

July 15, 2002

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 12

ALL LEGISLATORS PRESENT EXCEPT LARSON

1. Item Page -2002 **AS AMENDED**  
(Comm. 3E-30)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 14, 2002 for Bid Package No. 2 for the New Secure Youth Detention Facility, and

WHEREAS, the Architect/Engineer, the Construction Manager, and the Department of public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the New Secure Youth Detention Facility, Bid Package #2:

C105 - DETENTION EQUIPMENT

United Prison Equipment Company, Inc.		
Base Bid	\$ 890,000	
Alternate Bid #8	<u>\$ 400</u>	
Total		\$ 890,400

C209 - GENERAL TRADES

Huber Construction, Inc.		
Base Bid	\$2,348,000	
Alternate Bid #16	<u>\$ 14,000</u>	
Total		\$2,362,000

C210 - RESILIENT/CARPET FLOORING

Shaw Contract Flooring Services, Inc. d/b/a Spectra Contract Flooring		
Base Bid	\$ 21,170	
Alternate Bid #18	\$ 21,995	
Alternate Bid #19B	\$ 19,450	
Alternate Bid #21B	\$ 5,195	
Alternate Bid #22B	<u>\$ 16,495</u>	
Total		\$ 84,305

C211 - TILE

DeSpirit Mosaic &amp; Marble Co., Inc.

Base Bid	\$ 75,500	
Alternate Bid #20	<u>\$ (10,500)</u>	
Total		\$ 65,000

C212 - PAINTING

KAM Painting, Inc.

Base Bid	\$ 157,300	
Alternate Bid #16	<u>\$ (350)</u>	
Total		\$ 156,950

C213 - FIRE PROTECTION

Allied Fire Protection Systems, Inc.

Base Bid		\$ 143,150
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C214 - PLUMBING

John W. Danforth Company

Base Bid		\$ 753,000
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C215 - HVAC

John W. Danforth Company

Base Bid	\$1,143,000	
Alternate Bid #12	\$ 61,600	
Alternate Bid #15	<u>\$ 25,000</u>	
Total		\$1,229,600

C216 - ELECTRICAL

Frey Electric Construction Co., Inc.

Base Bid	\$ 863,000	
Alternate Bid #12	\$ 1,300	
Alternate aid #23	<u>\$ 1,000</u>	
Total		\$ 865,300

C217 - SECURITY ELECTRONICS

Com-Tech, Inc.

Base Bid		\$ 987,000
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C218 - BUILDING CONTROLS & FIRE ALARM

Siemens Building Technologies, Inc.

Base Bid	\$ 364,738	
Alternate Bid #12	\$ 2,500	
Alternate Bid # 15	\$ 2,300	
Total		\$ 369,538

C219 - TESTING & BALANCINGAir Systems Balancing and Testing Service,  
Inc.

Base Bid	\$ 25,800	
Alternate Bid #15	\$ 250	
Total		\$ 26,050

Total of all contracts: \$7,932,293

and be it further,

RESOLVED, that the sum of \$400,000 be allocated for a construction contingency fund to be increased from \$182,000, Phase I to the total project contingency of \$582,000 for Phases 1 & 2, with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the amount of the 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 additional Architectural/Engineering design fees be increased in an account not to exceed \$405,000, including reimbursables, and be it further,

RESOLVED, that additional Construction Management fees be increased in an amount not to exceed \$442,000, including reimbursables, and be it further,

RESOLVED, that commissioning fees for energy evaluation and compliance be allocated in the amount not to exceed \$55,000 to reimburse (NYSERDA) for 50% of the cost of commissioning and be it further,

RESOLVED, that the County Executive be authorized to enter into a contract with Jacobs Justice Team for an amount not to exceed \$250,000 to provide assistance in design and staffing procedures for American Corrections Association accreditation for the new facility, requested by the Commissioner of Probation & Youth Services, 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 \$60,000 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Youth Detention Facilities, Project 806, Fund 410 in the amount of \$9,544,293 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 the Department of Youth Services.  
(4-0) Legislator Larson absent.

