

May 17, 2018

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 10E-24 (2017)  
**COUNTY EXECUTIVE:** “Open Item – 2017 Road, Bridge, & Infrastructure Project Appropriations”  
(Chair’s ruling)
- b. LL INTRO. 20-1 (2017)  
**MORTON:** “A LL Requiring that All County Contracts Include Provisions that Ensure Goods and Materials Purchased or Used Shall be Manufactured in New York”  
(Chair’s ruling)
- c. INTRO. 6-3 (2018)  
**MILLS, LORIGO, DIXON, HARDWICK & RATH:** “Transfer of Fund Balance to Department of Public Works for 2018 Road Repair Projects”  
(Chair’s ruling)
- d. COMM. 7M-15 (2018)  
**MITCHELL MACIUBA, AMERICAN PAVING & EXCAVATING:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- e. COMM. 7M-16 (2018)  
**KELSEY WAGNER, AMERICAN PAVING & EXCAVATING**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- f. COMM. 7M-17 (2018)  
**DANIEL FETES, PRESIDENT, MJ MECHANICAL SERVICES, INC.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- g. COMM. 7M-18 (2018)  
**MICHAEL J. HIGGINS, PRESIDENT, TOM GREENAUER DEVELOPMENT, INC.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)

- h. COMM. 7M-19 (2018)  
**DOTTIE GALLAHER-COHEN, PRESIDENT & CEO, BUFFALO NIAGARA PARTNERSHIP:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- i. COMM. 7M-20 (2018)  
**DIANE F. BURGER, VICE-PRESIDENT, CTS CONTRACTING, INC.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- j. COMM. 7M-21 (2018)  
**FRED BOEHEIM, GYPSUM SYSTEMS, INC.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- k. COMM. 7M-22 (2018)  
**MICHAEL S. WAHL, PRESIDENT, JM&R ELECTRICAL:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- l. COMM. 7M-23 (2018)  
**SCOTT ROETZER, LEDGE CREEK DEVELOPMENT, INC.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- m. COMM. 7M-24 (2018)  
**BILL PHILLIPS, SALES REPRESENTATIVE, GERNATT ASPHALT PROD.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- n. COMM. 7M-25 (2018)  
**BRIAN SAMPSON, PRESIDENT, ASSOCIATED BUILDERS & CONTRACTORS, INC.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- o. COMM. 7M-27 (2018)  
**WILLIAM BANFIELD, NYS REGIONAL MANAGER, NORTHEAST REGIONAL COUNCIL OF CARPENTERS:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)

- p. COMM. 7M-28 (2018)  
**RICHARD LIPSITZ, PRESIDENT, WNY AREA LABOR FEDERATION, AFL-CIO:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- q. COMM. 7M-29 (2018)  
**RICK WILLIAMSON, SECRETARY/TREASURER, BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 3, NY:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- r. COMM. 7M-30 (2018)  
**JOHN TOMASELLO, BUSINESS AGENT, APPRENTICE COORDINATOR, CEMENT MASONS LOCAL #111:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- s. COMM. 7M-31 (2018)  
**JOHN HELAK, BUSINESS MANAGER & PAUL CRIST, BUSINESS REPRESENTATIVE, SMART, LOCAL UNION NO. 71:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- t. COMM. 7M-32 (2018)  
**BRIAN SCRUTON, COUNCIL REPRESENTATIVE, EASTERN MILLWRIGHT REGIONAL COUNCIL, LOCAL 1163:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- u. COMM. 7M-33 (2018)  
**DAVID CRONKHITE, BUSINESS AGENT, PLUMBERS & STEAMFITTERS LOCAL 22:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- v. COMM. 7M-34 (2018)  
**MARK C. WEISENBURG, DIRECTOR, FINISHING TRADES INSTITUTE OF WESTERN & CENTRAL NY:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- w. COMM. 7M-35 (2018)  
**RONALD J. WHEELER, BUSINESS REPRESENTATIVE/FINANCIAL SECRETARY, I.U.E.C. LOCAL 14:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)

- x. COMM. 7M-36 (2018)  
**KEVIN STRANAHAN, BUSINESS AGENT, PLUMBERS & STEAMFITTERS LOCAL 22:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- y. COMM. 7M-37 (2018)  
**MARK SCOVILLE, APPRENTICESHIP COORDINATOR, HEAT & FRONT INSULATORS & ALLIED WORKERS LOCAL NO. 4:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- z. COMM. 7M-38 (2018)  
**ART FADELEY, BUSINESS MANAGER, HEAT & FRONT INSULATORS & ALLIED WORKERS LOCAL NO. 4:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- aa. COMM. 7M-39 (2018)  
**RICHARD EVANS, BUSINESS AGENT, PLUMBERS & STEAMFITTERS LOCAL 22:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- bb. COMM. 7M-40 (2018)  
**SEAN REDDEN, BUSINESS MANAGER, PLUMBERS & STEAMFITTERS LOCAL 22:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- cc. COMM. 7M-41 (2018)  
**BRIAN REFF, BUSINESS MANAGER, LABORERS' LOCAL 210:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- dd. COMM. 7M-42 (2018)  
**PETER CAPITANO, BUSINESS AGENT/APPRENTICESHIP COORDINATOR, LABORERS' LOCAL 210:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- ee. COMM. 7M-43 (2018)  
**GARY SWAIN, BUSINESS MANAGER, I.U.O.E. LOCAL 17:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)

