

February 27, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received and filed.

Item Page -2003 (Comm. 1D-17)
a. **DPW:** EC Highway Work Permits.
(6-0) Chairman Swanick present as Ex-Officio Member.

2. Item Page -2003 (Comm. 4E-11)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 14, 2002, for the New Secure Youth Detention Facility, Bid Package #2, and

WHEREAS, the lowest responsible bidder for the HVAC Work was J.W. Danforth, and

WHEREAS, the lowest responsible bidder for the HVAC Testing & Balancing Contract was also J.W. Danforth, and

WHEREAS, the Department of Public Works, the Construction Manager and the Architect agreed at the time of bidding that a conflict could occur by awarding a contract to the same contractor for the HVAC Work and HVAC Air Testing and Balancing, and

WHEREAS, the Erie County Legislature approved the lowest responsible bidder, J.W. Danforth, for the HVAC Work and the second lowest responsible bidder, Air Systems Balancing & Testing Services, Inc., for the HVAC Testing & Balancing Contract (Comm. 3-E-30, 2002, Amendment "B", and

WHEREAS, after many lengthy discussions and the fact that the Department of Public Works has full-time inspection and commissioning services for all aspects of the HVAC system, we can award the contract to J.W. Danforth, and

WHEREAS, awarding the contract to the first lowest responsible bidder, J.W. Danforth in the amount of \$18,519.00 (Base Bid & Alternate #15), will be a \$7,531.00 cost reduction from the second bidder, Air Systems Balancing & Testing Services, Inc., whose bid was \$26,050.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with J.W. Danforth in the amount of \$18,519.00 (Base Bid & Alternate #15) for the HVAC Testing & Balancing Contract, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Fund 410, Project 806, 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.

(6-0) Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 (Comm. 4E-12)

COUNTY EXECUTIVE

WHEREAS, in the normal course of duties, the Division of Highways performs work that is then billed to individuals or insurance companies for reimbursement, and

WHEREAS, that work is performed by Division of Highways employees and material used is paid for under various line items contained in the Division of Highways O&M budget, and

WHEREAS, the reimbursement for the work performed by the Division of Highways is made to the General Fund,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the reimbursement for work performed by and paid from the Division of Highways to be credited back to the appropriate Division of Highways budget, and be it further,

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

(6-0) Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 4E-21)

COUNTY EXECUTIVE

WHEREAS, a Project for the Replacement of the Glen Avenue Bridges (BR 702 and 704) over Ellicott Creek and a Diversion Channel, BINs 3-32886-0 and 3-32885-0, including the Pedestrian Bridge over Ellicott Creek, BIN 2-26391-0, in the Village of Williamsville, PIN 5755.26 (the "Project") funded 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 Project by making a commitment of 100% of 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 5755.26, and

WHEREAS the project cost for Preliminary Engineering (Scoping and Design I-IV), Right of Way Incidentals and Right of Way Acquisition Phases has increased from \$359,000 to \$372,000, or by \$13,000, and

WHEREAS the project increases the local share required from \$17,950 to \$18,600 or by \$650.00, and

WHEREAS the design and engineering services contract for the project was awarded to Pratt & Huth Associates for a sum not to exceed the original project cost of \$359,000 on July 15, 1999, Communication No. 13D-16.

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

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes an increase of \$13,000 in appropriations to pay in the first instance 100% of the Preliminary Engineering (Scoping and Design I -IV), Right of Way Incidentals and Right of Way Acquisition Phases of the project or portions thereof, and be it further

RESOLVED, that a sum of \$3,000, in addition to the \$71,800 previously appropriated for the project's Preliminary Engineering (Scoping and Design I -IV), Right-of-Way Incidentals and Right-of-Way Acquisition Phases, via County Resolution No. 6D-17 adopted April 29, 1999, is required for the non-Federal share which includes an increase of \$650.00 in local share, financing of which is available from the 1999 Federal Aid Various Road & Bridge Program (SFG 134), and be it further

