

July 16, 2012

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11E-14 (2012)  
**LORIGO:** “Letter Concerning Western Regional OTB”  
(4-0)
  - b. COMM. 12M-4 (2012)  
**WESTERN REGIONAL OTB:** “Copy of Proposal to Have Live Table Games at Batavia Downs Casino”  
(4-0)
  - c. COMM. 13E-27 (2012)  
**COUNTY EXECUTIVE:** “Old County Hall & EC Court Building Exterior Waterproofing & Improvements”  
(4-0)
  - d. COMM. 13M-1 (2012)  
**NFTA:** “Copy of Audited Financial Statement for Fiscal Year Ended 3/31/2012”  
(4-0)
  - e. COMM. 13M-2 (2012)  
**NFTA:** “Copy of Annual PARIS Report”  
(4-0)
  - f. COMM. 13M-3 (2012)  
**NFTA:** “Minutes of Meeting Held 5/21/2012”  
(4-0)
  - g. COMM. 13M-6 (2012)  
**NYS DOT:** “Letter to Legislature Concerning Surplus Real Property for Sale by Public Sealed Bid Auction”  
(4-0)

2. COMM. 13E-18 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the locally administered federal aid Maple Road Intersection Improvements Project, in the Town of Amherst, on September 22, 2011. The low responsible bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, at a low bid amount of \$3,148,433.46; and

WHEREAS, the project was allowed to be awarded to the lowest responsible bidder via Legislative approval at the 11th Session, dated May 26, 2011, Communication 10E-14 (2011); and

WHEREAS, the adjacent bridge at the intersection of Maple Road and North Forest Road, going west from North Forest is in dire need of road surface repairs and is not eligible for federal reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to approve an increase, to the Scope of Work and item quantities, and execute a Change Order to the Maple Road Intersection Improvement Project No. FA-192-11, in an amount not to exceed \$125,000.00 for the bridge and surface repairs on BR 192-1 Maple Road Bridge over Ellicott Creek; and be it further

RESOLVED, that the amount of \$125,000.00 be utilized from B.20902, 2009 Maple Road-Construction Program for a Scope of Work increase to the Construction Contract with CATCO for an amount not to exceed \$125,000.00 at 100% local share; and be it further

RESOLVED, that three 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.  
(4-0)

3. COMM. 13E-19 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie, Department of Public Works, Division of Highways recommends closing Contract BR 258-1-10 with Concrete Applied Technologies Company (dba CATCO); and

WHEREAS, the Erie County Legislature previously authorized this Capital project for the replacement of Burdick Road Bridge in the Town of Newstead and awarded the construction of the project to Concrete Applied Technologies Company dba CATCO via Comm. 12E-11 (2010) of June 24, 2010; and

WHEREAS, in order to close out the contract a Change Order to CATCO in the amount of \$48,811.83 is due for additional work and quantities associated with utility interference with installation of structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a Change Order with Concrete Applied Technologies Company dba CATCO in the amount of \$48,811.83 from 2010 Preservation of Bridges & Culverts, B.21027; and be it further

RESOLVED, that the County of Erie Department of Public Works is directed to close the contract in the total amount of \$374,727.19 upon execution of the final Change Order; and be it further

RESOLVED, that three certified copies of this resolution be sent to Commissioner of the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Office of the County Attorney. (4-0)

4. **COMM. 13E-20 (2012)**  
**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the Capital Project for the Rehabilitation of Miscellaneous Bridges and Culverts in various Towns, on June 21, 2012, and the low bidder was Nichols, Long and Moore Construction Company at a low bid amount of \$293,683.00; and

WHEREAS, a Contract for construction inspection services for the above noted project to the engineering firm of Clough Harbour Associates LLP, is required at a cost not to exceed \$55,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR MISC5-12 for the Rehabilitation of Miscellaneous Bridges and Culverts, between the County of Erie and the low bidder, Nichols Long and Moore Construction Company, of Lancaster, New York at a low bid amount of \$293,683.00; and be it further

