

February 26, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 4M-13 (2013)
BUFFALO COMMON COUNCIL: "Copy of Resolution Supporting the Greater Buffalo Sports & Entertainment Complex"
(6-0)

2. INTRO 4-8 (2013)
**HOGUES, GRANT, MARINELLI,
LOUGHRAN, LORIGO & RATH AS AMENDED**

WHEREAS, the Economic Opportunity Panel (EOP) was established by St. John Baptist Church and the University at Buffalo to formulate public policy relating to the neighborhoods that are proximate to the Buffalo Niagara Medical Campus, along with assessing economic opportunities for the neighborhood and ever-expanding Medical Campus; and

WHEREAS, the EOP also advises the Medical Campus on issues that are of keen interest to neighboring residents and businesses, yet it is remarkable that the composition of the EOP does not allow for their voices to be heard due to the fact that the panel lacks representation from neighborhood residents and businesses; and

WHEREAS, in particular, Buffalo's Fruit Belt neighborhood and the residents of McCarley Gardens would very much like to participate in the discussions and crafting of recommendations that will ensue from the EOP, given its stated mission to address workforce development and economic opportunity in the neighborhood; and

WHEREAS, McCarley Gardens is located within the borders of the Buffalo Niagara Medical Campus and features 149 apartments on 15 acres, as well as small businesses that have also expressed an interest in participation in the important work of the EOP; and

WHEREAS, the economic opportunities that evolve from the development of the Medical Campus can provide a step up to the middle class for these residents, yet they have unfortunately been left out of the process; and

WHEREAS, American Democracy is participatory in nature, and together with Home Rule are basic tenets of our democratic process, providing for self-determination and community input in public policy formation, especially when such policy affects people's lives as well as their neighborhoods; and

WHEREAS, the omission of Fruit Belt residents on the EOP has created unrest in the neighborhood surrounding the Buffalo Niagara Medical Campus, where broad community consensus is a necessary and critical component for maximizing the Medical Campus' full economic potential.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature fully supports the continued unfettered development/redevelopment of the Buffalo Niagara Medical Campus and nearby community, however, this Body also declares it essential that neighborhood stakeholders be a part of any development or advisory committee formulating policy or planning for the neighborhood; and be it further

RESOLVED, that the Erie County Legislature respectfully calls upon the leadership of St. John Baptist Church and the Buffalo Niagara Medical Campus to reconsider the Economic Opportunity Panel in relation to providing inclusion of nearby residents and businesses of the Fruit Belt and McCarley Gardens in its work; and be it further

RESOLVED, that in order to avoid the possibility of litigation, that this Legislative Body encourages residents' membership on the EOP, and/or any other committee charged with formulating public policy that would impact this Buffalo neighborhood, to include in its membership representatives of the McCarley Gardens Tenant Association and the Fruit Belt Housing Task Force; and be it further

RESOLVED, that this Legislature believes that an important step to community engagement would be for this Honorable Body's Economic Development Committee to invite all stakeholders to a future meeting of the committee to discuss this matter in an effort to and reach consensus and a positive outcome for everyone involved; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Matthew Enstice, Director of the Buffalo Niagara Medical Campus; Rev. Michael Chapman, Pastor of St. John Baptist Church; John DellaContrada of the University at Buffalo; Lorraine Chambly, president of the McCarley Gardens Tenant Association; Veronica Hemphill-Nichols, founder of the Fruit Belt Housing Task Force, and all others deemed necessary and proper.

(6-0)

3. COMM. 4E-9 (2013)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Old County Hall - Exterior Waterproofing and Improvements on December 21, 2012; and

WHEREAS, The Erie County Department of Public Works, along with the Architect, is recommending award of the contract to the lowest bidders; and

WHEREAS, the lowest responsible bidders are Lupini Construction, Inc. for the masonry work and Weaver Metal & Roofing Inc. for the copper clad metal roof work; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Lauer & Manguso Architects for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Lauer & Manguso Architects for providing design and construction administration services for the Old County Hall - Exterior Waterproofing & Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Old County Hall - Exterior Waterproofing & Improvements as follows:

MASONRY WORK

Lupini Construction Base Bid: 1,248,000.00

ROOFING WORK

Weaver Metal & Roofing, Inc. Base Bid: 1,088,000.00

and be it further

RESOLVED, that the sum of \$300,000.00 be allocated to the 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 deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Lauer & Manguso Architects for providing professional design and construction administration services for Old County Hall- Exterior Waterproofing and Improvements for an amount not to exceed \$60,000.00, including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Accounts:

A.000182000	Courts Renovation Exterior	\$250,469.30
A.003132007	Waterproofing & Restoration	\$384,092.61
A.003272008	Waterproofing & Restoration	\$447,889.59
A.209192009	County Facility Exterior Renovation	\$364,148.50
A.2100 5	2010 County Facility Exterior Renovation	<u>\$1,249,400.00</u>
TOTAL		\$2,696,000.00

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

4. COMM. 4E-10 (2013)

COUNTY EXECUTIVE

WHEREAS, a Project for the Construction of the Sherwood Greenway Multi-Use Trail in conjunction with the Resurfacing of NY Routes 324 and 325, Sheridan Drive from the NY Route 266, River Road to NY Route 384, Delaware Avenue, in the Town of Tonawanda, Erie County, PIN 5756.76 and PIN 5086.22 (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 born at the ratio of approximately 72.2% Federal funds and 27.8% 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 Construction and Construction Inspection phase of the Trail portion of the project PIN 5756.76 and PIN 5086.22.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Sherwood Greenway Multi-Use Trail Construction and Construction Inspection Phase project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay the Non-Federal share of the cost of the New York State Department of Transportation (NYSDOT) administered portion of the Construction and Construction Inspection phase of the Trail portion of the project or portions thereof, with the Federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement; and be it further

RESOLVED, that the sum of \$217,740 is hereby appropriated from available balances in capital account A.21014 and \$40,491 from account A.00344 and made available to cover the cost of participation in the Trail portion of the above phase of the Project; and be it further

RESOLVED, that in the event the Non-Federal share of the cost of the NYSDOT administered portion of the Project's Construction and Construction Inspection phase of the Trail portion exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the Erie County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and with the NYSDOT providing for the administration of the Project and the Municipality's funding of the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of Budget and Management; the County Attorney; the Commissioner of Environment and Planning; and be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

(6-0)

**THOMAS A. LOUGHRAN
CHAIR**