			<b>AS AMENDED</b>
2.	Item	Page	(Comm. 11E-17)
		-2002	
	<b>COUNTY EXECUTIVE</b>		

WHEREAS, bids were taken for the Reconstruction of Omphalius Road (CR 439), Town of Boston, on May 23, 2002, and the low bidder was Diamond D Construction Corporation of Depew, New York at a low bid amount of \$1,350,078.40, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Wendel Duchscherer Architects and Engineers, and it has been determined that the contract must be increased to include Construction and Construction Inspection services, and

WHEREAS, this bid also included, at the request of the Town of Boston, alternate bids for waterline work along this roadway, and

WHEREAS, the Town of Boston has provided the County with a resolution (No. 2002-20) that they will pay for the cost of this work that is expected to be \$150,000.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project No. HRP 439-02, in the Town of Boston between the County of Erie and the low bidder Diamond D Construction Corporation at its low bid of \$1,350,078.40, and be it further

RESOLVED, that an amount of \$1,350,078.40 be allocated from the 2002 Highway Reconstruction Program (SFG 330), and be it further

RESOLVED, that an additional amount of \$135,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$135,000.00 from the 2002 Highway Reconstruction Program, and be it further

RESOLVED, that an amount of \$80,000 be allocated from the 2002 Highway Reconstruction Program (SFG 330) for a change order to the contract for engineering services with Wendel Duchscherer Architects and Engineers, and be it further

RESOLVED, that the waterline work for the Town of Boston be included in this project with the full reimbursement for the waterline work to be paid by the Town of Boston, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works, Deputy Commissioner - Highways, and one copy to the Erie County Comptroller.

(4-0) Legislator Larson absent.

3. Item Page -2002 (Comm. 14E-9)

**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 tourism and convention activity and the attraction of new industry to the Buffalo Niagara region; and

**WHEREAS**, The City of Buffalo and the New York State 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 prepared,

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the non-binding Memorandum of Understanding by and among the Empire State Development Corporation, the County of Erie, the City of Buffalo and the Buffalo Sewer Authority is approved; and be it further

**RESOLVED**, That the County Executive is authorized to enter into contracts with the Empire State Development Corporation, in amounts not to exceed a total of \$125,000.00, for the purpose of planning, engineering and construction activities for the Erie Canal Harbor Project; and be it further

**RESOLVED**, That the source of these funds shall be \$125,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; 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.  
(4-0) Legislator Larson absent.

4. Item Page -2002 (Comm. 14E-11)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Broadway, Cheektowaga (Depew), New York.

WHEREAS, this acquisition would be used for the reconstruction of NY Route 130, Broadway, in the Town of Cheektowaga, Village of Depew, and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed, and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One Thousand Eight Hundred Fifty and 00/100 Dollars (\$1,850.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below, and

NOW, THEREFORE, BE IT

**RESOLVED**, that the Erie County Executive is authorized to transfer to the State of New York, Department of Transportation, Real Estate Group, 403 Main Street Suite 250, Buffalo, New York 14203 in consideration of One Thousand Eight Hundred Fifty and 00/100 on the following described portion of Broadway, Cheektowaga, (Depew) New York parcel:

All that piece or parcel of property hereinafter designated as Parcel No. 125 situate in Lot 72, Township 11, Range 7, Village of Depew, Town of Cheektowaga, County of Erie, State of New York as shown on the accompanying map.

The proposed centerline of improvement, as shown on the accompanying map, is established from the 1995 survey control line for the reconstruction of Depew Village S.H. No. 916, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said centerline being described as follows:

Beginning at P.I. Station 6+346/177 BK. = 6+341.104 AHD.; thence AZ 85°03'16" to P.I. Station 7+009.613 BK. = 6+999.379 AHD.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

Referring to a portion of SBL # 103.190-1-16.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the Office of the Comptroller, the County Attorney and the Finance Department.

(4-0) Legislator Larson absent.

5. Item page -2002 (Comm. 14E-13)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Broadway, Cheektowaga (Depew), New York.

