

JULY 6, 2009

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 6-13 (2008)
IANNELLO: “Requiring All Contractors in Erie County to Prove All Employees' Legal Working Status”
(5-0)
 - b. COMM. 7M-1 (2009)
NFTA: “NFTA Five Year Plan”
(5-0)
 - c. COMM. 11E-22 (2009)
COUNTY EXECUTIVE: “Old County Hall - 2009 - Clock Tower & Exterior Window Improvements - Architectural/Engineering Fee”
(5-0)
 - d. COMM. 11D-6 (2009)
DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING: “State Environmental Quality Review - Botanical Gardens Cistern Installation Project”
(5-0)
 - e. COMM. 11D-7 (2009)
DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING: “State Environmental Quality Review - Erie County Highways Cistern Installation Project”
(5-0)
 - f. COMM. 11M-6 (2009)
STATE OF NY PUBLIC SERVICE COMMISSION: “Notice Soliciting Comments - Re: Proceedings to Evaluate a Standardized Facility & Equipment Transfer Program (SAFE-T)”
(5-0)

- g. COMM. 12M-13 (2009)
ASSEMBLYMAN HOYT: “Copy of Letter to James Finamore Concerning Workforce Investment Board Meeting”
(5-0)
- h. COMM. 13M-1 (2009)
NFTA: “Audited Financial Statements for Fiscal Yr. Ended 3/31/09”
(5-0)
- i. COMM. 13M-3 (2009)
NFTA: “Annual 17A Report”
(5-0)
- j. COMM. 13M-4 (2009)
NFTA: “Agenda Items & Minutes from NFTA Board Meeting Held May 26, 2009”
(5-0)
- k. COMM. 13M-5 (2009)
PARTNERSHIP FOR THE PUBLIC GOOD: “Copy of Letter to the Legislature Concerning Conference Held at Buffalo State College”
(5-0)
- l. COMM. 13M-6 (2009)
BUFFALO & EC WORKFORCE INVESTMENT BOARD: “Copy of Letter Regarding WIB Program”
(5-0)
2. COMM. 11E-11 (2009)
COUNTY EXECUTIVE **AS AMENDED**
WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 2, 2009 for the Emery Park – 2009 – Ski Lodge Roof Replacement; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, your honorable body has previously approved a term agreement for professional services with the firm of Stievater & Associates Architects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Stievater & Associates Architects for providing professional design services for an amount not to exceed \$18,000.00; and be it further

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$132,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20913 – 2009 – County Wide Parks Improvements in 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, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.

(5-0)

3. COMM. 11E-12 (2009)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 2, 2009 for the Chestnut Ridge Park – 2009 – Casino Building Roof Replacement & Exterior Facade Work; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, your honorable body has previously approved a term agreement for professional services with the firm of Stievater & Associates Architects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Stievater & Associates Architects for providing professional design services for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$674,638.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00322 – 2008 – Improvements to Chestnut Ridge Park Casino in an amount not to exceed \$694,638.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.

(5-0)

4. COMM. 11E-13 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids for the Buffalo & Erie County Botanical Gardens 2009 – New Growing House project on July 2, 2009; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, the building will be a landmark for the County being that it is the first building that will achieve the “Silver” standard of the LEED rating system for buildings, thereby making the building energy efficient and compliant with Local Law No. 5 – 2007, Green Buildings Act; and

WHEREAS, your honorable body has previously authorized a Term Architectural/Engineering Agreement for professional services with the firm of Foit-Albert Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season, for a total of all contracts, including construction contingency, not to exceed \$4,265,000.00; and be it further

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Foit-Albert Associates for additional professional design services for an amount not to exceed \$35,000.00; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following SAP Projects:

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00032	2001 – Botanical Gardens Dome & Miscellaneous Reconstruction	\$49,873.00
A.00080	2003 – Botanical Gardens Master Plan Reconstruction	\$6,246.00
A.00224	2004 – Botanical Gardens Energy Improvements	\$26,059.00
A.00234	2004 - Botanical Gardens Master Plan Reconstruction	\$77,780.00
A.00291	2006 – Botanical Gardens Master Plan Reconstruction	\$170,176.00
A.00305	2007 – Botanical Gardens Master Plan Reconstruction	\$1,996,370.00
A.00319	2008 – Botanical Gardens Master Plan Reconstruction	\$998,185.00
A.20902	2009 – Botanical Gardens Master Plan Reconstruction	<u>\$975,311.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$4,300,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.
(5-0)

