

March 26, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-3 (2013)
RATH: "Letter & Attached Spreadsheet to Chair of Economic Development Committee Concerning Buffalo Bills Lease"
(5-0) Legislator Rath not present for vote.
 - b. COMM. 6M-1 (2013)
NFTA: "Minutes from Meeting Held 1/24/2013"
(6-0)
 - c. COMM. 6M-2 (2013)
BUFFALO COMMON COUNCIL: "Resolution Titled "Give Buffalo & WNY a Level Playing Field with NY Television & Film Production Tax Credit"
(6-0)
2. COMM. 6E-12 (2013)
COUNTY EXECUTIVE
WHEREAS, the County desires to reconstruct portions of Hopkins Road located between Smith Road (CR 297) and Tonawanda Creek Road (CR 2) in the Town of Amherst; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the Project as follows:

<u>PORTRION OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 16.00-1-2.1	Amherst
SBL 16.00-1-2.2	Amherst
SBL 16.03-1-3	Amherst
SBL 16.03-1-5	Amherst
SBL 16.03-1-7	Amherst
SBL 16.03-1-8	Amherst
SBL 16.03-1-9	Amherst

SBL 16.03-1-10	Amherst
SBL 16.03-1-11	Amherst
SBL 16.03-1-12	Amherst
SBL 16.03-1-13	Amherst
SBL 16.03-1-14	Amherst
SBL 16.03-1-21	Amherst

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

WHEREAS, in order to acquire the ROW for the Projects, 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, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject sections of Hopkins Road (CR 87); and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion 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 acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the sum of no more than \$100,000.00 from SAP B.21032, 2010 Hopkins Road Right of Way shall be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned sections of Hopkins Road; and be it further

RESOLVED, that the County of Erie is authorized to enter into a contract with D&S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; 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 properties 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 Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for the Hopkins Road Reconstruction 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 Properties; 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 three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

3. **COMM. 6E-16 (2013)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant (CDBG) and HOME Investment Partnership Programs on behalf of certain municipalities located in Erie County; and

WHEREAS, said Programs include the disbursement of federal monies to eligible not-for-profit, for-profit, and Community Housing Development Organizations for the purpose of undertaking affordable housing projects within the Erie County HOME Consortium area; and

WHEREAS, the federal Consolidated and Further Continuing Appropriations Act of 2012 requires detailed project underwriting, developer capacity reviews, market analysis, and other evaluations prior to the award of funds for any affordable housing project; and

WHEREAS, the Erie County Department of Environment and Planning lacks the skill sets to perform the aforementioned analyses.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an Agreement with H. Sichernman & Co., Inc. for the purpose of completing project assessment reports associated with federally funded affordable housing; and be it further

RESOLVED, that the agreement shall terminate on March 31, 2015 and include an authorized contract amount not to exceed \$9,000 total across all years; and be it further

RESOLVED, that the source of funds shall be monies available within the Erie County Community Development Block Grant Budget, in Project J.00412, WBS element J.00412.2.1; 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, 10th Floor.
(6-0)

4. **COMM. 6E-19 (2013)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Erie County Toxicology Day Care Center – Mechanical Upgrades – Phase I project; and

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

WHEREAS, the lowest responsible bidder is D.V. Brown & Associates for the mechanical upgrades; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Trautman Associates for providing professional design and construction document services for Phase I; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement amendment to the firm of Trautman Associates for providing design services for Phase I Mechanical Upgrades to the Toxicology Laboratory.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Toxicology Laboratory, Mechanical Upgrades, Phase I as follows:

MECHANICAL CONSTRUCTION WORK

D.V. Brown & Associates, Inc. Base Bid: \$320,000.00

and be it further

RESOLVED, that the sum of \$30,000.00 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 Trautman Associates for providing professional design services for Toxicology Laboratory Mechanical Upgrades, Phase I, for an amount not to exceed \$10,000.00 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.12011 – 2012- Erie County Morgue & Toxicology Improvements	\$215,134.00
A.12005 - 2012– Countywide Mechanical, Plumbing & Electrical Imp	<u>\$144,866.00</u>
Total payments not to exceed	\$360,000.00

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)

5. COMM. 6E-20 (2013)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works received bids for the Erie County Day Care Center – Plumbing Upgrades project; and

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

WHEREAS, the lowest responsible bidder is MKS Plumbing Corporation for the plumbing upgrades.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Day Care Center - Plumbing Upgrades project, MKS Plumbing Corporation with a base bid of \$68,500; and be it further

RESOLVED, that the sum of \$10,000.00 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 Comptroller's Office be authorized to make payment for all the above from SAP Account: A.12005-2012-Countywide Mechanical, Plumbing & Electrical Improvements, for an amount not to exceed \$78,500.00; 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)

THOMAS A. LOUGHRAN
CHAIR