WHEREAS, this acquisition would be used for the reconstruction of NY Route 130, Broadway, in the Town of Cheektowaga, Village of Depew, and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed, and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and Seven Hundred and 00/100 Dollars (\$ 700.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York, Department of Transportation, Real Estate Group, 403 Main Street Suite 250, Buffalo, New York 14203 in consideration of Seven Hundred and 00/100 (\$ 700.00) on the following described portion of Broadway, Cheektowaga, (Depew) New York parcel:

A permanent easement to be exercised in, on and over the property above delineated and hereinafter described for the purpose of constructing, reconstructing and maintaining a State Highway, together with such bridges and other facilities in connection therewith, in and to all that

piece or parcel of property hereinafter designated as Parcel No. 147, situate in Lot No. 2, Township No. 11, Range No. 7, Village of Depew, Town of Cheektowaga, County of Erie, State of New York, as shown on the accompanying map.

RESERVING, however, to the owner of any right, title or interest in and to the property heretofore designated as Parcel No. 147, and such owner's successors or assigns, the right of using said property and such use shall not be further limited or restricted under this easement beyond that, which is necessary to effectuate its purposes for, and as established by, the construction of the herein identified project.

The proposed centerline of improvement, as shown on the accompanying map, is established from the 1995 survey control line for the reconstruction of Depew Village S.H. No. 916, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said centerline being described as follows:

Beginning at P.I. Station 5+467.135 BK. = Station 5+466.390 AHD.; thence AZ 72°45'33" to P.I. Station 5+998.749 BK. = Station 5+984.499 AHD, thence AZ 116°00'18" to P.I. Station 6+346.177 BK. = 6+341.104 AHD.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

Referring to a portion of SBL # 103.140-4-10.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the Office of the Comptroller, the County Attorney and the Finance Department.

(4-0) Legislator Larson absent.

6. Item Page -2002 (Comm. 14E-25)

**COUNTY EXECUTIVE**

**WHEREAS**, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

**WHEREAS**, Erie County HOME Consortium has been awarded a grant of \$1,082,000 for fiscal year 2000, \$1,204,000 for fiscal year 2001, and \$1,294,000 for fiscal year 2002 by the U. S. Department of Housing and Urban Development under HOME; and

**WHEREAS**, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

**NOW, THEREFORE, BE IT**



**RESOLVED**, that the County Executive is hereby authorized to enter into all necessary agreements with Lackawanna Housing Development Corporation, Inc., (LHDC) to sponsor and operate a homeownership program in the City of Lackawanna for low income home buyers, Southtowns Rural Preservation Company, Inc., (SRPC) for the purpose of developing rental housing in the Town of Boston for low income persons and Southern Tier Environments for Living, Inc. (STEL) for the purpose of developing rental housing in the Town of Collins for physically disabled persons; and be it further

**RESOLVED**, that said agreements shall provide for the transfer of an amount not to exceed \$64,000 in federal HOME Investment Partnership funds to the Lackawanna Housing Development Corporation, Inc.; and be it further

**RESOLVED**, that said agreements shall provide for the transfer of an amount not to exceed \$357,411 in federal HOME Investment Partnership funds to Southtowns Rural Preservation Company, Inc.; and be it further

**RESOLVED**, that said agreements shall provide for the transfer of an amount not to exceed \$70,000 in federal HOME Investment Partnership funds to Southern Tier Environment for Living, Inc.; and be it further

**RESOLVED**, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing project.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

**RESOLVED**, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

**RESOLVED**, that certified copies of this resolution shall be forwarded to the Director of the Division of Budget, Management, and Finance, the County Comptroller, and the Commissioner of the Department of Environment and Planning.

(4-0) Legislator Larson absent.

7. Item Page -2002 (Comm. 14E-28)

**COUNTY EXECUTIVE**

WHEREAS, a Project for the Pavement Rehabilitation (Multi-Course Overlay) of Hopkins Road (CR 87), from Klein Road to the Bridge over Ransom Creek, BIN 3-32630-0, in the Town of Amherst, Erie County, PIN 5755.86 (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 Project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection phases of the Project, PIN 5755.86, and

WHEREAS, the Project's Construction and Construction Inspection Phase total cost has increased from \$1,236,000 to \$1,250,000 or by \$14,000.