5. COMM. 11E-14 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 13, 2009 for the Rath Building – 2009 – Parking Garage Improvements; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$600,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following:

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00047	2002 – Partial Reconstruction of Various County Buildings	\$54,667.00
A.00043	2002 – Partial Reconstruction – Rath Building Parking Garage	\$150,000.00
A.00024	2001 – Rehabilitation of Rath Building & Site	\$40,772.00
A.00025	2001 – Code Compliance	\$7,631.00
A.00309	2007 – Code Compliance	<u>\$346,930.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$600,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller. (5-0)

6. COMM. 11E-15 (2009)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 13, 2009 for the Rath Building – 2009 – Parking Garage Improvements; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$600,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following:

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00047	2002 – Partial Reconstruction of Various County Buildings	\$54,667.00
A.00043	2002 – Partial Reconstruction – Rath Building Parking Garage	\$150,000.00
A.00024	2001 – Rehabilitation of Rath Building & Site	\$40,772.00
A.00025	2001 – Code Compliance	\$7,631.00
A.00309	2007 – Code Compliance	<u>\$346,930.00</u>

TOTAL AMOUNT NOT TO EXCEED \$600,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller. (5-0)

7. COMM. 11E-19 (2009)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 1, 2009 for the Erie County Correctional Facility - 2009 – Roof, Exterior & Security Improvements; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$3,541,273.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following SAP Projects:

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00315	2007 – Roof Replacement – Correctional Facility	\$2,343,451.00
A.00316	2007 – Security Improvements – Correctional Facility	\$199,637.00
A.00329	2008 – Roof Replacement – Correctional Facility	<u>\$998,185.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$3,541,273.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller. (5-0)

8. COMM. 11E-20 (2009)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 1, 2009 for the Dr. Gajewski Human Services Center – 2009 – Roof Replacement; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$350,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00227 – 2004 – Roof Replacement & Waterproofing in an amount not to exceed \$350,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller. (5-0)

9. COMM. 11E-21 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, your honorable body has previously authorized the County Executive to enter into a term agreement with the firm of BHNT Architects for providing professional Architectural/Engineering services to the County; and

WHEREAS, the County Executive is requesting authorization for entering into an Agreement Amendment with the firm of BHNT Architects for providing professional design services for designing the upgrades to the Buffalo Niagara Convention Center including, but not necessarily limited to, renovating the exhibition hall, kitchen, marquee sign, building exterior and other miscellaneous work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment with the firm of BHNT Architects for providing professional design services for the Buffalo Niagara Convention Center upgrades for an amount not to exceed \$250,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00306 – 2007 – Convention Center Renovations & Improvements; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller. (5-0)

10. COMM. 11E-23 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 6, 2009 for the Erie County Court Building – 2009 – Roof Replacement; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$695,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00326 – 2008 – Roof Replacement & Waterproofing – County Wide in an amount not to exceed \$695,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller. (5-0)

11. COMM. 12E-12 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Dingens Street Drainage Project is necessary to eliminate long outstanding drainage and flooding concerns along Dingens Street (CR 315) and the local roads in the Town of Cheektowaga; and

WHEREAS, the County of Erie and the Town of Cheektowaga have joint responsibilities and obligations to address the drainage problems in this area; and

WHEREAS, the County of Erie and the Town of Cheektowaga have agreed to enter an intermunicipal agreement to address the necessary drainage work on Dingens Street; and

WHEREAS, the drainage work on Dingens Street is currently estimated at \$300,000.00 with funds being available in SAP Account B.20917; and

WHEREAS, in order to advance the work it is necessary to enter into an Intermunicipal Agreement (IMA) with the Town of Cheektowaga.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Dingens Street Drainage Project; and be it further

RESOLVED, the County Erie shall enter an intermunicipal agreement with the Town of Cheektowaga whereby the County of Erie shall provide funding in an amount not to exceed \$300,000.00; and be it further

