

May 2, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 8M-1 (2013)
NFTA: "Minutes of Meeting Held 2/28/2013"
(6-0)

2. INTRO 7-5 (2013)

GRANT

WHEREAS, Erie County is proud to be the home of New York State's only NFL Team that plays in New York State; and

WHEREAS, the Buffalo Bills have had a long and mutually beneficial relationship with Erie County for decades; and

WHEREAS, proof of this relationship lies in the successful Buffalo Bills lease negotiations undertaken in 1998 by the administration of then-Erie County Executive Dennis T. Gorski and the current County Executive, Mark Poloncarz; and

WHEREAS, both County Executives successfully utilized current Deputy County Executive Richard M. Tobe as the county's leading voice in the negotiations among the Buffalo Bills, New York State and Erie County; and

WHEREAS, in the face of a very challenging economic climate nationally, statewide and here in Erie County, the recently approved Buffalo Bills lease is noteworthy for its exceptionally high return on investment of public dollars; and

WHEREAS, a review of other NFL Stadium projects validates the taxpayer sensitivity that was demonstrated by Erie County's successful negotiations to retain an NFL team for a combined investment of \$130 million -- \$53 million from New York State, \$40 million from Erie County and \$35 million from the Bills franchise; and

WHEREAS, in fact, the \$130 million deal will result in a \$140 million boost to New York State income tax collections over the next 10 years, as well as substantial sales tax revenues for both the state

and Erie County, and much-needed bed tax dollars to benefit the marketing efforts of Visit Buffalo Niagara, the destination marketing organization for Erie County; and

WHEREAS, opening at a cost of \$20 million in 1973, Erie County's NFL stadium in Orchard Park has yielded economic and quality of place benefits for 40 years; and

WHEREAS, NFL teams continue to be in high demand by communities across the nation, whereby Erie County's \$130 million deal is juxtaposed favorably against the \$400 million deal proposed by the Miami Dolphins and the \$250 million deal sought by the Carolina Panthers; and

WHEREAS, Erie County is privileged to host Bills fans from the Greater Rochester Area, Southern Ontario and the surrounding counties of Western New York, most notably, Niagara County; and

WHEREAS, every effort must be made in the highly competitive national climate in which NFL teams are courted for all political jurisdictions in a region to work together to retain an NFL franchise; and

WHEREAS, Niagara County's interest in the Buffalo Bills is better directed toward supporting the retention of the Bills in Erie County, the government entity with the unparalleled experience and long-standing record for negotiating NFL stadium leases that are in the best interests of the taxpayers, Buffalo Bills fans and the entire region; and

WHEREAS, if future negotiations require the construction of a brand new stadium for the Buffalo Bills, the only reasonable alternative location to Orchard Park would be in Downtown Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature confirm its support for the recently approved Buffalo Bills lease and its interest in keeping the Buffalo Bills playing in Erie County for many years to come; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, County Executive Mark Poloncarz, Deputy County Executive Richard Tobe, the WNY Delegation to the NYS Legislature, the Chair of the Niagara County Legislature, the Mayor of the City of Buffalo, the President of the Buffalo Common Council, and all others deemed necessary and proper.
(6-0)

3. COMM. 8E-9 (2013)
COUNTY EXECUTIVE

WHEREAS, the Savage Road Bridge over Dry Creek Project in the Town of Sardinia, Erie County, PIN 5757.30 (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's Design Phase via Comm. Nos. 8E-10 (2011) adopted on April 28, 2011 and 6E-11 (2012) adopted on May 10, 2012; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the Project Agreement by the amount of \$935,000 (\$187,000 required local share).

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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12003 - 2012 Savage Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$748,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$748,000	\$748,000
475000	Gen Oblig Bond Proc	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL REVENUES		<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>
TOTAL APPROPRIATIONS		<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$935,000 is hereby appropriated from B.12003 – 2012 Savage Road Bridge Reconstruction and made available to cover the cost of participation in the above phase of the Project; 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 Construction and Construction Inspection Phase exceeds the amount appropriated, \$935,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$935,000, 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, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 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 also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
 (6-0)

4. COMM. 8E-10 (2013)

COUNTY EXECUTIVE

WHEREAS, the Savage Road Bridge over Dry Creek Project PIN 5757.30 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Savage Road Bridge over Dry Creek Project PIN 5757.30 will replace a deteriorating bridge; and

WHEREAS, funding for this Federal Aid Project was approved and is available in B.12003 - 2012 Savage Road Bridge Reconstruction in the amount of \$935,000.00 (\$187,000.00 required local share); and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the Savage Road Bridge over Dry Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a new contract must be negotiated with project engineers Wendel of Buffalo, New York, for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Savage Road Bridge over Dry Creek Project PIN 5757.30 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated new contract between the County of Erie and project engineers Wendel of Buffalo, New York; and be it further

RESOLVED, that funding for the Savage Road Bridge over Dry Creek Federal Aid Project be allocated from fund B.12003 - 2012 Savage Road Bridge Reconstruction in an amount not to exceed \$935,000.00 (\$187,000.00 local share); 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 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 be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Savage Road Bridge over Dry Creek Project PIN 5757.30; 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.