RESOLVED, that the design and engineering services contract with change orders for the project awarded to Pratt & Huth Associates, be proportionately increased for a sum not to exceed the new project cost of \$372,000, 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 Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$74,800 and/or 100% of the full Federal and non-Federal shares of the cost of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$372,000, 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 and/or Marchiselli 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 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 Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 4E-22)

COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction and Widening of CR 290, Wehrle Drive from CR 554, Youngs Road to NY Route 78, Transit Road, in the Town of Amherst, Erie County, P.I.N. 5755.19 (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 Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.19, and

WHEREAS, the Project cost for Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases has increased from \$928,000 to \$3,128,100, and

WHEREAS, a Design and Engineering Services contract for the Project was previously awarded to Sear Brown Associates via County Resolution No. 8D-10 on May 20, 1999 for a sum not to exceed \$928,000.

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

RESOLVE, 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 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping) Phase of the project and in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (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 Erie County Legislature hereby authorizes an increase of \$2,200,100 in appropriations for Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project with financing available in the 1999 Federal Aid Various Road & Bridge Design Program (SFG 134), and be it further

RESOLVED, that the sum of \$440,100 is hereby appropriated from the 1999 Federal Aid Various Road & Bridge Design Program (SFG 134), of which \$103,600 is hereby requested for the Non-Federal Share, an increase of \$72,280 in local share financing which is available from the 1999 Federal Aid Various Bridge & Road Design Program, in addition to \$4,000 previously appropriated for the project's Preliminary Engineering (Scoping) Phase via County Resolution No. 23D-18 adopted December 19, 1996, \$181,600 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 9D-26 adopted May 18, 1998, and \$336,500 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 16E-23 adopted July 12, 2001 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the non-Federal share of the cost of the Project's Preliminary Engineering (Scoping) Phase and in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$625,700 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals and Right-of-Way Acquisition Phases exceeds \$3,128,100, 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 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 Engineering Services contract change orders with Sear Brown Associates not exceed the total increased Project cost of \$2,200,100, 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, one copy to the Commissioner of Public Works, and one copy to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

AS AMENDED
(Comm. 4E-30)

6. Item Page -2003

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 of the City and County; and

WHEREAS, The development of the waterfront will be an important tool for heritage tourism activity and the attraction of new commerce to the Buffalo Niagara region; and

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

WHEREAS, A non-binding Memorandum of Understanding by and among Erie County, the Empire State Development Corporation, the City of Buffalo and the Buffalo Sewer Authority has been approved and entered into on June 14, 2002; 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;

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in amounts not to exceed a total of \$1,300,000, for the purpose of planning, engineering and construction activities for the Erie Canal Harbor Project; and be it further

RESOLVED, That the 2003 Capital Budget is hereby amended to provide \$1,300,000 of the project's total cost with funds available in the Tobacco Trust Fund; and be it further

RESOLVED, that the Department of Environment and Planning provide the clerk of the Economic Development Committee with three-month status reports on the progress of the Erie Canal Harbor Project; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to 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.
(6-0) Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 4E-31)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized the County Executive to enter into contracts with URS Corp. specializing in environmental services, and

WHEREAS, the Commissioner of Public Works has determined a need for Industrial Hygiene & Indoor Air Quality Environmental Engineering Services in many of our County facilities, and

WHEREAS, in order to assure these necessary services, the Commissioner of Public Works is requesting a fee allocation of \$75,000 be paid on a time and material project-by-project basis,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue change orders to the General Architectural/Engineering contract with the firm of URS Greiner Corp., and be it further,

RESOLVED, that payment for said fees be from the Indoor Air Quality Bond Account, Fund 410, Project 294, and be it further,

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

(5-1) Legislator Larson voted in the negative. Chairman Swanick present as Ex-Officio Member.

MICHAEL H. RANZENHOFER
CHAIRMAN