COMM. 5E-8 (2018)
COUNTY EXECUTIVE

WHEREAS, the Swift Mills Road Bridge (BR225-2) Replacement Project (the "Project") contract was awarded between Nussbaumer & Clarke, Inc., and the County of Erie, in Communication 18E-17 (2014); and

WHEREAS, the NYSDOT required a new format to the design report after the original was completed and submitted for review; and

WHEREAS, the NYSDOT required additional hydraulic modeling be done above and beyond what was originally required; and

WHEREAS, the work performed was beyond the scope of the original project requiring additional design work and resulting cost; and

WHEREAS, a change order between Nussbaumer & Clarke, Inc. and the County of Erie is required.

NOW, THEREFORE, BE IT

RESOLVED, that the additional funds for the Swift Mills Road Bridge (BR225-2) Replacement Project be allocated from Fund 420, Funds Center 123, SAP Project B.15019 2015 Overlay Program in an amount of \$34,400; and be it further

RESOLVED, that the County Executive be authorized to execute a change order for the Swift Mills Road Bridge (BR225-2) Replacement Project No. FA 225-2-16, with the consultant, Nussbaumer & Clarke, Inc. to increase the project design budget from \$220,470 to \$254,870 for a total change order in the amount of \$34,400; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the

Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

4. COMM. 5E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, the Emery Road Culvert BR67-1 Replacement Project (the "Project") contract was awarded between Concrete Applied Technologies Corp., the responsible low bidder, and the County of Erie, via Communication 8E-4 (2014); and

WHEREAS, the Project required a different type of fence other than the type specified, due to the original not being available; and

WHEREAS, the gas line needed to be temporarily relocated; and

WHEREAS, the work performed was beyond the scope of the original project requiring additional funding; and

WHEREAS, a change order between Concrete Applied Technologies Corp. (CATCO) and the County of Erie is required.

NOW, THEREFORE, BE IT

RESOLVED, that the additional funds for the Emery Road Culvert BR67-1 Replacement Project be allocated from Fund 420, Funds Center 123, SAP Project B.15019 2015 Capital Overlay Program in an amount of \$31,296.95; and be it further

RESOLVED, that the County Executive be authorized to execute a change order for the Emery Road Culvert BR 67-1 Replacement Project Number CAP 67-1-2014, with the contractor, CATCO to increase the project budget from \$675,325.34 to \$706,622.29 for a total change order in the amount of \$31,296.95; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

5. COMM. 5E-15 (2018)

COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Kenmore Avenue (C.R. 550), Under CSX Bridge #7708190 Drainage Collection System Repairs (the "Project") was previously approved under Comm. 7E-5 (April 23, 2015); and

WHEREAS, the expected duration of construction was less than two months; and

WHEREAS, the urgency of the project dictated that construction proceed in advance of a construction phase engineering services contract amendment being executed with the project consultant, Wendel; and

WHEREAS, Wendel agreed that it would provide such construction phase engineering services without a contract amendment and would then use actual costs as a basis for a proposed post-construction contract amendment; and

WHEREAS, the negotiated and agreed upon sum for the construction phase services is \$49,206.42 which is available from Fund 420, Funds Center 123, SAP Project B.14024, 2014 Capital Overlay; and

WHEREAS, the County of Erie would like to execute a contract amendment with Wendel for the agreed upon sum and proceed with closing out the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves a contract amendment for Wendel in a not to exceed amount of \$49,206.42 for construction phase engineering services; and be it further

RESOLVED, that the sum of \$49,206.42 for a contract amendment for construction phase engineering services, is hereby appropriated from Fund 420, Funds Center 123, SAP Project B.14024, 2014 Capital Overlay, and made available to cover the cost of the requested contract amendment; and be it further

RESOLVED, that the County Executive be authorized to executed the subject contract amendment; and be it further

RESOLVED, that six (6) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

**PATRICK B. BURKE
CHAIR**