

JULY 11, 2005

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 19E-60 (2005)  
**COUNTY EXECUTIVE** Surplus Revenue - Road Reserve Fund - Public Hearing Request (5-0)
  - b. COMM. 19M-1 (2005)  
**NFTA:** Annual 17A Report (5-0)
  - c. COMM. 19M-9 (2005)  
**BUFFALO NIAGARA CONVENTION CENTER:** Request For Written Commitment of 2006 Funding (5-0)
  - d. COMM. 19M-10 (2005)  
**NFTA:** Annual Data Request & Related Documents for FYE 2005 (5-0)
2. COMM. 16E-10 (2005) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has \$6,692,616 available for repairs of roads and bridges in the County during 2005, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held by this Legislature on Friday, July 22, 2005, at 9:30 a.m., in the Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, and be it further

RESOLVED, that the subject of such public hearing shall be the appropriation of \$6,692,616 from the Erie County Road Repair Reserve Fund for the following projects during 2005:

**2005 TRANSFER TAX PROJECTS**  
**OIL & CHIPPING**

Allen Road  
Back Creek Road  
Bauer Road  
Becker Road  
Brown Street  
Carney Road  
Center Street  
Delameter Road  
East Creek Road  
Eckhardt Road  
Gartman Road  
Glenwood-E.Concord Road  
Groth Road  
Hardpan Road  
Heise Road  
Langford-New Oregon Road  
Lapp Road  
Lone Road  
Marshfield Road  
Matteson Corners Road  
New Oregon Road  
North Boston Road  
Pontiac Road  
Saunders Hill Road  
Schintzius Road  
Sharp Street  
Shirley Road  
Sibley Road  
Stearns Road  
Steiner Road  
Swift Mills Road  
Vermont Hill Road  
Waverly Street

Zenner Road  
Zoeller Road

**TOTAL** **\$1,417,650**

PAVEMENT REHABILITATION/OVERLAY/SURFACE TREATMENT/SHOULDER  
PAVING/MISCELLANEOUS REPAIR

Abbott Road  
Cayuga Road  
Central Avenue  
Derby Road  
Dick Road  
E.Robinson-No.French Road  
Eggert Road  
Elmwood Avenue  
French Road  
Holtz Drive  
Kenmore Avenue  
Main Street (Seneca Creek)  
Mineral Springs Road  
Nichter Road  
North Blossom Road  
Pine Ridge Road  
Ridge Road  
Seneca Street  
Slade Avenue  
Trevett Road  
Vaughn Street  
Versailles Plant Road  
Wehrle Drive  
William Street

**TOTAL** **\$4,224,966**

**BRIDGE MAINTENANCE/REPAIR** **\$ 200,000**

**PAVEMENT SAFETY ENHANCEMENTS**

Various Roads **\$ 350,000**

**CRACK FILLING**

Various Roads **\$ 500,000**

**GRAND TOTAL** **\$ 6,692,616**

and be it further

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, Joel A. Giambra; Budget Director, Joseph Passafiume; Acting Public Works Commissioner, Gerard J. Sentz; County Attorney's Office; and the Erie County Comptroller's Office.  
(5-0)

3. COMM. 19E-31 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works enters into contracts with consultant firms for work which includes Federal Aid, work for State agencies, and capital projects, and

WHEREAS, Erie County does not have the capability to audit these consultant firms as to what their overhead figure should be, and

WHEREAS, some State and Federal agencies, such as NYSDOT, do perform audits on each firm and set their overhead rates in accordance to their audit results, and

WHEREAS, the Department of Public Works wishes to set a policy that limits the overhead paid to consultant firms to be no more than 2.5 that are paid on a Time and Material basis unless they can prove it to be higher by results of an audit performed by State or Federal agencies.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to set a policy that limits the overhead paid to consultant firms to be no more than 2.5 that are paid on a Time and Material basis unless they can prove it to be higher by results of an audit performed by State or Federal agencies, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner, one copy each to the Deputy Commissioner of Highways, the Office of the County Executive, the Division of Budget, Management and Finances, and the Office of the Comptroller.