(6-0)

5. COMM. 8E-11 (2013)

COUNTY EXECUTIVE

WHEREAS, the East Robinson and North French Roads Reconstruction Project in the Town of Amherst, Erie County, PIN 5755.43 (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's Design Phase via Comm. 14E-20(B) adopted on July 6, 2000 and 4E-10 (2011) adopted on March 17, 2011; and

WHEREAS, the County of Erie desires to increase the Design Phase and advance the Construction and Construction Inspection Phase of the Project, PIN 5755.43 through a Supplemental Agreement that increases the original Project Agreement by the amount of \$75,000 (\$14,950 local share) for Design and \$12,330,000 (\$858,700 local share) for Construction.

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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00185 - 2008 East Robinson/North French Design, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$60,050 and the local share be increased in the amount of \$14,950 available from B.12015, fund 420 G/L account 486000, as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$60,000	\$60,000
405160	NYS Marchiselli Aid	0	50	50
475000	Gen Oblig Bond Proc	6,127	0	6,127
486000	Interfund Rev Subsidy	<u>0</u>	<u>14,950</u>	<u>14,950</u>
TOTAL REVENUES		<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>
TOTAL APPROPRIATIONS		<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>

and be it further

RESOLVED, that the Project Fund B.12001 - 2012 East Robinson/North French Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$11,471,300 as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$10,072,300	\$10,072,300
405160	NYS Marchiselli Aid	0	1,399,000	1,399,000
475000	Gen Oblig Bond Proc	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>
		<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>

TOTAL REVENUES

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>
TOTAL APPROPRIATIONS		<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>

and be it further

RESOLVED, that the increased amount of the design phase of the project of \$75,000 with an increased local share of \$14,950.00 is hereby appropriated from B.00185 East Robinson/North French Designs and B.12015 2012 Capital Road Program. The amount of the construction phase of the project is \$12,330,000 with a local share of \$858,700.00 is hereby appropriated from B.12001 East Robinson/North French Reconstruction Federal Aid Program and made available to cover the cost of participation in the above phase of the Project; 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 Design, Construction and Construction Inspection Phases exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Design, Construction and Construction Inspection Phases 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, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation, and utility companies in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 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 also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 8E-12 (2013)
COUNTY EXECUTIVE

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 will reconstruct and widen the deteriorating roadway and a bridge; and

WHEREAS, funding for this Federal Aid project increases the Design Phase and advances the Construction and Construction Inspection Phase of the Project, PIN 5755.43 through a Supplemental NYSDOT Agreement that increases the original Project Agreement by the amount of \$75,000 (\$14,950 local share) for Design and \$12,330,000 (\$858,700 local share) for Construction; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the East Robinson and North French Roads Reconstruction Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order for design and a new contract for construction inspection and engineering services during construction must be executed with Project Engineers Greenman– Pedersen, Inc. of Buffalo, New York; and

WHEREAS, related project utility agreements must be executed with various utility companies.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the East Robinson and North French Roads Reconstruction Federal Aid Project PIN 5755.43 between the County of Erie and the lowest responsible bidder, establish a construction contingency, execute a change order for design and a new contract for construction inspection and engineering services during construction between the County of Erie and Project Engineers Greenman–

Pedersen, Inc., of Buffalo, New York, and execute related project utility agreements between the County of Erie and various utility companies; and be it further

RESOLVED, that funding for the increased amount of the design phase of the project of \$75,000. is hereby appropriated from B.00185, 2008 East Robinson/North French Road Design Federal Aid Program; funding for the construction phase of the project in the amount of \$12,330,000 is hereby appropriated from B.12001 East Robinson/North French Reconstruction Federal Aid Program; 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 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 be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the East Robinson and North French Roads Reconstruction Project PIN 5755.43; 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.
(6-0)

**THOMAS A. LOUGHRAN
CHAIR**