RESOLVED, that the Erie County portion of the work in the amount not to exceed \$34,000.00 shall be appropriated from B.20917 – Dingens Street Drainage, and made available to cover the costs of participation in the above work; and be it further

RESOLVED, the County of Erie and Town of Cheektowaga will enter an IMA to advance this important work; and be it further

RESOLVED, that the Clerk of the Legislature forward fifteen (15) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the Town of Cheektowaga; 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. (5-0)

12. COMM. 12E-13 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, bids were taken for the 2009 Capital Overlay Contract A, in the Towns of Hamburg and Evans, and the Village of Angola, New York, and for the 2009 Capital Overlay Contract B, in the Towns of Concord, Sardinia and Wales, New York on June 25, 2009. The low bidder was Amherst Paving, Inc., of Amherst, New York, for both Contracts, at low bid amounts of \$2,084,003.11 and of \$2,384,106.36, respectively; and

WHEREAS, it is also necessary to enter into an agreement with the engineering firm of DiDonato Associates, P.E., P.C., of Buffalo, New York for construction inspection services for these overlays; and

WHEREAS, the 2009 Capital Overlay Contract C may be bid and ready for award of construction contract to the responsible low bidder in the next month; and

WHEREAS, your honorable body will be on summer recess during the period when it may be necessary to award this work to complete this construction season; and

WHEREAS, funds for these projects will be taken from the appropriate Capital Bond Fund Accounts including 2008 Preservation of Roads (B.00190) and 2009 Capital Overlay Program (B.20901).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Projects 2009 Capital Overlay A and 2009 Capital Overlay B between the County of Erie and the low bidder, Amherst Paving Inc., of Amherst, New York at low bid amounts of \$2,084,003.11 and \$2,384,106.36, respectively; and be it further

RESOLVED, that amounts of \$2,084,003.11 and \$2,384,106.36 be allocated from 2008 Preservation of Roads (B.00190) and additional amounts of \$208,400.00 and \$238,400.00 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 the previously stated amounts, also to be allocated from 2008 Preservation of Roads (SAP Account B.00190); and be it further

RESOLVED, that an amount of \$60,000.00 be allocated from the 2008 Preservation of Roads (SAP Account B.00190) for a contract with DiDonato Associates, P.E., P.C., of Buffalo, New York for construction inspection services; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract and enter into an agreement and contract as necessary for Erie County Project 2009 Capital Overlay C between the County of Erie and the lowest responsible bidder, within the approved budget funding limits established and in an amount not to exceed \$1,200,000.00 for construction and \$120,000.00 for contingency; and be it further

RESOLVED, that the County Executive will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for 2009 Capital Overlay C; and be it further

RESOLVED, that the funds for the 2009 Capital Overlay C be taken from the 2009 Capital Overlay program (B.20901) in an amount not to exceed \$1,200,000.00 for construction with \$120,000.00 for contingency; 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.
(5-0)

13. COMM. 12E-17 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, bids were taken for the Reconstruction of Groth Road (C.R. 422), in the Town of Concord, on June 25, 2009, and the lowest responsible bidder was New Frontier Excavating and Paving, Inc. of Eden, New York at a low bid amount of \$198,426.59.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. FM 422-1-09, FEMA PW 714, for the Reconstruction of Groth Road, between the County of Erie and the low bidder, New Frontier Excavating and Paving, Inc. of Eden, New York at a low bid amount of \$198,426.59.00; and be it further

RESOLVED, that an amount of \$198,426.59 be allocated from SAP Account B.00193, FEMA Construction, and an additional amount of \$27,800.00 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 \$27,800.00, also to be allocated from SAP Account B.00193; and be it further

RESOLVED, that the Reconstruction of Groth Road (C.R. 422), SAP B.00193 revenues and appropriations be equally increased by the amount of \$226,226.59 for the purposes of this project; 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.
(5-0)

14. COMM. 12E-18 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Erie County desires to reconstruct a portion of Blakeley Corners Road and a portion of Zoar Valley Road under the FEMA PWs noted; and

