

March 21, 2011

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 4-11 (2010)  
**WHYTE, GRANT, MAZUR, KOZUB & MARINELLI:** “Canal Side Development Project”  
(4-0) Chair Miller-Williams not present for vote.
  - b. INTRO 5-2 (2010)  
**KENNEDY:** “As Amended Calling on New York to Honor Native American Treaties”  
(4-0) Chair Miller-Williams not present for vote.
  - c. INTRO 19-1 (2010)  
**WALTER:** “Opposing NYS Senate Bill S. 7263C & Assembly Bill A. 2208D, Which Would Hamper Telecommunications Businesses From Locating in NYS”  
(4-0) Chair Miller-Williams not present for vote.
  - d. COMM. 21M-2 (2010)  
**COALITION FOR ECONOMIC JUSTICE:** “Letter to Legislator Whyte Concerning New York State’s Industrial Development Agency”  
(5-0)
  - e. COMM. 24E-1 (2010)  
**WHYTE:** “Article Entitled “Think Small to Plant Seeds of Job Growth””  
(5-0)
  - f. COMM. 6M-5 (2011)  
**BUFFALO GREENCODE:** “Notice of Public Meetings to be Held Throughout Buffalo”  
(5-0)
  - g. COMM. 6M-11 (2011)  
**BUFFALO URBAN DEVELOPMENT CORPORATION:** “Notice of Public Meeting Held 3/9/2011”  
(5-0)

- h. COMM. 6M-17 (2011)  
**CATTARAUGUS COUNTY DEPUTY CLERK:** “Copy of Resolution Concerning Intent to Abandon Old Route 219 Bridge Over Cattaraugus Creek if NYS Discontinues Maintenance of Same”  
(5-0)
  - i. COMM. 6M-23 (2011)  
**NFTA:** “NFTA Board Minutes for Meeting Held 1/24/11”  
(5-0)
2. COMM. 1E-9 (2011)  
**COUNTY EXECUTIVE**  
WHEREAS, Erie County instituted a Real Estate initiative in 2008 to review the way in which Erie County manages its owned and leased buildings; and  
  
WHEREAS, this position facilitates all real estate capital projects, lease administration and facilities management in order to incorporate industry standard practices into County government; and  
  
WHEREAS, this position resulted in more than \$4.3 million dollars of savings since it was created in 2008 and will continue to incorporate efficiencies into the overall management and construction of county owned and leased buildings to create additional savings; and  
  
WHEREAS, funding for this position is available within the 2011 Department of Public Works Budget.  
  
NOW, THEREFORE, BE IT  
  
RESOLVED, that the Erie County Legislature hereby provides authorization to include one Director of Real Estate, JG 22, in the Department of Public Works effective January 1, 2011; and be it further  
  
RESOLVED, that authorization is hereby provided to the Director of Budget and Management to make the following adjustments to the 2011 Budget in order to establish said position in the Department of Public Works, Division of Buildings and Grounds (REAM):

2011 Budget - Fund 110  
Department of Public Works  
Fund Center 12220- Division of Buildings & Grounds (REAM)

	Increase/(Decrease)
Appropriations	
Account 575040 Interfund Expense Utility Fund	(\$129,453)
Appropriations	
Account 500000 Full Time Salaries	\$129,453

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the 2011 budget for the Utility Fund, Fund 140, as necessary to balance the Fund; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, the Commissioner of Personnel and Department of Public Works, Division of Buildings and Grounds (REAM).  
(3-2) Legislator Kozub & Chair Miller-Williams voted in the negative.

3. COMM. 4E-16 (2011)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$23,300 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the

purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$21,000; and be it further

RESOLVED, that the requirement for request for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Project J.00510, WBS element J.00510.1.1; 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 the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(5-0)

4. COMM. 4E-19 (2011)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Canal Corporation and Erie County have entered into an agreement dated April 29, 2009, as amended June 11, 2010; and

WHEREAS, said agreement authorized the Canal Corporation to provide \$100,000 to the County for use in improving facilities at Black Rock Canal Park (aka Ontario Street Boat Launch); and

WHEREAS, said agreement has a termination date of November 30, 2011; and

WHEREAS, due to delays in project design it is now necessary to extend the termination date to December 31, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute the No Cost Budget Modification/Time Extension Appendix to the existing agreement between Erie County and the New York State Canal Corporation dated April 29, 2009, as amended June 11, 2010, which extends the termination date to December 31, 2012; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all additional No Cost Budget Modification/Time Extension agreements to the original April 29, 2009 Contract as may be necessary to fully utilize New York State Canal Corporation funds; 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 the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.  
(5-0)

5. COMM. 4E-23 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County seeks to undertake a Community Land Use Technique Training Program through the federally funded Community Development Block Grant; and

WHEREAS, the objective of the Program is to educate municipal officials concerning innovative land use techniques that can be used to better accommodate affordable housing within their communities; and

WHEREAS, in order to successfully carry out the Program professional planning services are required to complete certain technical components of the training effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a contract with Wendel-Duchscherer for planning services in an amount not to exceed \$20,000; and be it further

