

December 13, 2012

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19M-15 (2012)
DR. WESLEY L. HICKS JR.: “Copy of His Curriculum Vitae for Consideration as the Legislature's Recommendation for the Governor's Appointment to the NFTA Board of Commissioners”
(5-0)
 - b. COMM. 20E-15 (2012)
COUNTY EXECUTIVE: “Fuel Tank Replacement at the Angola & Collins Highway Facility”
(5-0)
 - c. COMM. 20M-5 (2012)
ONE REGION FORWARD: “Informational Packet Entitled "One Region Forward Towards a More Sustainable Buffalo Niagara””
(5-0)
 - d. COMM. 20M-12 (2012)
MAYOR, CITY OF LACKAWANNA: “Copy of Resolution Opposing ECIDA Standard Pilot Agreements”
(5-0)
 - e. COMM. 23M-1 (2012)
NFTA: “Minutes from Meeting Held 10/22/2012”
(5-0)
2. COMM. 20E-3 (2012)
COUNTY EXECUTIVE
WHEREAS, the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 will replace a deteriorating bridge; and

WHEREAS, funding for this Federal Aid Project was approved and is available in B.12002 - 2012 Lake Avenue Bridge Reconstruction in the amount of \$965,000.00 (\$48,250.00 required local share); and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the Lake Avenue Bridge over Smokes Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Greenman-Pedersen, Inc. of Buffalo, New York, for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Greenman-Pedersen, Inc., of Buffalo, New York; and be it further

RESOLVED, that funding for the Lake Avenue Bridge over Smokes Creek Federal Aid Project be allocated from fund B.12002 - 2012 Lake Avenue Bridge Reconstruction in an amount not to exceed \$965,000.00 (\$48,250.00 local share); and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40; 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.
(5-0)

3. COMM. 20E-5 (2012)
COUNTY EXECUTIVE

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project in the Town of Orchard Park, Erie County, PIN 5758.40 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. No. 15E-3 adopted on July 21, 2011; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5758.40 through a Supplemental Agreement that increases the original Project Agreement by the amount of \$965,000 (\$48,250 required local share).

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Account B.12002 - 2012 Lake Avenue Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$916,750 as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$772,000	\$772,000
405160	NYS Marchiselli Aid	0	144,750	144,750
475000	Gen Oblig Bond Proc	<u>220,000</u>	<u>0</u>	<u>220,000</u>
		<u>\$220,000</u>	<u>\$916,750</u>	<u>\$1,136,750</u>

TOTAL REVENUES

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$220,000</u>	<u>\$916,750</u>	<u>\$1,136,750</u>
TOTAL APPROPRIATIONS		<u>\$220,000</u>	<u>\$916,750</u>	<u>\$1,136,750</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$965,000 is hereby appropriated from B.12002 – 2012 Lake Avenue Bridge Reconstruction and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phase exceeds the amount appropriated, \$965,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$965,000, the Erie County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
 (5-0)

4. COMM. 20E-14 (2012)

COUNTY EXECUTIVE

WHEREAS, the Erie County Federal Aid Bridge Maintenance Project; PIN 5760.28 Bridge Washing Two Hundred & Thirty (230) Bridges, PIN 5760.29 Deck Sealing Eighteen (18) Bridges, PIN 5760.30 Bridge Joint Replacement Three (3) Bridges (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the projects, PIN 5760.28, PIN 5760.29, and PIN 5760.30; and

WHEREAS, the total Project is \$54,000., and the County is required to provide the local share portion for the Project in the amount of \$10,800.; and

WHEREAS, contracts must be negotiated with CHA Consulting, Inc. and Liro Engineers, for engineering design services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00192, 2008 Bridge Maintenance – Federal Aid, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$43,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 388,000	\$ 43,200	\$ 431,200
486000	Interfnd Rev Subsidy	\$ 180,000	\$ 0	\$ 180,000

TOTAL REVENUES	\$ 568,000	\$ 43,000	\$ 611,200
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APPROPRIATIONS

Capital Projects	Capital Project Exp	\$ 568,000	\$ 43,200	\$ 611,200
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TOTAL APPROPRIATIONS	\$ 568,000	\$ 43,200	\$ 611,200
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and be it further

RESOLVED, that the estimated total sum of the design phase of the Projects, \$54,000. is hereby appropriated from B.00192.122, 2008 Bridge Maintenance, Federal Aid and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Preliminary Engineering (Design I-VI) phase exceeds \$54,000., the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the projects identified in the State/Local Agreements; and providing for the administration of the Projects and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute negotiated contracts in an amount not to exceed the allowable Project design amount of \$54,000. between the County of Erie and project engineers CHA Consulting, Inc., and Liro Engineers for design services for the Projects; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreements in connection with the Projects; and be it further

RESOLVED, that ten (10) 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.
(5-0)

5. COMM. 20E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements for Phase 1 and Phase 2 of the Environmental Compliance project with Wendel Companies, Architects/Engineers; and

WHEREAS, an additional Phase 3 is now required to provide, but not limited to, above ground fuel tank designs, Oil & Water separator designs, Environmental compliance audits, personnel training, record keeping reviews, and a Universal Waste plan; and

