

April 18, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 7-3 (2012)
LORIGO, MILLS, RATH, DIXON & HARDWICK: “Encouraging Reform of New York's Scaffold Law”
(6-0)
 - b. COMM. 7E-5 (2013)
COUNTY EXECUTIVE: “Response Letter to Assemblywoman Corwin Concerning Retention of Buffalo Bills in EC”
(6-0)
 - c. COMM. 7D-1 (2013)
COMPTROLLER'S OFFICE: “Letter to Commissioner of Public Works Concerning Audit of Fleet Services”
(6-0)
 - d. COMM. 7M-5 (2013)
ASSEMBLY MEMBER CORWIN: “Copy of Letter to County Executive Concerning Buffalo Bills Lease Agreement”
(6-0)
 - e. COMM. 7M-6 (2013)
NFTA: “Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2014-2018 & Annual Operating Budget for Fiscal Year Ending 2014”
(6-0)
2. INTRO 7-1 (2013)
RATH
WHEREAS, during the Great Depression, the federal government created a sugar subsidy program to bolster the domestic sugar industry; and

WHEREAS, that program continues today, requiring the federal government to purchase excess sugar, which includes beet sugar and cane sugar, and sell it to ethanol producers for pennies a pound; and

WHEREAS, oddly, in 2011, the United States Department of Agriculture allowed farmers to begin planting genetically modified “Roundup-Ready” for pesticides sugar beets in order to stave off a sugar shortage; and

WHEREAS, the impact of the sugar subsidies to the federal budget is tens of millions of dollars per year; and

WHEREAS, due to governmental intervention in the sugar industry, the cost of sugar in the United States is nearly double the cost worldwide; and

WHEREAS, the Coalition for Sugar Reform estimates that higher sugar prices have cost consumers \$14 billion since 2008 in higher food costs; and

WHEREAS, in addition, domestic food manufacturers have relied heavily on other sweeteners, such as high fructose corn syrup, to avoid using artificially expensive sugar; and

WHEREAS, other food manufacturers have decided to relocate to Canada and other countries to save money on ingredient costs; and

WHEREAS, a 2006 Commerce Department study found that for each sugar industry job saved by the sugar program, nearly three food manufacturing jobs were lost; and

WHEREAS, local food companies are now facing the difficult decision of possibly also relocating in order to compete with Canadian food manufacturers; and

WHEREAS, ending sugar subsidies and governmentally created higher sugar prices will help keep food manufacturers in the United States, their workers employed and lower prices for consumers of products which include sugar.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby opposes the continuation of policies which artificially inflate sugar prices in the United States, including the sugar subsidies; and be it further
RESOLVED, that the Erie County Legislature supports passage and enactment of United States Senate Bill 345 and United States House of Representatives Bill 693; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the local delegation of the United States Congress.
(6-0)

3. COMM. 7E-11 (2013)
COUNTY EXECUTIVE

WHEREAS, the existing roof system at the Erie Community College-City Campus-45 Oak Street location, is 30 plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, the County of Erie received bid proposals for the replacement of the roof system located at the Erie Community College - City Campus - 45 Oak Street on March 13, 2013; and

WHEREAS, the lowest responsible bidder is Weaver Metal Roofing, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with the Consultant, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, Weaver Metal Roofing, Inc. for the Erie Community College – City Campus – 45 Oak Street location project for an amount not to exceed \$1,013,000.00; and be it further

RESOLVED, that the sum of \$100,000.00 be allocated to a 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 Project E.1103 – 2011-Erie Community College – Roofs Collegewide (Countywide) in a total amount not to exceed \$1,113,000.00; 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)

4. COMM. 7E-12 (2013)
COUNTY EXECUTIVE

WHEREAS, in 1997 the Erie County Utilities Aggregation was formed by a number of towns, villages and other local government entities to purchase utilities on the open market; and

WHEREAS, the Erie County Department of Public Works was designated as administrator of this alliance, and Fluent Energy was designated as managers of the alliance; and

WHEREAS, Fluent Energy's (formally LepCorp) current contract has expired; and

WHEREAS, the members were polled and wish to retain the services of Fluent Energy as manager of the Aggregation and issue them a new contract with no increase in fee rate except for Utility Bill Processing and Electronic input of same.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized, and is hereby directed to execute a contract between Erie County/Erie County Utilities Aggregation and Fluent Energy for management services of the Aggregation; and be it further

RESOLVED, that Fluent Energy's fee rate shall be as follows,

Electric: \$0.00033/kWh

Natural Gas: \$0.05786/Mcf

PACE Natural Gas: \$0.85791/account per month

Fuel Oil: \$0.00413/gallon

Utility Bill Processing: \$3.75/Bill

Electronic Input: \$2.00/Bill

and be it further

RESOLVED, that the length of the new contract shall be for five (5) years duration with two (2), one (1) year renewals; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, and the Department of Public Works.

(5-0-1) Legislator Rath abstained from vote.

5. COMM. 7E-13 (2013)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Zoar Valley Road, FEMA PW 644 ECDPW Project No. FM457-644-13 (the "Project"), in the Town of Concord, on February 21, 2013, and the low bidder was CATCO of Alden, New York in the amount of \$803,921.55; and

WHEREAS, a contract has been negotiated with Clark Patterson Lee of Buffalo, New York for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the project and funding as follows: SAP Account B.11022 (2011 FEMA, FHWA and EWP Match/Road Reconstruction [Countywide]) in the amount of \$75,000; SAP Account B.12004 (2012 FEMA Road Reconstruction [Countywide]) in the amount of \$220,000; and SAP Account B.13005 (2013 Road Reconstruction FEMA Projects [Zoar Valley PW 644]) in the amount of \$767,000 for a total project cost of no more than \$1,062,000; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for FEMA PW 644, ECDPW Project No. FM457-644-13 between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$803,921.55 from the above identified project funds; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for services during construction and construction inspection with Clark Patterson Lee of Buffalo, New York in the amount of \$129,088.57 from the above identified funds; and be it further

RESOLVED, that the County Executive be authorized to establish a project contingency and execute change orders in an amount not to exceed \$128,600.00 from the above identified funds; 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 Office of Budget and Management, and the Office of the Comptroller.

(6-0)

**THOMAS A. LOUGHRAN
CHAIR**