NOW, THEREFORE, the County of 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 in the first instance 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the project or portions thereof, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes an increase of \$14,000 in appropriation for the Construction Phase, with financing currently available in the 2001 Highway Reconstruction Program, (SFG 204), and be it further

RESOLVED, that the sum of \$3,000.00 is to be provided to the State of New York for the increased non-Federal share contribution for this Project from the 2001 Highway Reconstruction Program (SFG 204) where \$59,600.00 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) phase via County Resolution No. 16E-13 adopted on the 13<sup>th</sup> day of July, 2000 and \$247,200.00 previously appropriated for the project's Construction & Construction Inspection phase via County Resolution No. 15E-30 adopted on the 12<sup>th</sup> day of July, 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 in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection phases exceeds the County's non-Federal share appropriated, \$309,800.00 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection phase exceeds \$1,548,000, 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 therefor 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 Commissioner of Public Works and the Erie County Comptroller.

(4-0) Legislator Larson absent.

8. Item Page -2002 (Comm. 14E-31)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Replacement of the NY Route 240 Bridge over Cattaraugus Creek, Vaughn Street Bridge (CR 198), BIN 3-06057-0 in the Town of Concord, Erie County and County Road 32 in the Town of Ashford, Cattaraugus County, PIN 5268.28, (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 will share the burden of project costs equally with the County of Cattaraugus, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of their portion (50%) of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals of the Project, or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement.

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

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

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance their portion (50%) of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases for the Project or portions thereof, and be it further

RESOLVED, that the sum of \$42,000 is hereby appropriated from the 2002 Unanticipated Road and Bridge Design Program (SFG 323) in addition to \$49,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases via Erie County Resolution No. 2D-15 adopted on the 2<sup>nd</sup> day of February, 1995 and \$18,600 previously

appropriated for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals phases via Erie County Resolution No. 22D-14 adopted on the 17<sup>th</sup> day of December, 1998, and be it further

RESOLVED, that in the event the non-Federal share of the costs of the project exceeds the amount appropriated above, 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 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 eligible Project costs and all Project costs within appropriations therefor 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 Commissioner of Public Works and to the County Comptroller.

(4-0) Legislator Larson absent.

9. Item Page -2002 (Comm. 14E-32)

**COUNTY EXECUTIVE**

WHEREAS, a Departmental Professional Services Agreement was awarded to FRA Engineering, P.C. to perform engineering services for the design of intersection improvements at William (CR 338) and Aurora Street (CR 243), in the Town of Lancaster, and

WHEREAS, it has been determined that the Professional Services Agreement must be increased due to additional engineering design services required to complete the design of this Intersection Safety Improvement Project

NOW, THEREFORE, BE IT

RESOLVED, that an amount of \$25,000.00 be appropriated from the 2001 Various Intersections Program (SFG 220) for which there is sufficient financing available for a change order to the professional services contract for engineering services with FRA Engineering, P.C., and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works, the Deputy Commissioner - Highways, and one certified copy to the Erie County Comptroller.

(4-0) Legislator Larson absent.

10. Item Page -2002 (Comm. 14E-33)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the Buffalo Convention Center, Interior Renovations, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidders: BRD, Inc., CEM, Inc., and Electrical Service & Systems Installation, Inc. in the amount of \$705,800, and

WHEREAS, during the course of work, it was discovered that unforeseen conditions and additional work was required in preparation for the reconstruction of the lobby and corridors, and

WHEREAS, because of the scheduled events at the Buffalo Convention Center, July and August are the prime months for renovations to occur, and the lobby area floor requires extensive work, requiring an additional \$200,000 funding to the construction contingency,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$200,000 to a new total amount of \$215,000, 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 Comptroller's Office be authorized to make payments for all of the above from the 2002 Buffalo Convention Center Bond Account, Project 285, Fund 410, in the total amount of \$200,000, 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.

(4-0) Legislator Larson absent.

11. Item page -2002 (Comm. 14E-34)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on December 20, 2001 for the alterations to the existing fueling station at the ECMC site for the CNG (Compressed Natural Gas) Fueling Station, 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:

SITWORK, CONTRACT NO. 2

Thomann Asphalt Paving Corp.

Base Bid	\$86,649.50	
Alternate Bid #1	<u>\$ 4,550.00</u>	
Total		\$91,199.50

and be it further,

RESOLVED, that the sum of \$5,000.00 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 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 \$108,140 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Construction and Construction Inspection Phase exceeds \$540,700,

“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 \$79,199.50 and 2001 Code Compliance, Project 196, Fund 410, for \$17,000.00, 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 Larson absent.