WHEREAS, the County Executive is now requesting authorization from this Honorable Body, to issue an additional Agreement to Wendel Companies, Architects/Engineers, for Phase 3 of the Environmental Compliance project for a total amount not to exceed \$188,550; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of the design work; and

WHEREAS, an additional contingency amount should be authorized to fund change orders for this unforeseen design work in an amount not to exceed \$65,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement with Wendel Companies, Architects/Engineers, for Phase 3 of the Environmental Compliance project in an amount not to exceed \$188,550; and be it further

RESOLVED, the County Executive is also authorized an additional, not to exceed amount of \$65,000 to issue Change Orders for unforeseen contingencies, to Wendel Companies Architects/Engineer's, thereby increasing the total amount of the contract to an amount not exceed \$253,550; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.12003 – 2012 – Countywide Code & Environmental Compliance, for an amount not to exceed \$253,550; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(5-0)

6. COMM. 20E-17 (2012)
COUNTY EXECUTIVE

WHEREAS, the building code requires all highway facilities to have oil/water separators installed in all discharge drain lines which are latent with oil and grease petroleum products; and

WHEREAS, currently the Angola, Collins, and East Concord Highway Maintenance Facilities do not have oil/water separators; and

WHEREAS, the Department of Public Works has received bids for the Angola/Collins/East Concord Highway Maintenance Facilities-Oil/Water Separator Improvements project on September 12, 2012; and

WHEREAS, the Erie County Department of Public Works, along with the Engineer, is recommending award of the contract to the lowest responsible bidder; and

WHEREAS, the lowest responsible bidder is Oakgrove Construction, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Angola/Collins/East Concord Highway Maintenance Facilities, Oil/Water Separator Improvement project as follows:

Oakgrove Construction, Inc.

Base Bid: \$120,000.00

and be it further

RESOLVED, that the sum of \$15,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that the deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account, A.12003 - 2012-Countywide Code & Environmental Compliance, in amount not to exceed \$135,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the County Executive; the Office of the Comptroller; the Division of Budget and Management.
(5-0)

7. **COMM. 20E-20 (2012)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works intends to purchase cleaning equipment in order to maintain the cleanliness of County-owned buildings; and

WHEREAS, Business Area 122, Account 50561410 Lab and Technical Equipment, is underfunded by \$15,000 in the 2012 operations budget; and

WHEREAS, funding for the equipment is available in Business Area 122, Account 506200 Maintenance and Repair, in the 2012 operations budget; and

WHEREAS, a transfer of funds in the amount of \$15,000 will remedy the funding shortfall and allow for the purchase of the needed cleaning equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2012 current budget, Department of Public Works, Business Area 122, Fund 110, Cost Center 12220

Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
506200	Maintenance & Repair	\$ 736,732	(\$15,000)	\$721,732
561410	Lab & Tech Equip	<u>\$11,300</u>	<u>\$15,000</u>	<u>\$26,300</u>
TOTAL REVENUES		<u>\$748,032</u>	<u>\$0</u>	<u>\$748,032</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, and the Department of Public Works.
(5-0)

8. **COMM. 20E-22 (2012)**
COUNTY EXECUTIVE

WHEREAS, Massachusetts Avenue Housing Development Fund Corporation is developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Massachusetts Avenue Development Plan Project will consist of the development of 3 rental residential properties on the West Side of Buffalo, New York. The three properties are located at 397, 398, and 460 Massachusetts Avenue and the three properties will be substantially rehabilitated. The housing will be affordable for households with incomes at or below 60% of the area median income; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Massachusetts Avenue Housing Development Fund Corporation to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with the Massachusetts Avenue Housing Development Fund Corporation, the City of Buffalo, and all other involved organizations relating to the Massachusetts Avenue Development Plan Project and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that at least 60% of the units remain affordable to and occupied by households earning no greater than 50% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreements will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

9. COMM. 23E-1 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services received a request from TM Montante Development regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, this parcel will be used by TM Montante Development to accesses this landlocked piece of County owned surplus property for the purpose of assemblage.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to TM Montante Development for the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Tonawanda, County of Erie and State of New York being part of Lot 93 of the Mile Reservation and more particularly bounded and described as follows:

BEGINNING at a point located on the northerly line of Lot No. 93 of the Mile Reservation, said point being 1468.12 feet southeasterly from the southeasterly highway boundary or River Road (R.O.W. varies) as measured along the northerly line of Lot No. 93, also being the easterly line of lands conveyed under Liber 1213 pages 92 and 93.

Running THENCE southeasterly, continuing along the northerly line of Lot No. 93, a distance of 449.69 feet to a point;

THENCE southwesterly at right angles, a distance of 648.08 feet to a point;

THENCE northwesterly parallel with the northerly line of Lot No. 93, a distance of 449.69 feet to a point.

THENCE northwesterly at right angles, a distance of 648.08 feet to the place or point of BEGINNING.

and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.
(5-0)

THOMAS A. LOUGHRAN
CHAIR