RESOLVED, that an amount of \$293,683.00, be allocated from 2012 Preservation of Bridges and Culverts Program (SAP Account B.12008), and an additional amount of \$30,000.00 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 \$30,000.00, also to be allocated from 2012 Preservation of Bridges and Culverts Program (SAP Account B.12008); and be it further

RESOLVED, that an amount of \$55,000.00 be allocated from 2012 Preservation of Bridges and Culverts (SAP Account B.12008) for a contract for services during construction, construction reimbursables, and construction inspection with Clough Harbour Associates LLP; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) 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.

(4-0)

5. **COMM. 13E-21 (2012)**  
**COUNTY EXECUTIVE**

WHEREAS, the County owns nine (9) dams, and in accordance to the New York State Department of Environment and Conservation, two (2) are high hazard dams, one is a medium hazard and the six (6) remaining ones are low hazard dams; and

WHEREAS, there is a need for Dam Safety, Inspection and Design Engineering Services performed by a firm specializing in the provision of such services; and

WHEREAS, the Department of Public Works selected Bergmann Associates, an approved provider of engineering services via Comm. 14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Bergmann Associates to provide Dam Safety, Inspection and Design Engineering Services County-wide; and be it further

RESOLVED, that the negotiated contract fee will be appropriated from 2012 Dam Safety and Preservation Design (SAP Project Account B.12009), in an amount which will not exceed \$360,000.00; and be it further

RESOLVED, that three (3) 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.

(4-0)

6. COMM. 13E-22 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, a critical assessment and identification of space alternatives for various departments within several County buildings is required to maximize use of County owned buildings, including the potential for utilizing County space and reducing leased space; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Hamilton, Houston, Lownie Architects (HHL) 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 Hamilton, Houston, Lownie Architects (HHL) for providing design and construction document services for the space assessment planning.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Hamilton, Houston Lownie Architects(HHL) for providing professional design and services for space assessment planning for an amount not to exceed \$150,000.00 including reimburseables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00307 – 2007 – Space Consolidation & Relocation for an amount not to exceed \$150,000.00; 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.  
(4-0)

7. COMM. 13E-23 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, during heavy rainfall the Erie County Day Care Center's sanitary sewer backs-up in the basement causing flooding problems; and

WHEREAS, the Rath Building's 15th Floor Data/Computer Room that was constructed in the early to mid-1980's is no longer functional and the 25 years plus cooling units are not able to provide sufficient cooling for the room; and

WHEREAS, the Erie County Toxicology Lab was constructed in the late 1960's and has not been updated to current heating, cooling and ventilation standards and needs; and

WHEREAS, your Honorable Body has previously authorized Architectural/Engineering Term Agreement with the firm of Trautman Associates for providing professional design services on County projects; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Trautman Associates Architects/Engineers to provide Professional A/E Design Services for the following:

- Health & Safety issues regarding sanitary sewer back-up at the Erie County Day Care Center;
- Renovations to the Rath Building 15<sup>th</sup> floor Data/Computer Room; and
- HVAC upgrades and the Erie County Toxicology Lab

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates Architects/Engineers for providing professional Architectural/Engineering Services for correcting health and safety issues at the Erie County Day Care Center; renovations to the Rath Building Data/Computer Room; and HVAC upgrades to the Toxicology Lab for an amount not exceed \$107,000.00 including reimbursables; and be it further

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

|  |                    |
|--|--------------------|
| A.12003 – 2012 Countywide Code & Environmental Compliance              | \$17,000.00        |
| A.20920 – 2009 Countywide & Communication Room Fire Suppression System | \$40,000.00        |
| A.12011 – 2012 Erie County Morgue & Toxicology Improvements            | <u>\$50,000.00</u> |
| Total Payment Not To Exceed  | \$107,000.00       |

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.  
(4-0)