- ff. COMM. 7M-44 (2018)  
**THOMAS HALLIGAN, BUSINESS MANAGER, IRONWORKERS LOCAL #6:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- gg. COMM. 7M-45 (2018)  
**JIM WILLIS, BUSINESS AGENT/FINANCIAL SECRETARY, IRONWORKERS LOCAL #6:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- hh. COMM. 7M-46 (2018)  
**PAUL BROWN, BUSINESS AGENT, PLASTERERS & CEMENT MASONS UNION:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- ii. COMM. 7M-47 (2018)  
**PAUL BROWN, BUFFALO BUILDING & CONSTRUCTION TRADES COUNCIL:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- jj. COMM. 8E-12 (2018)  
**LORIGO:** “Minority Caucus - Proposed Amendment to Local Law Intro. 5-1 (2018)”  
(Chair’s ruling)
- kk. COMM. 8E-13 (2018)  
**LORIGO:** “Minority Caucus - Proposed Amendment to Local Law Intro. 4-2 (2018)”  
(Chair’s ruling)
- ll. COMM. 8M-2 (2018)  
**GEORGE E. HARRIGAN, PRESIDENT, WNY TEAMSTERS JOINT COUNCIL NO. 46.:**  
“Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- mm. COMM. 8M-3 (2018)  
**BRIAN W. DUNN, BUSINESS MANAGER, ROAD SPRINKLER FITTERS LOCAL UNION NO. 669:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- nn. COMM. 8M-4 (2018)  
**CAMILLE HOPKINS:** “Written Comments Concerning Local Law Intro. 5-1 (2018)”  
(Chair’s ruling)

- oo. COMM. 8M-5 (2018)  
**JAMES L. COLLINS, JR., MILHERST CONSTRUCTION, INC.:** “Written Comments Concerning Local Law Intro. 4-1 (2018)”  
(Chair’s ruling)
- pp. COMM. 9M-1 (2018)  
**ECIDA:** “Annual Audited Financial Statements for 2017”  
(Chair’s ruling)
- qq. COMM. 9M-3 (2018)  
**NFTA:** “Cash Flow Statements”  
(Chair’s ruling)
- 2. COMM. 7E-48 (2018)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and  
  
WHEREAS, the 2018 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges and equipment; and  
  
WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and  
  
WHEREAS, the Division of Budget and Management recommends the utilization of \$2,200,000 from the available balance in the Road Repair Reserve Fund to conduct important road work in 2018; and  
  
WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and  
  
WHEREAS, a public hearing was held on May 15, 2018.  
  
NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following 2018 budget amendments:

<b>Fund 210 – Road Repair Reserve Fund Center 12330</b>			
<b>Revenue</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Adjusted Budget</b>
402190 Appropriated Fund Balance		\$2,200,000	\$2,200,000
402600 Transfer Tax	<u>\$12,600,000</u>		<u>\$12,600,000</u>

<b>Total Revenue</b>	\$12,600,000	\$2,200,000	\$14,800,000
<b>Expense</b>			
912300 ID Highway Services	<u>\$12,600,000</u>	<u>\$2,200,000</u>	<u>\$14,800,000</u>
<b>Total Expense</b>	\$12,600,000	\$2,200,000	\$14,800,000
<b>Net Change Road Repair Reserve</b>		\$0	

**Fund 210 - Highways Fund Center 123**

<b>Expense</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Adjusted Budget</b>
570000 Interfund Trans-Subs	\$7,855,200	\$2,200,000	\$10,055,200
912300 ID Highway Services	<u>(\$12,672,300)</u>	<u>(\$2,200,000)</u>	<u>(\$14,872,300)</u>
<b>Total Expense</b>	(\$4,817,100)	\$0	(\$4,817,100)
<b>Net Change Fund 210</b>		\$0	

**Fund 420 - Capital Project B.18050**

<b>Revenue</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Adjusted Budget</b>
486000 Interfund Revenue	\$7,500,000	\$2,200,000	\$9,700,000
<b>Expense</b>			
<b>Capital Projects</b>	\$7,500,000	\$2,200,000	\$9,700,000
<b>Net Change Fund 420</b>		\$0	

