

March 14, 2002

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

Item Page -2001 (Int. 4-11)  
a. **OLMA:** Support for Project Labor Agreement for Buffalo Schools Construction Project.  
(4-0) Legislator Holt absent.

Item Page -2002 (Comm. 6E-15)  
b. **COUNTY EXECUTIVE:** Ralph Wilson Stadium – 2002 Capital Rehabilitation Project.  
(4-0) Legislator Holt absent.

2. Item Page -2001 **AS AMENDED**  
(Comm. 18E-10)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature approved a contract for the 2001 Overlay "D" Program, Project Number CHIPS OP-01D, between Omer Construction Company, Inc. and the County of Erie, in Meeting Number 14, held on June 21, 2001, Communication Number 14E-31, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to expeditiously perform intersection safety improvement work at the intersection of William and Aurora Streets, in the Town of Lancaster, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project, and

WHEREAS, the cost for this work was approved in the 2001 Capital Budget under a bonded project for Various Intersection Improvements

NOW, THEREFORE, BE IT

RESOLVED, that the contract amount be increased by an additional amount of \$650,000.00 to be allocated from the Construction of Intersection/Signal Improvements at the Intersection of William and Aurora Streets Program, for a change order to the construction contract with Omer Construction Co. Inc.; 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 to the County Comptroller.  
(4-0) Legislator Holt absent.

3. Item Page -2002 (Comm. 5E-38)

**COUNTY EXECUTIVE**

WHEREAS, Erie County has had a contractual relationship with the New York State Department of Transportation (NYSDOT) for snow plowing roads owned by NYSDOT for many years, and

WHEREAS, after a preliminary audit performed by NYSDOT over the last five-year period, it was determined that Erie County under billed for services by \$72,415, and

WHEREAS, to further investigate the under billing, NYSDOT performed a more thorough investigation, and

WHEREAS, in that comprehensive audit, it was determined that Erie County further under billed by \$93,345, and

WHEREAS, the sum of these two findings will be forwarded from NYSDOT to Erie County,

NOW, THEREFORE, BE IT,

RESOLVED, that the total reimbursement from NYSDOT be accepted by Erie County, and be it further,

RESOLVED, that the funds received will be used by the Department of Public Works to investigate and implement as feasible a GPS system for its highway apparatus, including the potential of linking that system to the County's GIS system including the necessary hardware and software, and be it further,

RESOLVED, that the first contract in this investigation work be awarded to URS as a change order to their existing contract with Erie County for a sum not to exceed \$20,000, 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 certified copy of this resolution be forwarded to the Department of Emergency Services; one copy to the Division of Budget Management and Finance; and one copy to the Office of the Comptroller.

(4-0) Legislator Holt absent.

4. Item Page -2002 (Comm. 5E-40)

**COUNTY EXECUTIVE**

WHEREAS, Architectural/Engineering design services are required in order to implement the Erie Community College, North Campus, Dental Hygiene Lab Renovations, and

WHEREAS, the firm of Stievater & Associates presently has a General Engineering contract with the County of Erie to provide design services, and

WHEREAS, the ECC Administration requested the firm of Stievater & Associates for design services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Stievater & Associates for the Dental Hygiene Lab Renovations at the North Campus on a percentage of construction based upon a construction budget of \$2,000,000 in the total amount of \$170,000, including reimburseables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1999 Dental Hygiene Lab Renovations, Project 141, Fund 480, and be it further,

RESOLVED, that two 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 Erie Community College.  
(4-0) Legislator Holt absent.

				<b>AS AMENDED</b>
5.	Item	Page	-2002	(Comm. 5E-42)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the 2002 capital budget contains \$2.3 million for Rehabilitation Work at Ralph Wilson Stadium in accordance with the terms of the new Lease Agreement between the Buffalo Bills and Erie County, and

WHEREAS, the Buffalo Bills have requested that the County proceed with this work which should be completed before the regular football season begins in order not to jeopardize the operation and safety of the Stadium, and

WHEREAS, in order to comply, DiDonato Associates, P.E., P.C. must begin design on this project immediately. The Department of Public Works must receive bids and issue construction contracts as soon as possible,

WHEREAS, DiDonato Associates, P.E., P.C. has a General Architectural/Engineering Agreement with Erie County and,

WHEREAS, DiDonato Associates, P.E., P.C. has designed and constructed various projects at the stadium in the past,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates, P.E., P.C. to prepare contract documents and provide design and inspection services for the 2002 Ralph Wilson Stadium Capital Rehabilitation Project on a lump sum fee basis not to exceed \$60,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Stadium Renovations, Project 826, Fund 410, 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 and Finance; and one copy to the Office of the Comptroller.

