

MAY 1, 2008

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. INTRO 8-26 (2008)

**KENNEDY, MARINELLI, KOZUB, MILLER-WILLIAMS,  
KONST, GRANT, WROBLEWSKI & REYNOLDS AS AMENDED**

WHEREAS, The Legislature in the County of Erie, State of New York, approves and agrees with the stated purpose of Assembly Bill A2005B and Senate Bill 7202 which would enact the State Green Building Act; and

WHEREAS, This bill would require all new construction and substantial reconstruction projects undertaken by the State of New York to comply with green building principles; and

WHEREAS, This would apply to New York State construction over 5,000 square feet; and

WHEREAS, The New York State Department of Environmental Conservation in consultation with the New York State Energy and Research Development Authority (NYSERDA) is authorized to promulgate Rules and Regulations in order to comply with this Act; and

WHEREAS, States already having policies that require green building practices for public buildings include Arizona, California, Pennsylvania and Washington; and

WHEREAS, The New York State Assembly version of this bill has passed in the Assembly; and

WHEREAS, The citizens of Erie County in the State of New York would all benefit from such an Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of Senator Thompson's proposed Bill S.7202 which is being considered in the New York State Senate and A.2005B, which has passed in the New York State Assembly, the measure that creates green standards for state funded construction projects; and be it further

RESOLVED, that the Erie County Legislature requests that Governor David Paterson sign this measure into law; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, New York State Assemblymember Lupardo, New York State Senator Thompson, Western New York State Senate Delegation, Western New York State Assembly Delegation.

(6-0)

2. COMM. 8E-14 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the existing roof system at the Correctional Facility located in Alden, New York is twenty-five plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of E I Team, Inc. for providing Professional Architecture/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to E I Team, Inc. for providing Design and Construction Documents for the Roof Replacement Project at the Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to E I Team, Inc. for providing Professional Design and Construction Document Services for the Erie County Correctional Facility – 2008 – Roof Replacement Project for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00315 – 2007 – ECCF Roof Replacement 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, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

3. COMM. 8E-16 (2008)

**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the reconstruction of the Federal Aid Project for the Freeman Road Bridge (369-3), in the Village of Orchard Park, on March 27, 2008, the low bidder was Concrete

Applied Technologies Corporation (CATCO) of Alden, New York at a low bid amount of \$1,651,557.50; and

WHEREAS, a Contract was previously awarded for design and engineering services for the above noted Project to the engineering firm of Abate Associates on February 24, 2003, at the 4<sup>th</sup> session of the Legislature of Erie County, Communication No. 25E-15, and it has been determined that the Contract must be increased to include additional engineering services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Project Number FA-369-3-07 for the reconstruction of Freeman Road Bridge (369-3) between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$1,651,557.50; and be it further

RESOLVED, that an amount of \$1,651,557.50 be allocated from the 2007 Freeman Road Bridge (369-3) Reconstruction Program (SAP Account B.00170) and an amount of \$166,000.00 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 \$166,000.00 to be allocated from the 2007 Freeman Road Bridge Reconstruction Program (SAP Account B.00170); and be it further

RESOLVED, that an amount of \$239,000.00 be allocated from the 2007 Freeman Road Bridge Reconstruction Program (SAP Account B.00170) for a change order to the Contract for engineering services during construction and construction inspection with Abate Associates; 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 Office of Budget, Management and Finance, and the Office of the Comptroller.  
(6-0)

4. **COMM. 8E-17 (2008)**  
**COUNTY EXECUTIVE**

WHEREAS, a Project for the Reconstruction of Freeman Road Bridge (369-3) over Smokes Creek, BIN 3328010 in the Village of Orchard Park, Erie County, PIN 5756.38 (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 above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), and Right-

of-Way Incidentals via Communication Number 11E-20 adopted on July 3, 2003, and Right-of-Way Acquisition via Communication Number 7E-27 adopted on May 11, 2006; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5756.38 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$2,500,000.00.

