

July 9, 2015

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-4 (2014)
MILLS: “Request for County Executive Appointment to EC Bridge and Road Infrastructure Maintenance Advisory Board”
(6-0)
 - b. COMM. 21M-5 (2014)
MAYOR, VILLAGE OF HAMBURG: “Letter to DPW Regarding Bicycle Lanes and Sharrow Markings on Main St and Buffalo St, and Legion Dr, Village of Hamburg”
(6-0)
 - c. COMM. 21M-6 (2014)
LEE COPPOLA: “Letter to DPW Regarding Maintenance of McKinley Park Median, Town of Hamburg”
(6-0)
 - d. COMM. 9E-18 (2015)
BURKE: “Municipal Broadband Project”
(6-0)
 - e. COMM. 9M-5 (2015)
TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION OF EC: “Letter Requesting the County Executive Appointment to EC Bridge and Road Infrastructure Maintenance Advisory Board”
(6-0)
 - f. COMM. 10E-19 (2015)
MILLS & DIXON: “Letter to County Executive Regarding Requested Information from Committee Meeting”
(6-0)
 - g. COMM. 11D-9 (2015)

COMMISSONER, DEPARTMENT OF PUBLIC WORKS: “Letter Regarding County Executive Appointment to EC Bridge and Road Infrastructure Maintenance Advisory Board”
(6-0)

- h. COMM. 12D-3 (2015)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Initiatives for a Smart Economy - January 2015 Reports”
(6-0)
 - i. COMM. 13D-4 (2015)
COMMISSONER, DEPARTMENT OF PUBLIC WORKS: “Letter in Response to Legislator Rath Regarding Condition of Maple Road, Town of Amherst”
(6-0)
2. COMM. 13E-5 (2015)
COUNTY EXECUTIVE
WHEREAS, Kenmore Avenue is jointly owned by the City of Buffalo (“City”) and the County of Erie (“County”) with the dividing line being the center of the road; and

WHEREAS, Kenmore Avenue is in need of repair and reconstruction; and

WHEREAS, the City and the County have agreed to participate in a locally administered federal aid project to reconstruct Kenmore Avenue from Klauder Avenue to Main Street; and

WHEREAS, the Kenmore Avenue Reconstruction Project PIN 5757.18 (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 Project may be eligible for New York State Marchiselli funding up to a maximum amount of 15% of the project costs; and

WHEREAS, the non-Federal share of the Project costs may vary from 5% to 20% depending upon the availability of New York State Marchiselli funding; and

WHEREAS, the City and the County have agreed to each bear 50% of the non-Federal costs of the project and their individual shares of the cost of required right-of-way (“ROW”); and

WHEREAS, an intermunicipal agreement (“IMA”) has been negotiated and approved by the City’s Corporation Counsel and the County Attorney setting forth the terms of participation in the project for both the City and the County: and

WHEREAS, it has been agreed that the City shall be the lead agency for the project and will enter into the federal aid project agreement with the New York State Department of Transportation; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 50% of the estimated maximum non-Federal share of the costs of the Project and the County's individual share of the estimated ROW costs through an intermunicipal agreement with the City of Buffalo; and

WHEREAS, the County's share of the estimated maximum non-Federal share of the costs of the Project is \$660,000.00 is available from Project Fund Center 123, Fund 420, B.15004.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18; and

WHEREAS, the County's estimated individual ROW cost of \$9,000.00 is available from Project Fund Center 123, Fund 420, B.15002.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 Right of Way.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Kenmore Avenue reconstruction federal aid project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 50% of the non-Federal share of the cost of the Project and the County's individual share of the ROW cost according to the terms of the IMA; and be it further

RESOLVED, that the estimated maximum total sum of the County's share of the Project cost in the amount of \$660,000.00 is hereby appropriated from Project Fund Center 123, Fund 420, B.15004.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 and made available to cover the cost of participation in the Project; and be it further

RESOLVED, that the County's estimated individual share of the cost of acquiring the required ROW in the amount of \$9,000.00 is hereby appropriated from Project Fund Center 123, Fund 420, B.15002.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 Right of Way and made available to cover the cost of participation in the Project; and be it further

RESOLVED, that in the event the amount required to pay the County's estimated share of the non-Federal costs, and the County's individual share of the ROW costs exceeds \$660,000.00 and/or \$9,000.00 respectively the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, should additional Federal or State aid become available for this Project, Erie County is authorized to accept the funds and adjust the respective Project budgets accordingly; 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 with and from the City on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's funding of its share of the non-Federal Project costs and its individual share of the ROW costs; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an IMA with the City of Buffalo setting forth the terms of participation in the project for both the City and County; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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 and Management, the Office of the County Attorney, and the Office of the Comptroller.
(6-0)