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Fund 290, Community Development Fund, Project J.00510.2.4, Economic Development – Planning; 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 the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.  
(5-0)

6. COMM. 6E-12 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, the transportation infrastructure of Southern Erie County was significantly damaged by the storms of early August 2009; and

WHEREAS, Federal Disaster DR-1857-NY was declared for parts of Erie County as a result of the August storms 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 by FEMA and eligible for reimbursement was PW 813 (Project) on New Oregon Road in the Town of Eden; and

WHEREAS, your honorable body has previously authorized Greenman-Pedersen, Inc. as a qualified Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008; and

WHEREAS, it is desired to construct the Project during the 2011 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Project and engineering firm Greenman-Pedersen, Inc. for an aggregate amount not to exceed \$200,000.00; and be it further

RESOLVED, that funds in the amount of \$200,000.00 be allocated from SAP Account B.20921; WBS element B.20921.1.2 - 2009 FEMA 1857-NY Projects for the Project; 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.  
(5-0)

7. COMM. 6E-13 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Zaxis Architectural, PC for providing professional design services on Erie County projects; and

WHEREAS, in order to improve efficiency within the Department of Social Services, the County of Erie desires to renovate 26,500 square feet of office space on the first and second floors of the Erie County Rath Building and to relocate office personnel to this space upon completion of the project; and

WHEREAS, this project is eligible for Federal and State reimbursement with a local share of 31.35% of total project costs; and

WHEREAS, Zaxis Architectural, PC has the necessary expertise and manpower to design and oversee the aforementioned project for the renovation of office space on the first and second floors of the Rath Building to be utilized by the Department of Social Services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment with the firm of Zaxis Architectural, PC for providing Professional Architectural/Engineering Services for the Rath Building first and second floor renovation project to include space planning, preparation of construction and bid documents and construction administration for an amount not to exceed \$69,500.00; and be it further

RESOLVED, that the Department of Social Services allocate the amount of \$69,500.00 from SAP Project A.00308 – Social Services Project Renovation to Office Space 2007, WBS element A.00308.1, Capital Project Expense, for Architectural/Engineering services for the Rath Building first and second floor renovation project; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP Project A.00308 – Social Services Project Renovation to Office Space 2007, WBS element A.00308.1, Capital Project Expense; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Social Services, and one copy each to the Office of the County Executive, the Division of Real Estate and Asset Management, the Division of Budget and Management and the Office of the Comptroller.  
(5-0)

8. COMM. 6E-14 (2011)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2011 – Miscellaneous Improvements on February 28, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contracts to the lowest responsible bidders, along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for the Ralph Wilson Stadium – 2011 – Miscellaneous Improvements as follows:

GENERAL CONSTRUCTION WORK

Trason Development Corporation	Base Bid	\$289,900.00
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ELECTRICAL WORK

Frey Electric Construction Company	Base Bid	\$212,000.00
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MECHANICAL WORK

MKS Plumbing, Inc.	Base Bid	\$382,000.00
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PLUMBING WORK

MKS Plumbing, Inc.	Base Bid	<u>\$122,000.00</u>
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TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED		\$1,005,900.00
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and be it further

RESOLVED, that the sum of \$75,000.00 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; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP Project accounts as follows:

A.21002.12	2010 – Rehabilitation of Ralph Wilson Stadium	\$1,080,900.00
TOTAL PAYMENTS NOT TO EXCEED		\$1,080,900.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, 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)

9. COMM. 6E-15 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2011 – Artificial Grass Field Replacement on February 28, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of the contract to the lowest responsible bidder, along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for the Ralph Wilson Stadium – 2011 – Artificial Grass Field Replacement as follows:

TURF CONTRACTOR

A-Turf, Inc.	Base Bid	\$177,780.00
	Add Alternate No. 1	\$89,500.00
	Add Alternate No. 2	<u>\$12,000.00</u>
TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED		\$279,280.00

and be it further

RESOLVED, that the sum of \$40,000.00 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; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the 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 as follows:

A.21002.13	2010 – Rehabilitation of Ralph Wilson Stadium	\$319,280.00
TOTAL PAYMENTS NOT TO EXCEED		\$319,280.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, 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)

10. COMM. 6E-25 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County must confirm right of way and property rights prior to various county-wide road and bridge work projects; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the firm of TVGA Consultants for providing professional services on County projects via Comm.14E-19 of July 17, 2008; and

WHEREAS, the County Executive is requesting authorization from your honorable body to execute an Agreement with TVGA Consultants for providing Professional Survey Services to the Department of Public Works.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement with TVGA Consultants for providing Professional Survey Services to the Department of Public Works related to various road and bridge projects for an amount not to exceed \$100,000.00; and be it further

RESOLVED, that the payment for the above agreement be allocated from SAP Project B.21001, 2010 Capital Road Overlay Program (PAYGO), WBS element B.21001.1.7, for an amount not to exceed \$100,000.00; and be it further

RESOLVED, that three (3) 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.

(5-0)

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