12. Item Page -2002 (Comm. 14E-35)

**COUNTY EXECUTIVE**

WHEREAS, NYSEDA has agreed through PON 3550, Cooling Re-Commissioning to fund \$84,720 with a required match of funds of \$18,376 to implement specific Energy Conservations Measures described in the Detailed Energy Study prepared by C.J. Brown Energy, PC for ECMC in September 1999, and

WHEREAS, in Comm. No. 9E-23 dated May 9, 2002, the Erie County Legislature authorized a change order to C.J. Brown Energy, PC to implement this project, and

WHEREAS, in the C.J. Brown Energy, PC scope of work, it was anticipated that the condenser water control valves for the cooling towers would be repaired, and

WHEREAS, after disassembly and inspection of the valves by C.J. Brown Energy, PC, it was determined that the valves had deteriorated to a point that they required replacement, and

WHEREAS, due to the immediate need to replace these valves, ECMC paid for the valve replacement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the reimbursement of ECMC for \$31,405 taken from Fund 410, Project 833, for the work in implementing the valve replacement instead of repair on this project, and be it further,

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

(4-0) Legislator Larson absent.

13. Item Page -2002 (Comm. 14E-37)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Replacement of the East Church Street Bridge, BR 488-1, over the South Branch of Eighteen Mile Creek, BIN 3-32781-0, in the Town of Eden, Erie County, PIN 5754.59, (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 & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5754.59; and

WHEREAS, the Project cost for Preliminary Engineering (Scoping and Design VI), Right of Way Incidentals and Acquisition Phases has increased from \$327,000 to \$381,500 or \$54,500; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of TVGA Engineering & Surveying, P.C. Consultants and it has been determined that the contract must be increased by the amount of \$54,500 for additional engineering services required for this project.

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

RESOLVE, that the Erie County Legislature hereby approves the above subject project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Preliminary Engineering (Scoping & 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 \$54,500 in appropriations for Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, with financing currently available in the 1999 Federal Aid - Various Road and Bridge Design Program (SFG 134), and be it further

RESOLVED, that the sum of \$16,900 is hereby requested for the State of New York which is an increase of \$700 in local share financing which is available in the 1999 Federal Aid - Various Road and Bridge Design Program (SFG 134) in addition to \$65,400 previously appropriated for the Project's Preliminary Engineering (Scoping & Design I-VI) and ROW Incidentals Phases via Resolution No. 6D-25, adopted on April 29, 1999, 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 in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$82,300 and/or 100% of the full Federal and Non-Federal shares of the costs of the Project's the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$381,500, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amounts 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 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 therefor that are not so eligible; and be it further



RESOLVED, that amount of \$54,500 be allocated from the 1999 Federal Aid Various Road and Bridge Design Program (SFG 134) for a change order to the contract for engineering services with TVGA Engineering and Surveying, P.C., Consultants, 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 to the County Comptroller.

(4-0) Legislator Larson absent.

14. Item Page -2002 (Comm. 14E-41)

**COUNTY EXECUTIVE**

**WHEREAS**, the City of Lackawanna is desirous of participating in an Energy Conservation Program operated by the Supportive Services Corporation of Western New York; and

**WHEREAS**, a local contribution to offset the costs necessary to administer the program by the Supportive Services Corporation of Western New York will permit more timely attention to City of Lackawanna applications; and

**WHEREAS**, the City of Lackawanna has requested that the Erie County Department of Environment and Planning utilize federal Community Development Block Grant funds, specifically set aside for housing activities in the City, for said administration expenses; and

**WHEREAS**, the City of Lackawanna has requested that the Lackawanna Housing Development Corporation serve as the local contracting agency for said funds,

**NOW, THEREFORE BE IT**

**RESOLVED**, that the County Executive is hereby authorized to enter into a contract with the Lackawanna Housing Development Corporation for an amount not to exceed \$12,000, for the purpose of coordinating the administrative program delivery requirements of the Energy Conservation Program; and be it further

**RESOLVED**, that certified copies of this resolution should be forwarded to the Director of the Division of Budget, Management, and Finance, the County Comptroller, and the Commissioner of the Department of Environment and Planning.

(4-0) Legislator Larson absent.

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