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 shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the total sum of the Project, \$2,875,000.00 of which the non-federal share required is \$575,000.00 is hereby appropriated from the following capital accounts:

- B.00044      2002 Federal Aid Road and Bridge  
                  \$ 375,000.00  
                  Project Program  
                  Previously appropriated via Comm. 11E-20  
                  And 7E-27, Adopted July 3, 2003 and  
                  May 11, 2006
- B.00170      2007 Freeman Road Bridge (369-3)  
                  \$2,500,000.00  
                  Reconstruction Program

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 Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds \$2,875,000.00,

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 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 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, Management and Finance, and the Office of the Comptroller.  
(6-0)

5. COMM. 8E-18 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the reconstruction of the Federal Aid Project for Como Park Boulevard (CR 523), in the Town of Cheektowaga, on March 27, 2008, the low bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, New York at a low bid amount of \$2,771,865.70; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Clough Harbour & Associates, LLP on July 12, 2001, at the 16<sup>th</sup> session of the Legislature of Erie County, Communication No. 15E-7, and it has been determined that the Contract must be increased to include additional engineering design services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Project Number FA-523-07 for the reconstruction of Como Park Boulevard (CR 523)

between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$2,771,865.70; and be it further

RESOLVED, that an amount of \$2,547,865.70 be allocated from the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167) and that an amount of \$224,000.00 be allocated from 2007 Unanticipated Road and Bridge Costs (SAP Account B.00168), and an additional amount of \$280,000.00 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 \$280,000.00 to be allocated from the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167); and be it further

RESOLVED, that an amount of \$65,000.00 be allocated from the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167) for a change order to the contract for engineering services for waterline design with Clough Harbour & Associates, LLP; and be it further

RESOLVED, that an amount of \$37,000.00 be allocated for the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167) for a change order to the contract for construction inspection, and that an amount of \$165,000.00 be allocated from 2007 Unanticipated Road and Bridge Costs (SAP Account B.00168) for a change order to the Contract for engineering services during construction 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 Office of Budget, Management and Finance, and the Office of the Comptroller.  
(6-0)

6. COMM. 8E-24 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the Reconstruction of the Federal Aid Project for Wehrle Drive (CR 290), in the Town of Amherst, on March 27, 2008, the low bidder was DiPizio Construction Co. Inc. of Cheektowaga, New York at a low bid amount of \$15,589,200.00; and

WHEREAS, a Contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Stantec Consulting Services, Inc. of Buffalo, New York on May 20, 1999, at the 10<sup>th</sup> session of the Legislature of Erie County, Communication No. 8D-10, and it has been determined that the Contract must be increased to include additional engineering design services, Right-of-Way services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. FA-290-07, NYS PIN 5755.19 for the Reconstruction of Wehrle Drive (CR 290), between the County of Erie and the low bidder, DiPizio Construction Co. Inc. of Cheektowaga, New York at a low bid amount of \$15,589,200.00; and be it further

RESOLVED, that an amount of \$15,589,200.00 be allocated from the Wehrle Drive Reconstruction Program (SAP Account B.00169), and an additional amount of \$1,558,920.00 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 \$1,558,920.00 to be allocated from the Wehrle Drive Reconstruction Program - SAP Account B.00007 in the amount of \$201,000.00 and SAP Account B.00169 in the amount of \$1,357,920.00; and be it further

RESOLVED, that an amount of \$650,880.00 be allocated from the Wehrle Drive Design Program (SAP Account B.00007) for a change order to the Contract for engineering services, Right-of-Way services and services during construction, construction reimbursables, and construction inspection with Stantec Consulting Services Inc. of Buffalo, New York; 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 Office of Budget, Management and Finance, and the Office of the Comptroller.  
(6-0)

7. COMM. 8E-25 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, a Project for the Reconstruction of Wehrle Drive (CR 290), from Bridge over Ellicott Creek, BIN 3327130 to NY Route 78, Transit Road in the Town of Amherst, Erie County, PIN 5755.19 (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 advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project, PIN 5755.19 via Communication No. 5E-27, adopted on May 25, 2006; and

WHEREAS, the County of Erie desires to advance the Engineering Services, Right-of-Way Services, Construction & Construction Inspection Phases and Utility Betterments of the Project, PIN

5755.19 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$19,063,219.00.

NOW, THEREFORE, BE IT

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), the Engineering Services, Right-of-Way Services, Construction & Construction Inspection Phases and Utility Betterments Phases of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments to SAP Account B.00007,

475020 Reserve Bond Proceeds

Revenue	Increase
Account 475020 (use of Bond Reserves to Cover Local Share Component)	\$ 447,844.00
Account 410170 (Federal Aid and part Marchiselli Aid)	\$ 816,175.00
Account 405160 (State Aid and Marchiselli Aid)	\$ 200.00
Expense	
Increase approximately – Capital Project Expense	\$1,266,019.00

and be it further

RESOLVED, that the sum of \$17,799,000.00 is hereby appropriated from the Wehrle Drive Reconstruction Program (SAP Account B.00169), with balance of Project funds in the amount of \$5,288,219.00 (SAP Account B.00007); 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 Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated \$23,087,219.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds

\$23,087,219.00 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 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 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, Management and Finance, and the Office of the Comptroller.  
(6-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**