WHEREAS, Right-of-Way (ROW) is required for that construction to take place; and

WHEREAS, it is necessary to obtain ROW in a timely manner in order to meet FEMA's deadline for completion of construction and retain SEMO and FEMA funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with D&S Realty Consultants, Inc. to negotiate for the required ROW; and be it further

RESOLVED, that the agreement with D&S Realty Consultants, Inc. is not to exceed the sum of \$11,000.00 to be appropriated from SAP B.00062 – Purchase of Permanent Rights; and be it further

RESOLVED, that two (2) 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 Office of Budget, Management and Finance, and the Office of the Comptroller.
(5-0)

15. COMM. 12E-19 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, a Project for the Reconstruction of the CR 276, Harris Hill Road at Wehrle Drive (CR 275) and CR 161, Pleasantview Drive Intersection, in the Towns of Clarence and Lancaster, Erie

County, PIN 5756.47 (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, that the Design and Right of Way phases of the Project have increased to \$276,000.00 of which a sum of \$225,000.00 was previously authorized via County Resolution No. 7E-30 adopted May 25, 2006 from the 2002 Harris Hill/Wehrle/Pleasantview Intersection Design Program B.00042 and made available to cover the cost of participation in the above phases of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design V & VI), Right of Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.47.

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 V-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project increase of \$51,000.00 (\$2,545.00 Erie County's local share) be appropriated from 2009 Harris Hill/ Wehrle/Pleasantview ROW only Federal Aid Design Right-of-Way B.00197; and be it further

RESOLVED, that the Project budget be equally increased in revenue and appropriation to represent this agreement; 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 & Design V & VII), Right-of-Way Incidentals and Right-of-Way Acquisition Phase exceeds the amount appropriated, and/or 100% of the Full and Non-Federal shares of the cost of the Project (\$276,000.00), 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 reimbursements 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.
(5-0)

16. COMM. 13E-12 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, in 2002 the County of Erie and the Empire State Development Corporation (ESDC) agreed to participate in a redevelopment plan for the Buffalo waterfront, including development of public amenities with the intent of supporting heritage tourism and economic development; and

WHEREAS, in 2005 ESDC created the Erie Canal Harbor Development Corporation (ECHDC) which has acted as the prime New York State entity in the development of the Buffalo waterfront; and

WHEREAS, the County of Erie has issued Fourteen Million Dollars (\$14,000,000) of general obligation bonds to assist in the development of public improvements related to the Buffalo waterfront development; and

WHEREAS, the County of Erie entered into a contract with the Erie Canal Harbor Development Corporation on December 21, 2007 for the purpose of providing \$7 million in Erie County bond funds toward the removal of asbestos and hazardous materials from Memorial Auditorium; and

WHEREAS, of the \$7 million contract with ECHDC, approximately \$5.7 million has been expended for asbestos and hazardous material removal, leaving a balance of approximately \$1.3 million available for reprogramming; and

WHEREAS, of the original \$14 million bond issue in 2005, Project No.: A.00289 2005 Erie Canal Harbor – Waterfront, approximately \$7 million remains available for this project, for which the debt service will be paid by Erie Canal Harbor Development Corporation; and

WHEREAS, Erie County and the Erie Canal Harbor Development Corporation desire to use all the remaining balances of the original \$14 million issue for general demolition and site preparation costs, including: building demolition, site drainage, earthwork and sheet piling, engineered excavation support system, excavation and legal disposal of material, pile cap removal, access control and fencing, maintenance and protection of traffic and utility relocation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements and other documents with the Erie Canal Harbor Development Corporation for demolition and site preparation costs for activities including: building demolition, site drainage, earthwork and sheet piling, engineered excavation support system, excavation and legal disposal of material, pile cap removal, access control and fencing, maintenance and protection of traffic and utility relocation; and be it further

RESOLVED, that the agreement shall provide that the County obligation shall not exceed available balances from the original fourteen million dollar (\$14,000,000) bond issue from 2005; and be it further

RESOLVED, that the original \$7 million currently under contract will continue to be grant funds to the Memorial Auditorium site project and the second \$7 million (or available balance) will be a loan with the Erie Canal Harbor Development Corporation making annual debt service payments to Erie County; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(5-0)

TIMOTHY M. KENNEDY
CHAIR