8. COMM. 13E-24 (2012)

**COUNTY EXECUTIVE**

WHEREAS, Commissioner of Public Works desires to engage the services of Environmental Service Consultants in order to implement asbestos abatement monitoring and testing on various County projects; and

WHEREAS, the Department of Public Works advertised for environmental consulting firms; and

WHEREAS, after careful review of each firm's capabilities, several firms were selected having the necessary expertise, experience, and manpower to provide the required services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with each of the following firms to provide Environmental Consulting Services on various County projects:

Watt's Architectural/Engineering – 95 Perry Street, Buffalo NY 14203  
Empire GEO – 5167 South Park Avenue, Hamburg NY 14075  
Core Environmental – 2312 Wehrle Drive, Buffalo NY 14221  
Stohl Environmental – 4169 Allendale Parkway, Blasdell NY 14219

and be it further

RESOLVED, that the sum of \$200,000.00 be allocated for said environmental consulting service fees to be paid to the selected consultants; with a maximum contract value of \$50,000.00 each, on a project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.12003 – 2012 – Countywide Code and Environmental Compliance; for a total amount not to exceed \$200,000.00; 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.  
(4-0)

9. COMM. 13E-25 (2012)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks & Recreation have several buildings at various locations that require demolition; and

WHEREAS, several of these buildings are in very deteriorated condition and cause a health and safety concern; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue an Agreement Amendment to Paradigm Environmental Services Inc. for a pre-demolition hazardous materials survey.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Paradigm Environmental Services, Inc. for providing pre-demolition hazardous materials survey at various park locations for an amount not to exceed \$35,000.00; and be further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account A.12007 – 2012- County Wide Parks Improvements & Equipment; 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, the Department of Parks & Recreation, and the office of the Comptroller.  
(4-0)

10. COMM. 13E-26 (2012)

**COUNTY EXECUTIVE**

WHEREAS, installation of new video and security devices are required to maintain required levels of security and safety at the ECCF, ECHC and Chestnut Ridge Sheriff's Bunker; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with M/E Engineering, Inc. for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue an Agreement Amendment to M/E Engineering, Inc. for providing design and construction document services for the ECCF, ECHC and Chestnut Ridge Sheriff's Bunker –Security and Video Upgrade Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to M/E Engineering, Inc. for providing professional design and construction document services for the ECCF, ECHC and Chestnut Ridge Sheriff's Bunker - Security and Video Upgrade Project, including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account A.11007 - 2011 Video and Door Control Upgrades- ECCF & ECHC for an amount not to exceed \$125,000.00; 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.  
(4-0)

11. COMM. 13E-28 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the Library Board of Trustees has authorized the Library Director, in cooperation with the Erie County Department of Public Works to proceed with the redesign of the second floor west area work; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Watt's Architecture & Engineering, P.C. for professional Architectural/Engineering services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue an Agreement Amendment to Watt's Architecture & Engineering, P.C. for providing design and construction documents services for the second floor west renovations project at the Erie County Central Library.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Watt's Architecture & Engineering, P.C. for providing professional design and construction document services for the second floor west renovations project at the Buffalo & Erie County Central Library for an amount not to exceed \$80,000.00; and be further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project F.11001 - 2011- Central Library Space Renovations for an amount not to exceed \$80,000.00; 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, the Buffalo & Erie County Central Library c/o Kenneth Stone, and the Office of the Comptroller.  
(4-0)

12. COMM. 13E-29 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works will be receiving bids on July 10, 2012 for the Buffalo Niagara Convention Center - Meeting Rooms Asbestos Abatement project; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$220,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.11003 - 2011 - Countywide Code Compliance and Environmental Compliance for a total amount not to exceed \$220,000.00; 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.  
(4-0)

13. COMM. 13E-30 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the County has been notified by National Fuel that major structural deficiencies exist in the sidewalk electrical vault and the walls are crumbling. If not immediately corrected, National

Grid has informed the Buffalo Niagara Convention Center personnel and the County, that power to the facility could be turned of; and