3. **COMM. 13E-6 (2015)**
COUNTY EXECUTIVE

WHEREAS, Clark Patterson Lee performed structural assessments on several old dilapidated parks buildings and are recommending that they be demolished since they are a safety and health threat or are structurally unsafe to occupy for the public; and

WHEREAS, the Erie County Department of Public Works received bids for the Various County Parks Buildings – 2014 Demolition Phase II project on May 20, 2015; and

WHEREAS, the Erie County Department of Public Works, along with the A/E firm, Clark Patterson Lee., are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Various County Parks Buildings – 2014 Demolition Phase II project for an amount not to exceed as follows:

Demolition Work

C&R Housing Inc.	Base Bid:	\$ 87,939.00
	<u>Alternate Bid Alt-1:</u>	<u>\$ 58,380.00</u>
Total Award of Construction Contract Not to Exceed:		\$146,319.00

and be it further

RESOLVED, that the sum of \$20,681.00 be allocated to a Construction Contingency Fund with authorization for the County Executive 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 these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP project accounts as follows:

<u>A.14007 – 2014 Countywide Parks Improvements</u>	<u>\$167,000.00</u>
Total Payments Not To Exceed:	\$167,000.00

;and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Department of Parks, Recreation and Forestry, Office of the County Executive, the Division of Budget and Management, Chief Financial Officer and the Office of the Comptroller.

(6-0)

4. COMM. 13E-7 (2015)

COUNTY EXECUTIVE

WHEREAS, Erie County is desirous of engaging engineering services for the Bethlehem Steel Shoreline Trail; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code, a consultant selection process was undertaken to evaluate responses to a Request for Supplemental Information to Expression of Interest Document dated March 20, 2015.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with Greenman-Pedersen, Inc. in an amount not to exceed \$150,000 for the purposes of conducting Engineering Design Services which are necessary prior to construction of the Bethlehem Steel Shoreline Trail; and be it further

RESOLVED, that the County Executive be authorized to execute contract amendments to the aforementioned contract in a cumulative amount not to exceed \$6,000; and be it further

RESOLVED, that said funding amounts shall be allocated from SAP Account No. A.20911, Bethlehem Steel Redevelopment; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Commissioner of the Department of Environment and Planning, 10th Floor, Rath Building; the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; and the Office of the County Attorney.

(6-0)

5. COMM. 13E-8 (2015)

COUNTY EXECUTIVE

WHEREAS, a recent report from the Erie County Committee charged with exploring broadband issues present in Erie County has identified a variety of problems ranging from poor internet speed to non-existent service in rural areas; and

WHEREAS, a weak fiber optic broadband network limits the region's economic development opportunities in the growing technology market; and

WHEREAS, a strong fiber network could prove to be a regional asset that improves the quality of education, public safety, social justice and economic development; and

WHEREAS, the Erie County Legislature unanimously supported the exploration of a fiber optic broadband network in Erie County which resulted in the formation of the Erie County Municipal Broadband Committee which produced a document highlighting the benefits of a municipal network; and

WHEREAS, after consulting with telecommunications professionals the Committee recommended that the County conduct a feasibility study; and

WHEREAS, in the Initiatives for Stronger Communities, the County Executive publicly committed to the goal of increasing broadband access in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and the Department of Environment and Planning to issue a request for proposals seeking a qualified consultant to undertake a feasibility study which would clearly define broadband service gaps, and prepare an action strategy to address such gaps moving forward; and be it further

RESOLVED, that the following budgetary adjustments to the 2015 Budget are hereby authorized in order to provide funding for the retention of a consultant and creation of a feasibility study of a fiber optic broadband network in Erie County:

Fund 110 - 2015 Budget
16200 – Department of Environment and Planning

<u>Expense Accounts</u>	<u>Increase/ (Decrease)</u>
516020 Professional Svcs Contracts and Fees	\$ 63,000
Total	\$63,000

Fund 110 - 2015 Budget
120- Social Services

<u>Expense Account</u>	<u>Increase/ (Decrease)</u>
525000 MMIS Medicaid Local Share	(\$63,000)
Total	(63,000)

and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the necessary budgetary transfers to provide funding for the feasibility study; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Information and Support Services, the Department of Environment and Planning and the Division of Budget and Management.

(6-0)

EDWARD A. RATH, III
CHAIR