(5-0)

4. COMM. 19E-32 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Town of Evans will be constructing the Shore Line Trail along Lake Shore Road (CR 111), in the Town of Evans, and

WHEREAS, the Erie County Department of Public Works and Erie County Department of Environment and Planning acknowledge that this Shore Line Trail will help to tie together a larger overall bike system and parks in the County, and

WHEREAS, the construction of this Shore Line Trail will encourage continued bicycle and pedestrian recreational activities, and

WHEREAS, the Town of Evans desires to enter into an agreement with the County of Erie to allow the Town of Evans to construct and maintain this Shore Line Trail, and

WHEREAS, the Town of Evans agrees to enter into an agreement to indemnify, defend, and hold harmless Erie County from all claims, suits, actions, damages, costs and judgments of any nature and description arising from the construction, reconstruction, repair, maintenance and operation of the bikeway, and

WHEREAS, the Town of Evans agrees to install, maintain, and repair Class I, II, and III bikeways as is required for Phases I and II of the Shore Line Trail, and

WHEREAS, the County Attorney's Office will prepare the necessary Permit/Agreement to be entered into by the Town of Evans to address all aspects of the installation, maintenance, repair and legal responsibilities associated with this Shore Line Trail.

NOW, THEREFORE, BE IT,

RESOLVED, that the County of Erie be allowed to enter into a Permit/Agreement with the Town of Evans for the purpose of delineating Town responsibility regarding installing, maintaining and repairing the Shore Line Trail, and be it further,

RESOLVED, that six 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, Management, and Finance, the Department of Environment and Planning, and to the Office of the Comptroller.

(5-0)

5. COMM. 19E-38 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, in the mid-1930s, Big Tree Road in the Town of Wales, which was a County highway (C.H. No. 86), was transferred to the State of New York; and

WHEREAS, prior to the transfer of Big Tree Road to the State, the road was straightened, and the portion of the road that was not straightened was no longer used as a County highway (hereinafter the "Abandoned Roadway"); and

WHEREAS, there are no documents recorded in the County Clerk's office, nor are there documents on file in the Department of Public Works evidencing a formal abandonment by the County of the Abandoned Roadway; and

WHEREAS, the Abandoned Roadway still shows up on surveys and title searches of neighboring properties as being a County right-of-way, which adversely affects the marketability and title to these properties; and

WHEREAS, the Erie County Lands Advisory Review Committee approved of the abandonment during their meeting on June 14, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Abandoned Roadway, hereinafter described in the map and description attached hereto as Exhibit "A" is hereby abandoned; and be it further

RESOLVED, that the County Executive is hereby authorized to execute quit claim deeds to transfer portions of the Abandoned Roadway to the adjoining property owners, if the property owners request that such quit claim deeds be executed; and be it further

RESOLVED, that the consideration for each portion of the Abandoned Roadway transferred to adjoining property owners shall be one dollar (\$1.00); and be it further

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

6. COMM. 19E-48 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County partnered with the New York State Energy Research and Development Authority (NYSERDA) to qualify for a new construction incentive award, and

WHEREAS, as required by NYSERDA, commissioning and energy conservation reports were completed and presented, and

WHEREAS, as further implementation of energy conservation initiatives is encouraged by the incentive awards program, subsequently NYSERDA granted Erie County a financial incentive award of \$117,096.00.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes acceptance of the funds granted to Erie County by NYSERDA, and be it further,

RESOLVED, that this revenue be used to decrease from SAP Project A.00166 and be used to increase the appropriations for the Botanical Gardens Master Plan Construction, SAP Project A.00234 in the amount of \$117,096.00, and be it further,

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

7. COMM. 19E-56 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 16, 2005 for the Erie Community College, South Campus – 2005, Building 3, HVAC Upgrades, and

WHEREAS, the Architect 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 a contract for Erie Community Colleges, South Campus – 2005, Building 3 HVAC Upgrades as follows:

MECHANICAL WORK

J.W. Danforth Co.

Base Bid: \$563,000.00

and be it further,

RESOLVED, that the sum of \$57,000 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 the construction 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 project estimated revenue and appropriations are funded by fifty percent (50%) State Aid be increased by \$310,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from Project A.00069, 2003 Code Compliance Account, and be it further,

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

**TIMOTHY M. WROBLEWSKII**  
**CHAIRMAN**