WHEREAS, the Erie County, Department of Public Works, received bids for the Buffalo Niagara Convention Center - 2012 – Electrical Vault Repairs on June 21, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of a 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, Paul J. Gallo Contracting, Inc. for the Buffalo Niagara Convention Center – 2012 – Electrical Vault Repairs for an amount not to exceed \$202,000.00; and be it further

RESOLVED, that the sum of \$21,968.79 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works 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 being 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.00306 – 2007 Convention Center Renovations               | \$ 51,484.57        |
| A.00320 – 2008 Convention Center Renovations               | \$ 16,086.78        |
| A.20916 – 2009 Convention Center Renovations               | \$10,070.10         |
| A.21004 – 2010 Convention Center Renovations               | \$23,732.34         |
| A.12003 – 2012 County Wide & Environmental Code Compliance | <u>\$122,595.00</u> |
| Total Payment Not To Exceed:                               | \$223,968.79        |

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.

(4-0)

14. COMM. 13E-31 (2012)

**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, Department of Public Works, received bids for the Ralph Wilson Stadium – 2012 – Stadium Sound System Upgrades, Phases 2 and 3 on June 28, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of a 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 – 2012 – Stadium Sound System Upgrades, Phases 2 and 3 as follows:

ELECTRICAL WORK

|                                    |          |              |
|------------------------------------|----------|--------------|
| Frey Electric Construction Company | Base Bid | \$510,000.00 |
|------------------------------------|----------|--------------|

and be it further

RESOLVED, that the sum of \$50,000.00 be allocated to a construction contingency fund with authorization for the County Executive and/or Commissioner of Public Works to approve change orders 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 A.12001 2012 – Rehabilitation of Ralph Wilson Stadium, for an amount not to exceed \$560,000.00; 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.

(4-0)

15. COMM. 13E-32 (2012)

**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, your Honorable Body has previously approved a general Engineering agreement with the firms of Nussbaumer & Clark, Inc. & Stohl Environmental LLC for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment with Nussbaumer & Clarke, Inc. and Stohl Environmental LLC.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue into an Agreement Amendment with Nussbaumer & Clark, Inc. for Underground Utility Locating Services in an amount not to exceed \$80,000 including reimbursables & Stohl Environmental LLC in an amount not to exceed \$40,000.00 including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account A.12002-2012 - Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$120,000; 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.  
(4-0)

16. COMM. 13E-33 (2012)

**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, Department of Public Works, received bids for the Ralph Wilson Stadium – 2012 Parking Lot Improvements, Miscellaneous Roof Repairs & Old Administrative HVAC Upgrades on June 21, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of contracts to the lowest responsible bidders, along with the engineer; and

WHEREAS, your Honorable Body has previously approved a general Architectural/Engineering agreement with the engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing professional design services for the 2012 projects; and

WHEREAS, funds for the project are available from the 2011 bond sale and capital account for Ralph Wilson Stadium.

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 – 2012 Parking Lot Improvements, Miscellaneous Roof Repairs & Old Administration Building HVAC Upgrades as follows:

MECHANICAL WORK

John W. Danforth Co. Base Bid \$172,200.00

PLUMBING WORK

Numarco, Inc Base Bid \$116,800.00

SITE WORK

Del Prince & Sons, Inc. Base Bid \$629,480.00

TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED \$918,480.00

and be it further

RESOLVED, that the sum of \$81,520.00 be allocated to a construction contingency fund with authorization for the County Executive and/or Commissioner of Public Works to approve change orders 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 County Executive be authorized to issue an Agreement Amendment to DiDonato Associates to provide this years' design work for an amount not to exceed \$160,000; 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.110022011 – Rehabilitation of Ralph Wilson Stadium \$1,160,000.00

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.

