

January 25, 2011

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 3-6 (2010)  
**RATH:** "Requesting Changes to the Governor's Proposed "Excelsior Jobs" Program"  
(6-0)
  - b. COMM. 27E-10 (2010)  
**COUNTY EXECUTIVE:** "Re-Appointments to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau for the Term Ending 12/31/2015"  
(6-0)
  - c. COMM. 1E-12 (2011)  
**WALTER:** "Articles Regarding the Davis-Bacon Act"  
(5-1) Legislator Walter voted in the negative.
  - d. COMM. 1M-7 (2011)  
**NFTA:** "Minutes of Meeting Held 11/22/2010"  
(6-0)
  - e. COMM. 1M-9 (2011)  
**NFTA:** "Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2012 - 2016"  
(6-0)
2. COMM. 2E-6 (2011)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Bridge Painting Project, Five (5) Bridges in various Towns of Erie County, PIN 5758.90 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment 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 advanced the above Project by making a commitment of 100% of the non-Federal share of the costs for the Preliminary Engineering via Erie County Resolution Comm. 7E-24 (2010), adopted on May 20, 2010; and

WHEREAS, after careful review of several firms' capabilities, by the Department of Public Works, LiRo Engineers, of Buffalo, New York has been selected as having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the fee for the contract has been negotiated in an amount not to exceed \$45,000.00; and be it further

RESOLVED, that the fee will be appropriated from SAP B.20909 - 2009 Bridge Painting Program in an amount not to exceed \$45,000.00; and be it further

RESOLVED that the County Executive of the County of Erie be and is hereby authorized to enter into an agreement with LiRo Engineers, of Buffalo, New York, to provide Design services for the Bridge Painting Project; 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.  
(6-0)

3. COMM. 2E-7 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, a Project for the Reconstruction of Freeman Road Bridge (BR 369-3), in the Town of Orchard Park, Erie County, P.I.N. 5756.38 (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 by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction and Construction Inspection phases of the Project via Comm. 8E-17, adopted on May 8, 2008; and

WHEREAS, the County of Erie desires to advance the Project, PIN 5756.38 through a Supplemental Agreement that increases the previous Project Agreement's design phase by \$251,500.00 in the new agreement amount of \$2,687,500.00; and

WHEREAS, the contract for design and engineering services for the above noted project between the County of Erie and the engineering firm of Abate Associates, P.C. of Cheektowaga, New York was

amended on May 8, 2008, via Comm. 8E-16, and it has been determined that the Contract must be increased to include additional engineering design services due to unanticipated work scope changes.

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 shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the increased Project design amount of \$251,500.00 of which the local share required is \$12,575.00 is hereby appropriated from capital accounts B.00171 - 2007 Freeman Design and B.00206 - 2008 Freeman Design; and be it further

RESOLVED, that Project SAP B.00171 and B.00206 revenues and appropriations be adjusted to reflect the Supplemental Agreement design increase; 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 Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds the total Project allowance of \$2,687,500.00, 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 and/or Marchiselli 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 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 the County Executive be authorized to execute a negotiated change order in an amount not to exceed the allowable Project design increase between the County of Erie and project

engineer Abate Associates, P.C. of Cheektowaga, New York for unanticipated work scope changes; 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 be it further

RESOLVED, that two certified copies of this resolution be sent 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 of the Office of the Comptroller.  
(6-0)

4. COMM. 2E-9 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, as a result of the storms of early August 2009 Federal Disaster DR-1857-NY was declared for parts of Erie County making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified and approved by FEMA were five on Zoar Valley Road in the Towns of Concord and Collins, respectively identified as FEMA PWs 644, 667, 751, 868 and 907 (the "Projects"); and

WHEREAS, it is desired to construct the Projects in the spring of 2011; and

WHEREAS, it is desired therefore to complete the design of the Projects over the winter in order to permit a spring letting; and

WHEREAS, the time required for negotiation and approval of the necessary engineering services contracts will delay the start of design to the extent that a spring letting will not be possible; and

WHEREAS, the following consultants from Erie County DPW – Highways’ approved list have been selected for the PWs noted:

PW 644	Clark Patterson Lee
PW 667	Greenman Pedersen, Inc.
PW 751	Parsons
PW 868	TY-LIN
PW 907	Hatch Mott MacDonald

and

WHEREAS, it is desired for the selected consultants to begin work on the Projects while negotiations with the selected consultants are ongoing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Projects and firms noted for an aggregate amount not to exceed \$800,000.00; and be it further

RESOLVED, that funds in the amount of \$800,000.00 be allocated from SAP Account B.20921 - 2009 FEMA 1857-NY Projects for the Projects; and be it further

RESOLVED, that two certified copies of this resolution be sent 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. 2E-15 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this

resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2011 Annual Action Plan having estimated dollar amounts as indicated.

1. Erie County Consortium Community Development Program: \$3,684,337
2. Emergency Shelter Program: \$130,439
3. HOME Investment Partnership Program: \$1,192,338
4. Town of Hamburg Community Development Program: \$534,520

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.  
(6-0)

**TIMOTHY J. WHALEN**  
**CHAIR**