(4-0) Legislator Holt absent.

6. Item Page -2002 (Comm. 5E-43)

**COUNTY EXECUTIVE**

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair - Emergency Response Services - All County-owned Buildings, and

WHEREAS, a contract was awarded to Jameson Roofing Co., in the maximum amount of \$70,000.00, the total expenditure of which shall be based upon a project-by-project basis,

NOW, THEREFORE, BE IT,

RESOLVED, that the total expenditure be increased from \$70,000.00 to \$170,000.00, with authorization for the Commissioner of Public Works to approve the work based upon the NYS Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2001 Roof Replacement & Waterproofing account, Project 197, Fund 410, and be it further,

RESOLVED, that two 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 Holt absent.

7. Item Page -2002 (Comm. 5E-44)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature approved a contract for the 2001 Overlay "B" Program, Project Number CHIPS OP-01B, between Amherst Paving, Incorporated of Amherst, New York and the County of Erie, in Meeting Number 13, held on June 7, 2001, Communication Number 13E-19, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to expeditiously perform the replacement of the Mineral Springs Road Culvert and repairs to Mill Road and Freeman Road Bridges and the Taylor Road Culvert, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project, and

WHEREAS, the cost for this work was approved in the 2001 Capital Budget under a bonded project for Bridge Reconstruction

NOW, THEREFORE, BE IT

RESOLVED, that the contract amount be increased by an additional amount of \$78,700.00 to be allocated from the Bridge Construction Program, for a change order to the construction contract with Amherst Paving, Incorporated; 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 to the County Comptroller.  
(4-0) Legislator Holt absent.

8. Item Page -2002 (Comm. 5E-45)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on December 20, 2001, for the Grover Cleveland Park Water System Improvements-Phase I, 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 for Grover Cleveland Park Water System Improvements - Phase I, as follows:

PLUMBING WORK

Collana Construction	
Base Bid	\$105,920.00

and be it further,

RESOLVED, that the sum of \$50,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$8,000.00 be allocated for testing, surveying, additional engineering services, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Improvements to Water Lines at Various Parks, Fund 410, Project 202, 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 Department of Parks & Recreation.

(4-0) Legislator Holt absent.

9. Item Page -2002 (Comm. 6E-7)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on December 20, 2001 for the CNG (Compressed Natural Gas) Fueling Station at ECMC, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the CNG (Compressed Natural Gas) Fueling Station at ECMC as follows:

CONSTRUCTION CONTRACT NO.1

Beavers Petroleum	
Base Bid	\$384,950.00

and be it further,

RESOLVED, that the sum of \$10,050.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$12,000.00 be allocated for additional engineering services, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, 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 Construction and Construction Inspection Phase exceeds the amount appropriated above \$114,800 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Construction and Construction Inspection Phase exceeds \$574,000, "the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof", and be it further,

RESOLVED, that this project is funded by a Federal CMAQ (Congestion Mitigation & Air Quality) Grant, Fund 281, Project 223 for \$407,000.00, and be it further,

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

(4-0) Legislator Holt absent.

10. Item Page -2002 (Comm. 6E-16)

**COUNTY EXECUTIVE**

WHEREAS, in a resolution dated November 2, 2000 being Comm. Number 22E-15, the Erie County Legislature authorized an extension of the Snow and Ice Agreement with New York State Department of Transportation for a period of one year being July 1, 2000 to June 30, 2001, and

WHEREAS, in a resolution dated June 21, 2001 being Comm. Number 14E-66, the Erie County Legislature authorized an extension of the Snow and Ice Agreement with New York State Department of Transportation for a yearly period up to three years being July 1, 2001 to June 30, 2004, and

WHEREAS, payment of these previous contracts was based on a Time and Materials type method, and

WHEREAS, after negotiations with New York State Department of Transportation, it was determined that an Indexed Lump Sum payment contract would be beneficial to Erie County, and

WHEREAS, the Commissioner of Public Works recommends that the type of payment for these contracts be changed to an Indexed Lump Sum contract,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the execution of new contracts with New York State Department of Transportation for similar work as previously authorized; however, changing the method of payment for the work for a three year period to expire June 30, 2003, with yearly extension reviewed thereafter, and be it further,

RESOLVED, that the Clerk of the Legislature is hereby directed to transmit nine (9) certified copies of this resolution to the Commissioner of Public Works, one (1) certified copy to the County Comptroller, and on (1) certified copy to the Deputy Commissioner of Public Works, Division of Highways, and one (1) certified copy to Budget Management & Finance.  
(4-0) Legislator Holt absent.

**MICHAEL H. RANZENHOFER**  
**CHAIRMAN**