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on May 15, 2018; and be it further

RESOLVED, that authorization is provided to appropriate \$2,200,000 of available prior- year Transfer Tax to conduct 2018 road projects; 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, the County Attorney, and the Office of the Comptroller.  
(5-0)

3. COMM. 9E-16 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant (CDBG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$2,733,034 annually from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low and moderate-income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in architectural design services which are required to successfully carry out the requirements of the CDBG Commercial Center Improvement Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Clinton Brown Company Architecture PC in an amount not to exceed \$50,000 for the purpose of providing architectural design services to Erie County for the implementation of the Commercial Center Improvement Program; and be it further

RESOLVED, that the source of said funds shall be Project Number J.00517 (2017-2018 CDBG Program) for the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the County Executive's Office; the County Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> floor.  
(4-0) Legislator Loughran not present for vote.

4. COMM. 9E-17 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Unified Court System Eight Judicial District ("UCS") has requested that the Erie County Department of Public Works make various improvements to the Erie County Court Building, Old County Hall, and the Erie County Family Court Building; and

WHEREAS, this project will greatly improve the aesthetics in the Erie County Court Building, Old County Hall and the Erie County Family Court Building, and the cost of the project is 100% reimbursable to the county from the UCS as a tenant-request line item within the Chapter 686 cleaning and minor maintenance contract with the County for the New York State fiscal year beginning April 1, 2018; and

WHEREAS, a new SAP capital project will be created in Funds Center 122, Fund 410, in the amount of the anticipated reimbursement of \$ 300,000 from the UCS.

NOW, THEREFORE, BE IT

RESOLVED, that in order to comply with the Unified Court System Eighth Judicial District request to make improvements to the Erie County Court Building, Old Count Hall and the Erie County Family Court Building, a new SAP project (A.18XXX) will be created in the amount of \$ 300,000 for said improvements; and be it further

RESOLVED, that the new SAP project will be created in Funds Center 122, Fund 410, under the supervision of the Department of Public Works – Buildings and Grounds; and be it further

RESOLVED, that the County Executive is authorized to accept reimbursement in an amount not to exceed \$ 300,000 from the UCS after said improvements are made; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make all necessary budgetary and accounting entries to facilitate the acceptance of revenue and outlay of expenditures; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Unified Court System Eighth Judicial District c/o Andrew Isenberg.  
(5-0)

5. COMM. 9E-21 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Replacement of Warner Hill Culvert (CIN 390-01A) Project PIN 5762.22, the “Project”, is eligible for New York State funding under the Bridge NY Grant Program; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the State share of the costs of the Design via Legislative Communication 8E-12 dated May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project; and

WHEREAS, in order to advance the Construction phase of the Project, in a timely manner, it will be necessary for the County Executive to execute Agreements with the lowest responsible bidder, CHA Companies, Inc. as Project Designer for Engineering and Inspection services, and establish a contingency

in an amount not to exceed \$472,034.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the necessary Project funds are available in the amount of \$375,000. from Fund 420, Funds Center 123, Project B.17076 (2017 5762.22 Warner Hill Road Culvert Replacement Project), and in the amount of \$97,034. from Fund 420, Funds Center 123, Project B.15011 (2015 Preservation of Bridge, Construction); and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with CHA Companies, Inc., and establish a contingency in an amount not to exceed \$472,034; 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 New York State Funds 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 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.  
(5-0)

6. COMM. 9E-22 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Lab utilizes instrumentation and equipment which exceeds the air conditioning system cooling capacity, and the roof top units that serve the laboratory areas are beyond their useful lives, requiring high maintenance and costly repairs; and

WHEREAS, replacement of the various roof top units is required to reduce maintenance costs and allow the laboratory instrumentation and equipment to operate normally while providing optimal occupant comfort year-round; and

WHEREAS, the Erie County Department of Public Works received professional Architectural/Engineering design services proposals for the Erie County Health Lab – 2018 Building 17-AA & BB Roof Top Unit Replacements project (herein called the “Project”) on November 6, 2017; and

WHEREAS, LiRo Engineering, Inc. has the necessary expertise and manpower to provide professional design and construction services for the Project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement to LiRo Engineers, Inc. for providing professional design and construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into Agreement with LiRo Engineers, Inc. for providing Professional Architectural/Engineering Services for the Project for an amount not to exceed \$70,000, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Fund 410, Funds Center 122, SAP Projects as follows:

A.16026 – Improvements to Building 17	\$ 49,232.88
<u>A.13015 – ECMCC Building 17 AA-DD Improvements</u>	<u>\$ 20,767.12</u>
For a Total Amount Not to Exceed:	\$ 70,000.00

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.  
(5-0)

**PATRICK B. BURKE**  
**CHAIR**