

June 23, 2011

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-4 (2011)
MILLER-WILLIAMS: "Copy of Letter Concerning EC Industrial Land Development Corp."
(6-0)
 - b. COMM. 13M-2 (2011)
EMPIRE STATE DEVELOPMENT: "Richardson Olmsted Complex Civic & Land Use Improvement Project - SEQR Notification"
(6-0)
2. COMM. 13E-17 (2011)
COUNTY EXECUTIVE:
WHEREAS, when Eden Center-Evans Road was reconstructed about 40 years ago, slag was used as a subbase material which at the time, it was thought that slag was an acceptable material for this purpose; and

WHEREAS, long stretches of this road have been heaving in the winter months making the road difficult to drive in those months due to the wicking of water in the subbase; and

WHEREAS, over the years, the Department of Public Works has tried several solutions to mitigate the heaving but with no success; and

WHEREAS, the only solution is to fully remove the slag subbase and replace it with gravel material and new pavement; and

WHEREAS, it is desired to begin the Project as soon as possible; and

WHEREAS, funding has been identified and authorization is sought to move those funds to this project; and

WHEREAS, the source of the funding is the annual budget for Federal Medical Assistance Percentage (FMAP) that has already exceeded the annual budget for 2011.

NOW, THEREFORE, BE IT

RESOLVED, that an increase in the 2011 Budget is hereby authorized for the purpose of reconstructing Eden Center-Evans Road, as follows:

<u>Fund 110 – General Fund</u>	
<u>Revenue</u>	
Fund Center 120 Social Services Account 414030 Federal Medical Assistance Percentage (FMAP)	\$1,000,000
<u>Expense</u>	
Fund Center 14020 570050 Interfund Transfer Capital	\$1,000,000
 <u>Fund 420 – Project B.11001 - 2011 Overlay Program</u>	
<u>Revenue</u>	
Fund Center 123 Highways/DPW 486000 Interfund Revenue Subsidy	\$1,000,000
<u>Expense</u>	
Fund Center 123 Highways/DPW Capital Projects Expense	\$1,000,000

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.
(6-0)

3. COMM. 13E-19 (2011)
COUNTY EXECUTIVE
WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Zaxis Architectural, P.C. for providing professional design services on Erie County projects; and

WHEREAS, a renovation project at the Erie County Holding Center (EHC) located on the second floor, Bravo Level will reorganize underutilized space within the facility and will improve the overall services for the inmate population; and

WHEREAS, the Erie County Legislature via Communication 8E-1 (2011) approved the 2011 Erie County Holding Center Improvements capital project; and

WHEREAS, Zaxis Architectural, P.C. has the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Zaxis Architectural, P.C. to provide Professional Architectural/Engineering Services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Zaxis Architectural, P.C. for providing Professional Architectural/Engineering Services for the ECHC Second Floor Housing Renovation Project for an amount not to exceed \$45,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Projects A.11001 – 2011 Holding Center Improvement Projects; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Erie County Sheriff's Office, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

4. COMM. 13E-27 (2011)

COUNTY EXECUTIVE

WHEREAS, the Erie County Bridge Deck Sealing Project, twenty (20) bridges in various Towns of Erie County, PIN 5760.13 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment 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 V&VI) of this project: PIN 5760.13; and

WHEREAS, the total Project is \$10,000.00 and the County is required to provide the local share portion for the Project in the amount of \$2,000.00; and

WHEREAS, your honorable body has previously authorized Clough, Harbour Associates as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature 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 B.21001 - 2010 Capital Overlay (Pay As You Go) Program, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$8,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$8,000	\$ 8,000
420100	Cont w/ To Lancaster	\$ 52,805	\$ 0	\$ 52,805
420180	Sales-Supp, Oth Govt	\$ 195,788	\$ 0	\$ 195,788
445070	Prem on Obligations	\$ 0	\$ 0	\$ 0
475000	Gen Oblig Bond Proc	\$1,800,000	\$ 0	\$1,800,000
486000	Interfund Rev Subsidy	\$4,200,000	\$ 0	\$4,200,000
TOTAL REVENUES		<u>\$6,248,593</u>	<u>\$8,000</u>	<u>\$6,256,593</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$6,248,593</u>	<u>\$8,000</u>	<u>\$6,256,593</u>
TOTAL APPROPRIATIONS		<u>\$6,248,593</u>	<u>\$8,000</u>	<u>\$6,256,593</u>