(4-0)

17. COMM. 13E-35 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works will be receiving bids after the last legislative meeting before summer recess for the Erie Community College – North and City Campuses – 2012 - Campus Security and Safety Upgrades; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of a construction contract after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with Wendel Companies for providing professional Architectural and Engineering design and construction administration services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder, during the Legislative summer recess, so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$1,300,000.00; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with Wendel Companies for providing professional architectural and engineering design and construction administrative services for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account E.00072 - 2008 ECC-Campus Security, for a total amount not to exceed \$1,325,000.00; 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, Erie Community College, Chief Financial Officer and the Office of the Comptroller.

(4-0)

18. COMM. 13E-36 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, previously contracts were awarded to Picone Construction and Flynn Battaglia Architects to implement the project; and

WHEREAS, during the exterior restoration, unforeseen conditions have been uncovered requiring repair to steel supports and cornice at the port cochere, and the deteriorated foundation at the main entrance steps; and

WHEREAS, additional repairs are needed to preserve the building and historic structure.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current Contingency Fund by \$250,000.00 from \$400,000.00 to \$650,000.00 to cover the additional consultant fees and construction work; and be it further

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

RESOLVED, that the project will receive 50% reimbursement from New York State; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments for all of the above from SAP Project E.11004 – 2011- ECC Masonry Restoration Project for an amount not to exceed \$250,000; 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, Erie Community College-Chief Financial Officer, and the Office of the Comptroller.

(4-0)

19. COMM. 13E-37 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, Department of Public Works will be receiving bids for the ECC – 45 Oak Street – Roof Replacement project in the near future; and

WHEREAS, the Erie County Legislature will be in summer recess at the time when bids will be received; and

WHEREAS, it is desirable to proceed with this work since the roof is in a state of deterioration necessitating replacement prior to the coming winter season; and

WHEREAS, in order to progress this work and take advantage of the best weather conditions during the summer months.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the roof replacement at Erie Community College – 45 Oak Street – Roof Replacement, with the lowest responsible bidder, for an amount not to exceed \$1,750,000.00 including construction contingency; and be further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account E.11003–2011 Erie Community College – Roofs County Wide for an amount not to exceed \$1,750,000.00; 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, Erie Community College, Chief Financial Officer and the Office of the Comptroller.

(4-0)

20. COMM. 13E-38 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Buffalo Engineering, PC for providing professional design services on Erie County projects and ECC-Energy Performance Projects; and

WHEREAS, Buffalo Engineering, PC has the necessary expertise and manpower to perform the design services for the Erie Community College – North Campus- Energy Performance Contract project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Buffalo Engineering, PC for providing additional professional Architectural/Engineering Services for upgrading the HVAC equipment and controls at Erie Community College – North Campus – Energy Performance Contract for an amount not to exceed \$10,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project E.00067 – 2007 –Erie Community College- North Campus- Energy Performance Contract for an amount not to exceed \$10,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(4-0)

21. COMM. 13E-39 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, Time Warner Cable has requested an easement from the County to extend their TV Cable service from Building No. 4 to Building No. 7 for the ECC-South Campus, DMV Office; National Grid has requested an easement for providing a primary electrical service at ECC-North Campus and AT&T has requested a five (5) year term renewal lease for communication antenna space on the communication cell tower located at ECC-South Campus; and

WHEREAS, AT&T's current lease for communication antenna space on the cell tower at ECC-South Campus will expire mid-July, 2012, and

WHEREAS, ECC is recommending to the County that the utility services are required to their buildings and that extending AT&T's lease for another five (5) year term will continue to generate revenue for the college.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to grant an easement for utility services at ECC-South to Time Warner Cable and for new primary electrical service at ECC-North Campus to National Grid; and be it further

RESOLVED, that the County Executive is authorized to renew the cell tower lease for another five (5) year term with AT&T; 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, ECC, County Attorney and the Office of the Comptroller.  
(4-0)

22. COMM. 13E-40 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, Cingular previously constructed a cell tower at Erie Community College's South Campus, for mutual usage without cost to Erie County or Erie Community College; and

WHEREAS, Cingular entered into various lease agreements with Erie County, the current lease requiring rent of \$122,400 over a five year period, paid to the College; and

