

MAY 4, 2006

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-16 (2006)
COUNTY EXECUTIVE: DPW - Amendment to Comm. 8E-21 - Reconstruction of Maple Rd. (CR 192) - Town of Amherst - NYSDOT PIN 5755.33 (3-0)
 - b. COMM. 5E-37 (2006)
KOZUB: Copy of Letter to County Executive Re: Suit Against NYS Thruway Authority (3-0)
 - c. COMM. 7E-4 (2006)
SMITH: Copy of Letter to DPW Commissioner Re: Asbestos Removal on 14th Floor of Rath Building and Alleged Illegal Workers (3-0)
 - d. COMM. 7E-33 (2006)
COUNTY EXECUTIVE: DPW - Ralph Wilson Stadium - 2006 - Site Work, Structural Repairs and Miscellaneous Work - Phase 2 (3-0)
 - e. COMM. 7E-34 (2006)
COUNTY EXECUTIVE: DPW - Ralph Wilson Stadium - 2006 - Site Work, Structural Repairs and Miscellaneous Work - Phase 2 (3-0)
 - f. COMM. 8D-9 (2006)
DPW: Rath Building 14th Floor Asbestos Abatement (3-0)
2. COMM. 7E-27 (2006)
COUNTY EXECUTIVE
WHEREAS, a project for the replacement of the Freeman Road Bridge 369-3, over Smokes Creek, BIN 3328010, in the Town 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 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 above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.38, and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire by fee, permanent easement or temporary easement, portions of real property in the vicinity of the bridge, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings, and

WHEREAS, the Village of Orchard Park on January 24, 2005 passed a resolution agreeing to negotiate a Memorandum of Understanding regarding the transfer of ownership of the adjacent dam to the Village of Orchard Park upon completion of the bridge/dam reconstruction.

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 costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further,

RESOLVED, that the sum of \$375,000 previously appropriated from the 2002 Federal Aid Road and Bridge Project Program (SAP B.00044) for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 11E-20 adopted July 3, 2003 and made available to cover the cost of participation in the above phases of the Project will now also cover the cost of the Right-of-Way Acquisition Phase of the Project, and be it further,

RESOLVED, that in the event the full Federal and non-Federal share cost of the of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$375,000, 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 NYSDOT 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 Commissioner of Public Works or his authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the replacement of the bridge project:

<u>Parcel Number</u>	<u>Township</u>
162.18-1-14	Orchard Park
162.18-1-36	Orchard Park
162.18-1-9	Orchard Park
162.18-1-8	Orchard Park

and be it further,

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further,

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed fair market value, the County Executive shall be authorized to commence eminent domain procedures, and be it further,

RESOLVED, that the County Executive be authorized to transfer ownership of the adjacent dam to the Village of Orchard Park, and be it further,

RESOLVED, that the County Executive be authorized to execute all agreements relating to the dam transfer transaction between the County and the Village of Orchard Park, and be it further ,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner of Public Works to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management and Finance, and the County Comptroller.
(3-0)

3. COMM. 7E-39 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on April 6, 2006 for the Rath Building – 2006 – 14th Floor Renovations project, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Rath Building – 2006 – 14th Floor Renovations project as follows:

GENERAL CONSTRUCTION WORK

Trason Development Corporation

Base Bid	\$ 530,088.00
Add Alternative G-7 Custom Millwork Inductive Unit Covers	\$ <u>43,890.00</u>
Total General Construction Contract	\$ 573,978.00

PLUMBING WORK

MKS Plumbing Corporation

Base Bid & Total Plumbing Contract	\$ 51,515.00
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ELECTICAL WORK

Industrial Power & Lighting Corp.

Base Bid & Total Electrical Contract	\$ 228,000.00
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HVAC WORK

Parisi Mechanical, Inc.

Base Bid	\$ 389,000.00
Alternate H-1 (Deduct) Custom Metal Induction Covers	<u>\$(52,000.00)</u>
Total HVAC Contract	\$ 337,000.00

FURNITURE, FIXTURE AND EQUIPMENT WORK

Millington Lockwood

Base Bid & Total Furniture, Fixtre, & Equipment Contract	<u>\$ 150,766.69</u>
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<u>TOTAL FOR ALL CONTRACTS</u>	<u>\$1,341,259.69</u>
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and be it further

RESOLVED, that the sum of \$200,000 be allocated to a construction contingency fund with authorization for the 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 payments for all of the above from the following SAP accounts:

A.00051 – '02 Asbestos Abatement and Reconstruction	\$ 873,603.00
A.00052 – '02 Asbestos Abatement and Reconstruction – Rath Building	<u>\$ 703,657.00</u>
Total Payments Not to Exceed:	\$1,541,260.00

And be it further

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the County Executive; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.

(3-0)

4. INTRO 8-8 AS AMENDED
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WHEREAS, universal access to affordable quality telephone service and consumer protection have been longstanding objectives of New York State; and

WHEREAS, the Public Service Commission (PSC) issued a report (entitled "COMP III") to change the telecommunication landscape for decades to come and yet did so with virtually no public input from local and state officials; and

WHEREAS, the PSC plans to raise the price of basic phone service, and

WHEREAS, the PSC plans through "pricing flexibility" to allow major price increases for all New York consumers; and

WHEREAS, the PSC plans to further weaken service quality requirements, and

WHEREAS, the PSC plans to eliminate consumer protections as well as the penalties on companies that violate traditional service quality standards; and

WHEREAS, the PSC's plans to lift consumer protections and price caps will hurt New York consumers, especially rural, low-income urban, and seniors; and

WHEREAS, the PSC has not adequately studied the impact of their proceedings on New York's most vulnerable communities; and

WHEREAS, Assembly bill 9807/Senate bill 6787 would halt the PSC proceedings until a comprehensive study is done to determine the impact on New York consumers of lifting price caps and protections; and

WHEREAS, the Erie County Legislature is committed to ensuring affordable, quality telecommunication services for all of our residents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage of NYS Assembly bill 9807/Senate bill 6787 and calls on the Public Service Commission to immediately halt their proceedings that stand to hurt New Yorkers until an adequate study can be done of the potential impact of those proceedings; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Western Delegation to the NYS Legislature and Governor George Pataki.

(3-0)

TIMOTHY M. KENNEDY
CHAIRMAN