

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FALKNER.

1. RESOLVED, that the following items are hereby received and filed.

	Item	Page	-2003	(Comm. 10M-6)
a.	<b>AMERICAN SOCIETY OF CIVIL ENGINEERS:</b> Resolution in Support of Making Reforms to Wicks Law.			
	(4-0) Legislator Falkner absent.			

	Item	Page	-2003	(Comm. 13E-28)
b.	<b>COUNTY EXECUTIVE:</b> Dunn Tire Park – 2003 – Right Field Modifications.			
	(4-0) Legislator Falkner absent.			

**AS AMENDED**

2.	Item	Page	-2003	(Comm. 2E-17)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, Niagara Mohawk Power Corporation ("Niagara Mohawk") desires to obtain a utility easement from the County to install and service electrical equipment on lands owned by the County of Erie and to be used for the Central Police Services/Public Safety Facility, 372 Michigan Avenue, Buffalo ("CPS"); and

WHEREAS, the installation of such electrical equipment is for the benefit of the County and CPS; and

WHEREAS, the Department of Public Works has determined that the location of the easement will not interfere with the operations of the CPS.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby grants authority to the County Executive to sign an easement with Niagara Mohawk for the purposes of installing and servicing electrical equipment on lands owned by the County of Erie at 372 Michigan Avenue, Buffalo; and be it further

RESOLVED, that the easement documents prepared by Niagara Mohawk shall be subject to the review and approval of the Commissioner of Public Works and the County Attorney; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Commissioner of Public Works, Director of Budget, Management & Finance and Comptroller.  
(4-0) Legislator Falkner absent.

3. Item Page -2003 (Comm. 15E-50)

**COUNTY EXECUTIVE**

WHEREAS, the weather during the winter season of 2002-2003 was extremely harsh in the State of New York, particularly Erie County, and

WHEREAS, the Department of Public Works – Road Fund expended all of the 2003 overtime budget and most of the highway supplies budget during the early months of the year, and

WHEREAS, the Department of Public Works – Road Fund is anticipated to close the 2003 fiscal year with a deficit due to the magnitude of costs associated with the extraordinary winter season, and

WHEREAS, the New York State Legislature has passed legislation allowing municipalities to borrow moneys to reimburse extraordinary expenses related to snow and ice removal,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to bond \$2,000,000 over a period of five years, and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended to include this \$2,000,000 snow removal project, and be it further

RESOLVED, that the revenues associated with the pending bond sale be offset by a transfer of funds to Highway Supplies 210-817 (\$1,300,000) and Overtime 210-801(\$700,000) in the Department of Public Works – Road Fund, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget, Management and Finance and the County Comptroller. (4-0) Legislator Falkner absent.

4. Item Page -2003 (Comm. 16E-11)

**COUNTY EXECUTIVE**

WHEREAS, NYSERDA has notified the Library that up to \$25,000 is available to implement a Web Enabled Advanced Monitoring system at the Town of Tonawanda library facilities, and

WHEREAS, the pilot WEAM project implemented at the Library was very successful, and

WHEREAS, the Library wishes to expand the usage of WEAM to these facilities, and

WHEREAS, C.J. Brown Energy, P.C. has the capabilities to design, specify, and implement a WEAM system at these facilities and is performing that work at other facilities previously authorized by the Erie County Legislature,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes acceptance of up to \$25,000 through NYSERDA's PON 565-00 for design, specification and implementation of a WEAM program for the Town of Tonawanda library and the aforementioned \$25,000 be added as an increase to revenue and appropriations for Project 410, Fund 295, 2002 Energy Conservation Measures, and be it further,

RESOLVED, that a Supplemental Agreement be made with C.J. Brown Energy, P.C. for up to \$25,000 for their work in designing, specifying and implementing WEAM system at these facilities that NYSERDA is willing to fund, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management & Finance, and the Office of the Comptroller.

(4-0) Legislator Falkner absent.

5. Item Page -2003 (Comm. 16E-16)

**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 \$1,998,580.85 available for repairs of roads and bridges in the County during 2003, 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, October 16, 2003 at 2:00 p.m., in the Legislative Chambers, in the Ceremonial Court Room, Part 6, 2<sup>nd</sup> 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 \$1,998,580.85 from the Erie County Road Repair Reserve Fund for the following road and bridge repair projects during 2003

