

MAY 10, 2007

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

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

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

a. COMM. 8D-4 (2007)
COUNTY ATTORNEY: Erie Canal Harbor Development Corporation
(5-0)

b. COMM. 9M-13 (2007)
BUFFALO PLACE: 2006 Buffalo Place Annual Report
(5-0)

2. COMM. 9E-15 (2007)
COUNTY EXECUTIVE

WHEREAS, promotion of healthy lifestyles and education are important objectives in Erie County, and

WHEREAS, in order to create an urban farm in the City of Buffalo that will promote healthy lifestyles and education, the Queen City Farm Planning Group is in need of funding that is not currently designated in the 2007 Erie County budget.

NOW, THEREFORE, BE IT

RESOLVED, that the available balance in Account 516000, shall be utilized for the Queen City Farm Planning Group, and be it further

RESOLVED, that, pursuant to this legislation, that the County Executive be authorized to enter into that appropriate Cultural Services Contract with the Queen City Farm Planning Group, 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 Commissioner of the Department of Environment and Planning, the County Attorney, the Comptroller, and the County Executive.
(5-0)

3. COMM. 9E-16 (2007)

COUNTY EXECUTIVE

WHEREAS, a Project for the Signal Replacements on Colvin Avenue (CR118) at Belmont Road, Colvin Avenue (CR118) at Brighton Road (CR196), and Brighton Road (CR196) at Eggert Road (CR130), in the Town of Tonawanda, Erie County, PIN 5756.86 (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 non-Federal share of the costs of the Preliminary Engineering stage (Design Phases I-VI) of the Project, 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 increased from \$100,000.00 to \$488,000.00, proportionally increasing the local share to \$97,600.00, and

WHEREAS, TVGA Engineering, Surveying P.C. were authorized to perform Design Services for this Project by County Resolution 25E-15 on February 24, 2003.

NOW, THEREFORE, BE IT,

RESOLVED, that the Legislature of the County of Erie hereby approves the above subject Project, and be it further,

RESOLVED, that the 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 \$100,000.00 was appropriated from the 2004 Colvin Brighton, et al Road Signals PIN 5756.86 Design Program (SAP B.00125.2) via County Resolution 13E-38 adopted on June 24, 2004, and be it further,

RESOLVED, that the necessary Project increase of \$388,000.00, and, therefore, the balance of the proportional increase in local share in the amount of \$77,600.00 be appropriated from the 2006 Unanticipated Road & Bridge Program (SAP B.00151), 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 TVGA Engineering, Surveying, P.C. 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 total amount appropriated, \$488,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon 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 eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with New York State Commissioner of Transportation, by attaching it to any necessary agreements in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward ten (10) certified copies of this resolution to the Deputy Commissioner of Public Works, Division of Highways for attachment to the NYSDOT agreement, and one (1) copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

TIMOTHY M. KENNEDY
CHAIRMAN