and be it further

RESOLVED, that the estimated total sum of the Project, \$10,000.00 is hereby appropriated from B.21001 – 2010 Capital Overlay (Pay As You Go) 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 cost of the projects' Preliminary Engineering (Design V&VI) phase exceeds \$10,000.00 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 be and 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 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 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 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 Clough, Harbour Associates, of Buffalo, New York, to provide Design services for the Bridge Deck Sealing Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.
(6-0)

5. **COMM. 13E-28 (2011)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Bridge Painting Project, Six (6) Bridges in various Towns of Erie County, PIN 5759.60 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of 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 V&VI) of this project, PIN 5759.60; and

WHEREAS, the total Project is \$115,000.00 and the County is required to provide the local share portion for the Project in the amount of \$23,000.00; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature 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 Project Fund B.21016, 2010 Bridge Painting Design Program, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$92,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$92,000	\$92,000
475000	Gen Oblig Bond Proc	<u>\$27,740</u>	<u>\$ 0</u>	<u>\$27,740</u>
TOTAL REVENUES		<u>\$27,740</u>	<u>\$92,000</u>	<u>\$119,740</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$27,740</u>	<u>\$92,000</u>	<u>\$119,740</u>
TOTAL APPROPRIATIONS		<u>\$27,740</u>	<u>\$92,000</u>	<u>\$119,740</u>

and be it further

RESOLVED, that the estimated total sum of the design phase of the Project, \$115,000.00 is hereby appropriated from B.21016 – 2010 Bridge Painting, Design 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 cost of the projects' Preliminary Engineering (Design V&VI) phase exceeds \$115,000.00 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 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 LiRo Engineers, of Buffalo, New York, to provide design services for the Bridge Painting Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.
(6-0)

6. COMM. 13E-29 (2011)
COUNTY EXECUTIVE

WHEREAS, the Bridge Painting Project in various towns, Erie County, PIN 5758.90 (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, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5758.90 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$835,000.00 (\$167,000.00 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.20923 - 2009 Bridge Painting, Construction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$668,000.00 as follows:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$ 0	\$668,000	\$668,000
475000	Gen Oblig Bond Proc	<u>\$179,520</u>	<u>\$ 0</u>	<u>\$179,520</u>
TOTAL REVENUES		<u>\$179,520</u>	<u>\$668,000</u>	<u>\$847,520</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$179,520</u>	<u>\$668,000</u>	<u>\$847,520</u>
TOTAL APPROPRIATIONS		<u>\$179,520</u>	<u>\$668,000</u>	<u>\$847,520</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$835,000.00 is hereby appropriated from B.20923 – 2009 Bridge Painting, Construction 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 Phases exceeds the amount appropriated, \$835,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$835,000.00, 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)

7. COMM. 13E-30 (2011)

COUNTY EXECUTIVE

WHEREAS, the Bridge Painting Project PIN 5758.90 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Bridge Painting Project PIN 5758.90 will improve the condition of County bridges; and

WHEREAS, funding for this project was approved and is available in B.20923 - 2009 Bridge Painting Construction in the amount of \$835,000.00; and

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

WHEREAS, in order to facilitate the Bridge Painting 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 must be negotiated with LiRo Engineers, of Buffalo, New York, for construction inspection and 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 Bridge Painting Project PIN 5758.90 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers LiRo Engineers of Buffalo, New York; and be it further

RESOLVED, that funding for the Bridge Painting Project be allocated from fund B.20923 in an amount not to exceed \$835,000.00; 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 Bridge Painting Project PIN 5758.90; 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)

**TIMOTHY J. WHALEN
CHAIR**