

JUNE 1, 2006

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

1. COMM. 10E-16 (2006)
COUNTY EXECUTIVE

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 Road Repair Reserve Fund has \$2,265,758 available for repairs of roads and bridges in the County during 2006, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held by this Legislature on Thursday, June 22, 2006 at 2:00 p.m., in the Legislative Chambers, 4th floor of the Old County Hall, 92 Franklin Street, in the City of Buffalo, and be it further

RESOLVED, that the subject of such public hearing shall be the appropriation of \$2,265,758 from the Erie County Road Repair Reserve Fund for the following projects during 2006.

2006 TRANSFER TAX PROJECTS

OIL & CHIPPING

- Back Creek Road
- Belcher Road
- Bley Road
- Boies Road
- Buckwheat Road
- Cain Road
- Cattaraugus Street
- Church Street
- Concord Road
- Crittenden Road
- Davison Road
- East Blood Road

- Eastwood Road
- Fish Hill Road
- Fletcher Road
- Hunters Creek Road
- Keller Road
- Lennox Road
- Lotus Point Road
- Lower East Hill Road
- Maple Hill Road
- Middle Road
- Mileblock Road
- Moore Road
- Mortons Corners Road
- North Road
- Old Lower East Hill Road
- Rapids Road
- Shadagee Road
- Shirley Road
- Stage Road
- Three Rod Road
- Utley Road
- Versailles Plank Road
- Warner Hill Road
- Whitney Road
- Williston Road
- Woodside Road
- Zoar Valley Road*

TOTAL **\$1,837,500**

CRACK FILLING

Various Roads **\$ 250,000**

PAVEMENT SAFETY ENHANCEMENTS **\$ 100,000**

BRIDGE MAINTENANCE/REPAIR **\$ 78,258**

GRAND TOTAL **\$2,265,758**

and be it further

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, Joel A. Giambra; Budget Director, Kenneth Vetter; Public Works Commissioner, John C. Loffredo; County Attorney's Office; and the Erie County Comptroller's Office.
(4-0)

2. **COMM. 10E-26 (2006)**
COUNTY EXECUTIVE

WHEREAS, Erie County was included in a national declaration of disaster after the heavy rains in Spring 2004, and

WHEREAS, Erie County through Communication 25E-42 of November 18, 2004 approved the local financing for the Department of Public Works to undertake the design and construction of the damaged sites, and

WHEREAS, bids were taken for Project No. FEMA 226-2-8-06, FEMA Projects on Vermont Street (CR 226), in the Town of Holland, Erie County on May 4, 2006, and the low bidder was Kandey Company of West Seneca, New York, at a low bid amount of \$384,000.00, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Hatch Mott MacDonald and it has been determined that the contract must be increased to include construction inspection and engineering services, and

WHEREAS, Erie County is due to be reimbursed for 75% of the project cost by FEMA and 12.5% by the NY State Emergency Management Office (SEMO) provided the projects are completed in a timely fashion, and

WHEREAS, the projects are scheduled to take place between June 26, 2006 and September 1, 2006, between the 2005-2006 and 2006-2007 school years, to minimize interference with school transportation, and

WHEREAS, Legislative approval of the award is required prior to the Contractor submitting a Performance Bond and Proof of Insurance for review and approval by the County Attorney's office, and

WHEREAS, approval of the Performance Bond and Proof of Insurance by the County Attorney's office is required before a Notice to Proceed can be issued to the Contractor, and

WHEREAS, in accordance with Section 105 of New York State General Municipal Law the Contractor may withdraw his bid if the contract is not awarded within 45 days of the May 4, 2006 bid opening, which date is June 18, 2006, and

WHEREAS, in order to meet the schedule outlined above a Notice to Proceed must be issued to the Contractor as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project No. FEMA 226-2-8-06, FEMA Projects on Vermont Street (CR 226) in the Town of Holland, between the County of Erie and the low bidder Kandey Company at its low bid amount of \$384,000.00, and be it further

RESOLVED, that an amount of \$384,000.00 be allocated for construction, and that an amount of \$38,400.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$38,400.00 from the 2004 FEMA Flood Damage Program (SAP B.00136), and be it further

RESOLVED, that an amount of \$44,307.00 be allocated from the 2004 FEMA Flood Damage Program (SAP B.00136) for a change order to the contract for engineering services with Hatch Mott MacDonald, and be it further

RESOLVED, that the total project fund budget appropriation and revenue be increased equal to the cost of the total project, the amount of \$466,707.00, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the County Comptroller.
(4-0)

3. **COMM. 10E-30 (2006)**
COUNTY EXECUTIVE

WHEREAS, Erie County was included in a national declaration of disaster after the heavy rains in Spring 2004, and

WHEREAS, Erie County through Communication 25E-42 of November 18, 2004 approved the local financing for the Department of Public Works to undertake the design and construction of the damaged sites, and

WHEREAS, bids were taken for Project No. FEMA 356/334-06, Reconstruction of Flood Damage, Four Rod Road (CR 356) Culverts EC 356-1, EC 356-2 & EC 356-4 and Stolle Road (CR 334) Embankment, in the Towns of Elma, Marilla and Wales, Erie County on May 4, 2006, and the low bidder was UCC Constructors, Incorporated of West Seneca, New York, at a low bid amount of \$ 487,811.00, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Bergmann Associates and it has been determined that the contract must be increased to include construction inspection and engineering services, and

WHEREAS, Erie County is due to be reimbursed for 75% of the project cost by FEMA and 12.5% by the NY State Emergency Management Office (SEMO) provided the projects are completed in a timely fashion, and

WHEREAS, the projects are scheduled to take place between June 26, 2006 and September 1, 2006, between the 2005-2006 and 2006-2007 school years, to minimize interference with school transportation, and

WHEREAS, Legislative approval of the award is required prior to the Contractor submitting a Performance Bond and Proof of Insurance for review and approval by the County Attorney's office, and

WHEREAS, approval of the Performance Bond and Proof of Insurance by the County Attorney's office is required before a Notice to Proceed can be issued to the Contractor, and

WHEREAS, in accordance with Section 105 of New York State General Municipal Law the Contractor may withdraw his bid if the contract is not awarded within 45 days of the May 4, 2006 bid opening, which date is June 18, 2006, and

WHEREAS, in order to meet the schedule outlined above a Notice to Proceed must be issued to the Contractor as soon as possible

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project No. FEMA 356/334-06, Reconstruction of Flood Damage, Four Rod Road (CR 356) Culverts EC 356-1, EC 356-2 & EC 356-4 and Stolle Road (CR 334) Embankment, in the Towns of Elma, Marilla and Wales, between the County of Erie and the low bidder UCC Constructors, Incorporated, at its low bid amount of \$ 487,811.00, and be it further

RESOLVED, that an amount of \$487,811.00 be allocated for construction, and that an amount of \$48,781.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$ 48,781.00, from the 2004 FEMA Flood Damage Program (SAP B.00136), and be it further

RESOLVED, that an amount of \$77,997.00 be allocated from the 2004 FEMA Flood Damage Program (SAP B.00136) for a change order to the contract for engineering services with Bergmann Associates, and be it further

RESOLVED, that the total project fund budget appropriation and revenue be increased equal to the cost of the total project, the amount of \$614,589.00, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the County Comptroller.
(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN