

MAY 12, 2005

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK.

1. RESOLVED, that the following items are hereby received and referred to the ENERGY & ENVIRONMENT COMMITTEE:
  - a. COMM. 10M-5 (2005)  
**NYPA:** Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA  
(4-0)
  - b. COMM. 12E-39 (2005)  
**COUNTY EXECUTIVE:** Issuance of Fluent Energy A Contract As Utility Technical Services Provider  
(4-0)
2. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 6E-30 (2005)  
**COUNTY EXECUTIVE:** DPW - Ralph Wilson Stadium - 2005 - Electrical Substation Main Breaker Replacement  
(4-0)
  - b. COMM. 8E-41 (2005)  
**COUNTY EXECUTIVE:** DPW - Grover Cleveland Golf Course - Irrigation System - Pump House/Storage Building & Elma Meadows Storage Building  
(4-0)
  - c. COMM. 11D-5 (2005)  
**DEP:** Sign Off For Comm. 10E-40  
(4-0)
  - d. COMM. 12D-9 (2005)  
**DPW:** Month-End Closings  
(4-0)
  - e. COMM. 12M-3 (2005)  
**NFTA:** Cashflow Statements

(4-0)

3. COMM. 8E-36 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, a project for the Replacement of the Seneca Street (CR 215) Bridge Over Norfolk Southern Railroad (formerly Conrail), in the Town of West Seneca, Erie County, P.I.N. 5755.25 (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 desires to 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), Right-of-Way Incidentals, and Right-of-Way Acquisition Phases of the Project, PIN 5755.25, and

WHEREAS, the total cost of the project has increased from \$330,000 to \$492,000, or the amount of \$162,000.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

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 share of the cost of the 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 total project budget be increased from \$330,000 to \$492,000, and be it further,

RESOLVED, that the sum of \$32,400 is hereby appropriated from the 1999 Federal Aid, Various Road and Bridge Projects Program (SAP B.00007) to cover the increase in the local share, in addition to \$66,000 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No.6D-16 adopted on April 29, 1999 and made available to cover the cost of Erie County's share to participate in the above phases of the project, 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), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$98,400 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering

(Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$492,000, 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 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 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 Deputy Commissioner, Highways, 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 Budget Director, and the County Comptroller.  
(4-0)

4. COMM. 10E-40 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie, desires to participate in the final design and construction of the Erie Canal Harbor Project in the City of Buffalo; and

WHEREAS, the Erie Canal Harbor Project seeks to create a first-class waterfront which can be a tourism draw and also a premier attraction to the residents for the City and County; and

WHEREAS, the City of Buffalo and the State of New York are also contributing to this waterfront development project; and

WHEREAS, the County of Erie, the Empire State Development Corporation, the City of Buffalo, and the Buffalo Sewer Authority have entered into a Memorandum of Understanding dated June 14, 2002 which outlined funding responsibilities for all parties; and

WHEREAS, a project to be funded by bonds was included in the 2003 approved Erie County Capital Budget for Erie Canal Harbor Improvements for up to \$3,000,000; and

WHEREAS, the Erie County Legislature approved a resolution dated March 6, 2003, being item number 4E-30 that authorized the County Executive to enter into contracts with the New York State Urban Development Corporation, doing business as the Empire State Development Corporation for a total amount of \$1,300,000 for design and engineering for the project; and

WHEREAS, the County did enter into an agreement with New York State dated March 12, 2003 and subsequently make a payment of \$1,300,000 to the Empire State Development Corporation; and

WHEREAS, the County of Erie and the Empire State Development Corporation desire to amend the March 12, 2003 agreement to allow for the balance of the 2003 County funding of \$1,700,000 to be used for additional design and engineering services; and

WHEREAS, the \$1,700,000 in approved 2003 Erie County Capital Budget funds was included in a bond sale in August 2004 and is available for this project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contract amendments for an agreement dated March 12, 2003 with the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, to fund an additional \$1,700,000 in design and engineering costs for the Erie Canal Harbor project; and be it further

RESOLVED, that the source of these funds shall be \$1,700,000 from the approved 2003 Capital Budget; 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, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0)

5. COMM. 12E-25 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovation on May 22, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

WHEREAS, unforeseen conditions related to the asbestos buried piping and conduits in walls and floor and structural conditions for 25 Delaware Avenue and Old County Hall continue to have a negative impact on the Construction Contingency Fund, and

WHEREAS, the Unified Court System, Office of Court Administration has requested changes to the scope of the project and will reimburse the project for same, and

WHEREAS, the General Contingency, which includes the following:

Owner's Contingency  
Architect/Engineer's Contracts  
Construction Manager's Contracts  
A/E and CM Contingencies  
Miscellaneous Contingency  
Inspection Contingency  
Department of Public Works' Consultants' Service Agreements  
Salary costs for the Commissioner's Office and  
Commissioning and Testing fees,

has funds which can be used to fund Construction Contingency costs,

NOW, THEREFORE, BE IT,

RESOLVED, that the General Contingency, which includes the following:

Owner's Contingency  
Architect/Engineer's Contracts  
Construction Manager's Contracts  
A/E and CM Contingencies  
Miscellaneous Contingency  
Inspection Contingency  
Department of Public Works' Consultants' Service Agreements  
Salary costs for the Commissioner's Office and  
Commissioning and Testing fees,

be decreased by \$503,523.00 from \$11,826,426 to \$11,322,903.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the General Contingency, and be if further,

RESOLVED, that the construction contingency fund be increased by \$503,523.00 from \$10,727,195.00 to \$11,230,718.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the Construction Contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Unified Court System, Office of Court Administration requested changes to the scope of the project be authorized and the cost of said changes be reimbursed by the Office of Court Administration in an amount, not to exceed \$1,125,204.00, be received and deposited into the Courts Renovation Project, Project A.00018, and be it further,

RESOLVED, that the Courts Renovation Project, Project A.00018, revenues and appropriation be increased by \$1,125,204.00, 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 be sent to the Office of the County Executive, Division of Budget, Management & Finance, the Office of the Comptroller, and the Office of Courts Administration.

(4-0)

6. COMM. 12E-38 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works processed a General Security Consulting Services agreement with the firm of SecuraComm Consulting, Inc. to provide security design, and

WHEREAS, SecuraComm, Inc. designed a security system for the Rath Building and a construction contract has been awarded, and

WHEREAS, consultant services during construction are needed,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to SecuraComm Consulting, Inc. for services during construction in an amount not to exceed \$15,400.00, and be it further,

RESOLVED, that funding for said Supplemental Agreement be from Project A.00067, '03 Security, Rath Building, 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 & Finance; and the Office of the Comptroller.

**TIMOTHY M. WROBLEWSKI**  
**CHAIRMAN**