WHEREAS, Cingular, now wishes to enter into a five year lease extension, with an option to extend an additional five years, subject to the County's approval, paying the college approximately \$146,880 in total during the initial five year extension commencing September 1, 2015 and escalating 20% during the second five year extension paying the college approximately \$176,256 in total during the five year renewal term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing cell tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act; and

NOW, THEREFORE, BE IT

RESOLVED, that given approval by the Erie Community College Board of Trustees and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease amendment with New Cingular Wireless, PCS, LLC to rent space on the existing cell tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the amended lease for Cingular shall be for an initial term of five years commencing at \$29,376 per year escalating 20% for the second five year term subject to County approval; and be it further

RESOLVED, that the funds received from this lease are to be budgeted for, and accounted for, as operating revenues of Erie Community College or to be designated for the purpose of future capital construction as determined by the ECC Board of Trustees, and with the College informing the County's Division of Budget and Management of how it utilizes the revenue; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Erie Community College, Erie County Comptroller, County Attorney, County Division of Budget and Management and the County Department of Public Works.  
(4-0)

23. COMM. 13E-43 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation & Forestry currently receives approximately \$5,000.00 from a New York State Grant for developing and maintaining approved snowmobile trails located within the Erie County Park System; and

WHEREAS, the Department of Parks, Recreation & Forestry is finding it increasingly difficult to maintain snowmobile trails due to the lack of staffing and necessary equipment; and

WHEREAS, Snowmobile Clubs in Erie County are willing to enter into agreements with the County to take over the maintenance aspect and receive the NYS funding for these County trails.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with individual Snowmobile clubs of Erie County for the purpose of transferring the maintenance and NYS funding of the NYS Snowmobile Grant-In-Aid Program approved snowmobile trails located within the Erie County Park System; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and Assistant County Attorney, Kristen Walder, of the Law Department.  
(4-0)

24. COMM. 13E-47 (2012)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation & Forestry spent \$60,000.00 from two capital projects to repair the parking lot at the Sprague Brook Casino; and

WHEREAS, the Sprague Brook Casino is an official Erie County voting site; and

WHEREAS, this repair to provide handicap accessibility qualifies for New York State HAVA funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept \$60,000.00 in HAVA funding from New York; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the following capital projects in order to utilize the HAVA reimbursement, in the amounts indicated, for the Department of Parks, Recreation and Forestry:

|   |  |             |
|---|--|-------------|
| Fund 410  |  |             |
| Project A.21012 – Roads, Pathways and Parking Lot Repairs |  | \$36,785.76 |
| Project A.21010 – Countywide Parks Improvements           |  | \$23,214.24 |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and the Office of the Erie County Comptroller.  
(4-0)

25. COMM. 13E-48 (2012)

**COUNTY EXECUTIVE**

WHEREAS, there are two (2) culverts identified in Chestnut Ridge Park that are deteriorated and could become potentially hazardous to the public; and

WHEREAS, there is a need for Culvert Replacement Design Engineering Services performed by a firm specializing in the provision of such services; and

WHEREAS, Ty-Lin International, an approved provider of engineering services via Comm. 14E-19 of July 17, 2008, is recommended by the Departments of Public Works and Parks as best suited for this task.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Ty-Lin International to provide Culvert Replacement Design Engineering Services; and be it further

RESOLVED, that the negotiated contract fee will be appropriated from a Countywide Parks Improvement fund in an amount which will not exceed \$140,000.00 from the following SAP capital accounts:

- Fund 410      A.21010      \$83,000.00      2010 Countywide Park Improvements
- Fund 410      A.12007      \$57,000.00;      2012 Countywide Park Improvements

and be it further

RESOLVED, that three (3) 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 Management, the Office of the Comptroller and the Commissioner of Parks, Recreation & Forestry.  
(4-0)

**THOMAS A. LOUGHRAN  
CHAIR**