**2003 TRANSFER TAX PROJECTS**

<b><u>OIL &amp; CHIPPING</u></b>	<b><u>COST</u></b>
STEINER ROAD	\$ 9,500.00
STAGE ROAD	11,000.00
RAPIDS ROAD	10,500.00

BURDICK ROAD	11,000.00
SANDHILL ROAD	9,000.00
DORSCH ROAD	9,000.00
FLETCHER ROAD	11,000.00
HAYES HOLLOW ROAD	19,000.00
IRISH ROAD	10,000.00
FALLS ROAD	14,000.00
WEST FALLS ROAD	9,500.00
GROVER ROAD	22,000.00
CRUMP ROAD	14,500.00
SHIRLEY ROAD	12,000.00
NEW OREGON ROAD	23,500.00
JENNINGS ROAD	32,500.00
WOODSIDE ROAD	21,500.00
OTTENBECKER ROAD	4,000.00
PRATHAM ROAD	19,000.00
BROWN HILL ROAD	11,000.00
FOWLerville ROAD	2,000.00
BUFFALO STREET	4,000.00
SHARP STREET	3,500.00
WARNER GULF STREET	7,500.00
HARDT ROAD	8,000.00
ZENNER ROAD	7,500.00
NORTH BOSTON ROAD	9,500.00
ABBOTT ROAD	15,500.00
HAAG ROAD	7,500.00
ECKHARDT ROAD	14,000.00
NEW OREGON ROAD	20,400.00
DELAMETER ROAD	3,000.00
GOWANS ROAD	6,000.00
LOTUS POINT ROAD	7,000.00
HARDPAN ROAD	14,500.00
PONTIAC ROAD	25,500.00
BLEY ROAD	4,000.00
BAUER ROAD	<u>11,000.00</u>
	\$453,900.00

**SLURRY COAT OVERLAY**

STOLLE ROAD	\$ 50,000.00
WINSPEAR ROAD	<u>25,000.00</u>
	\$ 75,000.00

**ASPHALT OVERLAY**

ABBOTT ROAD	\$ 600,000.00
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MCKINLEY PARKWAY	560,000.00
MILL ROAD	70,000.00
RIDGE ROAD	<u>239,680.85</u>

\$1,469,680.85

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<b><u>GRAND TOTAL</u></b>	<b>\$1,998,580.85</b>
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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 Budget Director, Joseph Passafiume; Public Works Commissioner, Maria Lehman; Interim Deputy Commissioner of Highways, Gerard J. Sentz; First Assistant County Attorney, Andrew Isenberg; and the Erie County Comptroller, Nancy Naples.

(4-0) Legislator Falkner absent.

6. Item Page -2003 (Comm. 16E-17)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works awarded contracts for the Erie County Regional Public Safety Campus in an amount not to exceed \$9,100,000, and

WHEREAS, the Department of Public Works is setting up a field office in the Great Lakes Building adjacent to the New Public Safety Campus site, and

WHEREAS, in conjunction with the field office, the Department of Public Works will move its entire operations on the 14<sup>th</sup> floor of the Rath Building, on a temporary basis, to the Great Lakes Building providing an open 14<sup>th</sup> floor to start the asbestos abatement of the Rath Building, and

WHEREAS, the contingency fund increase will allow the Department of Public Works to hire the contractors on a time and material basis to complete the temporary move of the Department of Public Works to the Great Lakes Building.

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$200,000 with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency fund, 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 sum of \$25,000 be allocated for Architectural/Engineering Services to Cannon Design, Inc. for electronic and miscellaneous design necessary to complete the project, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Various Improvements to County Buildings, Project 240, Fund 441 in the amount of \$100,000, and Countywide Asbestos Abatement, Project 198, Fund 410, in the amount of \$50,000, and Electrical Systems Improvements, Countywide, Project 400, Fund 410 in the amount of \$75,000, and be it further,

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

(3-1) Legislator Falkner absent. Legislator Schroeder voted in the negative.

7. Item Page -2003 (Comm. 16E-18)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the Buffalo & Erie County Central Library Exterior Building Rehabilitation project on July 3, 2003, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Raymond E. Kelley, Inc., in the amount of \$472,431, and

WHEREAS, major deterioration to the exterior planters has been discovered and is related to the exterior rehabilitation and repair is needed,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$50,000 to a new total amount of \$80,000, with authorization for the Commissioner of Public Works to approve change orders, 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 Commissioner of Public Works be authorized to issue a Supplemental Agreement to Trautman Associates for additional design and site inspection in an amount not to exceed \$8,000,00. and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Library, Project 142, Fund 490, and be it further,

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

(4-0) Legislator Falkner absent.

8. Item Page -2003 (Comm. 16E-19)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on August 14, 2003, for Asbestos Hazard Emergency Response Services, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Frontier Insulation, Inc. in the maximum amount of \$30,000.00, the total expenditure of which shall be based upon a project-by-project basis utilizing the contractor's unit prices, wage rates, and other stated prices as included in their bid, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from Project 594, Fund 410, in the total amount, not-to-exceed \$30,000.00 unless an increase is authorized by the Legislature, and be it further,

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

(4-0) Legislator Falkner absent.

**MICHAEL H. RANZENHOFER  
CHAIRMAN**