

FEBRUARY 22, 2007

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 3M-2 (2007)

**NFTA:** NFTA Board Minutes for Meeting Held 12/18/06  
(5-0)

b. COMM. 3M-3 (2007)

**NFTA:** 17A Report and Capital Expenditure Report for 3rd Quarter of FY ending 3/31/07  
(5-0)

c. COMM. 3M-5 (2007)

**ERIE-NIAGARA REGIONAL PARTNERSHIP:** Agenda for 2/2/07 Meeting & Minutes for  
12/8/06 Meeting  
(5-0)

2. COMM. 3E-28 (2007)

**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the Rehabilitation of North French Road (CR 299), in the Town of Amherst, on November 16, 2006, the low bidder was ACCADIA Site Contracting, Incorporated of Depew, New York at a low bid amount of \$1,987,718.71, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of LiRo Engineers, Inc. on July 12, 2001, at the 16<sup>th</sup> session of the Legislature of Erie County, Communication No. 15E-7, and it has been determined that the contract be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 299-06 for the Rehabilitation of North French Road, between the County of Erie and the low bidder, ACCADIA Site Contracting, Incorporated of Depew, New York at a low bid amount of \$1,987,718.71, and be it further

RESOLVED, that an amount of \$1,987,718.71 allocated from the 2006 North French Road Pavement Rehabilitation Program (SAP B.00165), and an additional amount of \$260,428.00 be allocated for

a Department of Public Works, Division of Highways, construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$260,428.00 to be allocated from the 2006 North French Road Pavement Rehabilitation Program (SAP B.00165), and be it further

RESOLVED, that an amount of \$210,809.00 be allocated from the 2006 North French Road Pavement Rehabilitation Program (SAP B.00165) for a change order to the contract for engineering services during construction, construction reimbursables, and construction inspection with LiRo Engineers, 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 each to the Office of the County Executive, the Department of Public Works, Office of the Commissioner, the Division of Budget, Management & Finance, and the Office of the Comptroller.  
(5-0)

3. COMM. 4E-6 (2007)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Signal Replacements on Elmwood Avenue (CR 119) at Kenmore Avenue (CR 307); Victoria Boulevard; Washington Avenue; Girard Boulevard; Woodward Avenue; and Westchester Boulevard, in the Village of Kenmore and Town of Tonawanda, Erie County, PIN 5756.87 (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 stage (Design Phases I-VI) of the Project, PIN 5756.87, and

WHEREAS, the NYSDOT initially programmed only a portion of the funds required for the Project and is now able to fully fund the Preliminary Engineering stage (Design Phases I-VI) of the Project, and

WHEREAS, the funds required have increased from \$70,000 to \$153,000, proportionally increasing the local share to \$30,600, and

WHEREAS, FRA Engineers was authorized to perform Design Services for this project by County Resolution 25E-15 on February 24, 2003,

NOW, THEREFORE, BE IT

RESOLVED, 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 shares of the cost of the Preliminary Engineering stage (Design Phases I-VI) of the Project or portions thereof, and be it further

RESOLVED, that an initial sum of \$70,000. was appropriated from the 2004 Elmwood Avenue Corridor Signals 5756.87 Design Program (SAP B.00125.3) for Preliminary Engineering stage (Design Phases I-VI) via County Resolution No. 13E-41 adopted on June 24, 2004 and made available to cover the initial cost of participation in the above stage of the Project, and be it further

RESOLVED, that the necessary project increase of \$83,000, and therefore, the proportional local share of \$16,600 be appropriated from the 2006 Elmwood Signal & Intersection Improvements Program (SAP B.00125.3), and be it further

RESOLVED, that the project budget be equally increased in revenue and appropriation to represent this agreement, and be it further

RESOLVED, that the Legislature authorizes the Commissioner of the Department of Public Works to execute a change order with FRA Engineers to complete the Project in accordance with the agreement with NYSDOT, 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 stage (Design Phases I-VI) exceeds the amount appropriated of \$153,000, 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 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 as necessary for the administration of the Project and the County of Erie'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 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 also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the County Comptroller.  
(5-0)

4. COMM. 4E-7 (2007)

**AS AMENDED**

**COUNTY EXECUTIVE**

WHEREAS, your Honorable Body previously awarded a Supplemental General Architect/Engineer Services Agreement to DiDonato Associates and construction contingency account for the Ralph Wilson Stadium – 2006 – Site Work, Structural Repairs and Miscellaneous Work project on April 6, 2006, and

WHEREAS, unforeseen work and repairs have been made to the stadium systems, and

WHEREAS, additional investigative work was needed to check and remove spaulding concrete from the stadium frames, and

WHEREAS, the Buffalo Bills have requested that we proceed with the design of the 2007 capital projects.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency be increased by \$35,000 from \$100,000 to \$135,000 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 funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to DiDonato Associates' General Architect/Engineer Agreement for an amount not to exceed \$50,000 to cover the cost of the additional structural work and design for the 2007 capital projects, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from the following SAP account - A.00259 – '05 RWS in an amount not to exceed \$85,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Division of Budget, Management & Finance, the Office of the Comptroller, and the Office of the County Executive.  
(5-0)

5. COMM. 4E-8 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc. have developed housing for very low and low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located at 5074 Transit Road in the Town of Cheektowaga, New York and contains 100 residential apartment units for very low and low income senior households; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, the Erie County Legislature approved a resolution on October 21, 1999 authorizing the County Executive to execute a PILOT Agreement with Belmont Shelter Corporation for Transit Road Senior Community Apartment Complex now known as Southwind Landing Apartments; and

WHEREAS, Southwind Landing Apartments, L.P. the owner of the project and Attica Housing Development Fund Company, Inc. a general partner were formed by Belmont Shelter Corporation, the sponsor of the project, in order to facilitate the development of the project and to use low income housing tax credit to finance the project; and

WHEREAS, in order to make the Project economically feasible for Southwind Landing Apartments, L.P. to operate the apartment complex, it is necessary to obtain tax relief from the County of Erie and the Town of Cheektowaga.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc. relating to the Southwind Landing Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount set forth on Schedule B attached hereto. Payment under the agreement will be for fifteen (15) Payments with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Budget, Management, and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.  
(5-0)

6. COMM. 4E-11 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works requested a \$250,000 efficiency grant from the Erie County Fiscal Stability Authority (ECFSA) to develop a Master Plan for Space Consolidation and Relocation, and

WHEREAS, the ECFSA has approved the Department of Public Works' request for the subject efficiency grant by Resolution #07-02 dated January 11, 2007, (attached), and

WHEREAS, the Commissioner of Public Works desires to engage the services of a consultant firm to provide the services for this Study, and

WHEREAS, the Department of Public Works advertised for Requests for Qualifications from consultant firms and selected Kideney Architects as having the necessary expertise, experience, and manpower to provide the services required and has negotiated a contract with Kideney Architects to provide these services, and

WHEREAS, the Department of Public Works wishes to engage the services of this local firm at a cost not to exceed \$250,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to accept the Master Plan for Space Consolidation and Relocation efficiency grant in the amount of \$250,000 from the ECFSA, and be it further

RESOLVED, that the Commissioner of Public Works be authorized to issue a contract to Kideney Architects for the subject study, in an amount not to exceed \$250,000, and be it further

RESOLVED, that Kideney Architect's contract be charged to the appropriate account, as determined by the Comptroller, and be it further

RESOLVED, that the Clerk of the Legislature is instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works and one certified copy to the Director of Budget, Management and Finance and the Erie County Comptroller.  
(5-0)

**TIMOTHY M. KENNEDY**  
**CHAIRMAN**