

April 19, 2011

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 6

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. COMM. 8E-3 (2011)
WHYTE: “Copy of Buffalo Central Terminal Master Plan 2011”
(5-0)
 - b. COMM. 8E-22 (2011)
RATH: “Letter to NYS Assembly Member Peoples-Stokes Concerning ECC North Campus Center for Excellence Project”
(5-0)
 - c. COMM. 8M-6 (2011)
NFTA: “Minutes of Meeting Held 2/28/2011”
(5-0)
 - d. COMM. 8M-8 (2011)
RICHARDSON CENTER CORPORATION: “Copy of Final Generic Environmental Impact Statement for Richardson Olmsted Complex Civic & Land Use Improvement Project”
(5-0)
 - e. COMM. 8M-12 (2011)
NFTA: “Copy of Five Year Capital Plan & Annual Operating Budget for Fiscal Year Ending 2012”
(5-0)
 - f. COMM. 8M-17 (2011)
ECIDA: “Copy of 2010 Annual Audited Financial Statements & Management Letter & 2010 Public Authorities Report”
(5-0)
2. COMM. 7E-3 (2011)
COUNTY EXECUTIVE
WHEREAS, bids were taken for the Federal Aid Project for Bridge Cleaning and Washing of Various County Bridges (the “Project”), in various towns, villages, and cities in Erie County on February

24, 2011, and the low bidder was Amstar of Western New York, Inc. of Cheektowaga, New York at a low bid amount of \$189,375.68 and an additional amount of \$25,000.00 needs to be established for a construction contingency fund; and

WHEREAS, it has been determined that a contract between the County of Erie and Urban Engineers of New York, P.C. of Buffalo, New York in the amount of \$75,000.00 is necessary for engineering and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Project No. FA-Washing-11, NYDOT PIN 5758.10 between the County of Erie and the low bidder, Amstar of Western New York, Inc. of Cheektowaga, New York at a low bid amount of \$189,375.68; and be it further

RESOLVED, that the low bid amount of \$189,375.68 be allocated from the 2008 Bridge Maintenance and Cleaning Program (SAP Account B.00192.321), and an additional amount of \$25,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$25,000.00, also to be allocated from 2008 Bridge Maintenance and Cleaning Program (SAP Account B.00192.321); and be it further

RESOLVED, that that the County Executive be authorized and is hereby directed to execute a contract between the County of Erie and Urban Engineers of New York, P.C. of Buffalo, New York in the amount of \$75,000.00 for engineering and construction inspection services; and be it further

RESOLVED, that an amount of \$75,000.00 be allocated from the 2008 Bridge Maintenance and Cleaning Program (SAP Account B.00192.321) for a contract for engineering and construction inspection services with Urban Engineers of New York, P.C. of Buffalo, New York; 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. 7E-6 (2011)

COUNTY EXECUTIVE

WHEREAS, a project for reconstruction of the intersection of Greiner Road (CR037) and Shimerville Road (CR279) in the Town of Clarence, Erie County, PIN 5756.85 (the "Project") was authorized by this honorable body on June 11, 2009 via Communication 10E-9; and

WHEREAS, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire the parcel by fee, portions of real property in the vicinity of the intersections:

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 57.19-2-2.1

Clarence

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the fee parcel for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Greiner Road (CR 037); and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

RESOLVED, that the sum of \$9,000.00, previously appropriated from the 2004 Greiner Shimerville Intersection Improvement Program, SAP B.00125.1.1, via County Resolution 10E-9 adopted June 11, 2009, is made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the fore mentioned Subject Property for the purpose of reconstructing and improving the aforementioned Greiner Road at Shimerville Intersection Improvement Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Greiner Road at Shimerville Intersection Improvement Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Property are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Property; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; 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 Division of Budget and Management, and the Office of the Comptroller.
(5-0)

4. COMM. 8E-9 (2011)

COUNTY EXECUTIVE

WHEREAS, a Project for the Black Rock Canal Park Roadway and Bikeway Improvements, P.I.N. 5MA161.30A (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive of Erie County to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$400,000 is hereby appropriated from and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.21016, 2010 Ontario St. Boat Launch/Black Rock Canal, within the Erie County Budget:

	<u>Increase</u>
<u>Revenue</u>	
Commitment Item #409010 (Other State Source Revenue)	\$400,000
<u>Appropriation</u>	
Commitment Item #516020 (Professional Services – Contractual and Fees)	\$400,000

and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Legislature of Erie County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Erie County Executive thereof; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program funding on behalf of the County of Erie with 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 all Project costs that are not so eligible; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with federal and state funding requirements; 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 a certified copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the County of Erie and the State of New York; 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. 8E-10 (2011)
COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of BR 225-1, Savage Road Bridge over Dry Creek, in the Town of Sardinia, Erie County, P.I.N. 5757.30, BIN 3328500 (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 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 Project, PIN 5757.30; and

WHEREAS, a contract for engineering design services for the above noted Project between the County of Erie and the engineering firm of Wendel Duchscherer Architects & Engineers, PC of Amherst, New York is necessary for the design of the reconstruction of the bridge.

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 (Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$150,000.00 of which the local share required is \$7,500.00 is hereby appropriated from B.00151 Unanticipated Federal Aid Road & Bridge Program and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project. Funds will be transferred from WBS element B.00151.97 to WBS Element B.00151.2 upon approval of this resolution; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) Phase 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 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 Contract in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, New York for the design of the reconstruction of Savage Road Bridge over Dry Creek; 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 (2) 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)

6. COMM. 8E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, a project for reconstruction of the intersections of Harris Hill Road (CR276) at Wehrle Drive (CR275) and Pleasant View Drive (CR161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") was authorized by this honorable body on July 9, 2009 via Communication 12E-19; and

WHEREAS, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire parcels by fee, portions of real property in the vicinity of the intersections;

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>		<u>TOWNSHIP</u>
SBL	93.11-1-29.1	Lancaster
SBL	93.11-1-30	Lancaster

such properties to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, in order to acquire the fee parcels for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Pleasant View Drive (CR161); and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

RESOLVED, that the sum of \$8,437.00, previously appropriated from the 2007 Harris Hill at Wehrle Drive and Pleasant View Drive Intersection Improvement Program, SAP B.00197.1, via County Resolution 12E-19 adopted July 9, 2009, is made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive Improvement Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; 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 Division of Budget and Management, and the Office of the Comptroller.
(5-0)

TIMOTHY J. WHALEN
CHAIR