

May 6, 2004

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MARSHALL.

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

Item Page -2004 (Comm. 9M-30)
a. **TOWN OF AMHERST:** Certified Resolutions – County Highway Work Maple Road & North Forest Road.
(4-0) Legislator Marshall absent.

Item Page -2004 (Comm. 9M-31)
b. **SROKA FAMILY:** Letter Re: Widening Intersection of North Forest & Maple Roads.
(4-0) Legislator Marshall absent.

2. Item Page -2004 (Comm. 9E-49)
COUNTY EXECUTIVE

WHEREAS, the City of Buffalo Code (Section 94-26) requires presence of a Chief Stationary Engineer in buildings that exceed 150-boiler horsepower and 225 horsepower of refrigeration power-development units, and

WHEREAS, we are currently in violation of this Section of City of Buffalo Code, and

WHEREAS, to satisfy the City of Buffalo Ordinance and avoid potential for penalties, two additional Chief Stationary Engineers (J.G.9) are required, and

WHEREAS, one Stationary Engineer (J.G.7, position number 065380) and one Assistant Stationary Engineer (J.G.5; position number 060733) can be deleted when these two positions are created,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the addition two Chief Stationary Engineer (J.G.9) positions, and be it further

RESOLVED, that a Stationary Engineer (J.G.7; position number 065380) and an Assistant Stationary Engineer (J.G.5; position number 060733) will be deleted, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the County Executive, the Commissioner of Personnel, the Director of Budget, Management and Finance and the Office of the Comptroller.
(4-0) Legislator Marshall absent.

3. Item Page -2004 (Comm. 9E-58)

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 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 above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.86.

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 cost of the Construction and Construction Inspection Phase of the Project or portions thereof, and be it further

RESOLVED, that the total project cost has increased by \$35,000 from \$1,250,000 to \$1,285,000 and that the sum of \$7,000 is hereby appropriated from the 2001 Federal Highway Reconstruction Program (SFG 420-204) (in addition to \$247,200 and \$3,000 previously appropriated for the project's Construction & Construction Inspection phase via County Resolution No. 15E-30 adopted on the 12th day of July 2001, and County Resolution No. 14E-28 adopted on the 18th day of July 2002, respectively) and made available to cover the non-Federal share of the cost of participation in the above phase 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 Construction and Construction Inspection Phase exceeds the amount appropriated \$247,200 and/or 100% of the full Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phase exceeds \$1,285,000, 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 is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal 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, one certified copy each to the County Executive, the Commissioner of Public Works and the Erie County Comptroller.

(4-0) Legislator Marshall absent.

4. Item Page -2004 (Comm. 9E-63)

COUNTY EXECUTIVE

WHEREAS, design services are required for the Botanical Gardens Implementation of the Master Plan, Architectural/Engineering Agreement and additional environmental impact statement for proposed work, and

WHEREAS, the firm of URS Corporation Group presently has a General Engineering contract with the County of Erie to provide design services, and

WHEREAS, the firm of URS Corporation Group has the Architectural/Engineering expertise to provide the required services to implement the long-range master plan and environmental impact statement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to enter into a supplemental agreement with URS Corporation Group with a maximum fee not-to-exceed \$500,000, including testing, reimbursable, and miscellaneous expenses relative to the design services for master plan implementation and environmental impact statement, and be it further,

RESOLVED, that the \$500,000 fee allocation be taken from the Botanical Gardens account, Project 203, Fund 410, in the amount of \$467,395 and Project 304, Fund 410 in the amount of \$32,605, 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 and Finance; one copy to the Office of the Comptroller; one copy to the Office of the County Executive; and one copy to the Department of Parks and Recreation.

(4-0) Legislator Marshall absent.

5. Item Page -2004 (Comm. 9E-64)

COUNTY EXECUTIVE

WHEREAS, the 2004 capital budget contains \$2.4 million for Rehabilitation Work at Ralph Wilson Stadium in accordance with the terms of the new Lease Agreement between the Buffalo Bills and Erie County, and

WHEREAS, the Buffalo Bills have requested that the County proceed with this work which should be completed before the regular football season begins in order not to jeopardize the operation and safety of the Stadium, and

WHEREAS, in order to comply, DiDonato Associates, P.E., P.C. has completed some design work for these projects and the Department of Public Works must receive bids and issue construction contracts as soon as possible, and

WHEREAS, DiDonato Associates, P.E., P.C. has a General Architectural/Engineering Agreement with Erie County, and

WHEREAS, DiDonato Associates, P.E., P.C., has designed and constructed various projects at the stadium in the past,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates, P.E., P.C. to prepare contract documents and provide design and inspection services for the 2004 Ralph Wilson Stadium Capital Rehabilitation Projects, for a fee not to exceed \$275,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Stadium Renovations, Project 406, Fund 410, 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 Office of the County Executive.
(4-0) Legislator Marshall absent.

6. Item Page -2004 (Comm. 9E-67)

COUNTY EXECUTIVE

WHEREAS, the Division of Buildings and Grounds continues to evaluate its personnel allocations and requests further minor changes to better suit the current conditions, and

WHEREAS, with several new buildings coming on line last year including Youth Detention Facility and Great Lakes Building, and several more planned in the near future including the Public Safety Campus, repairs and maintenance have increased, and

WHEREAS, although the staff to perform the work seems sufficient by utilizing innovative methods and new technology, the supervision level is not adequate, and

WHEREAS, one grievance which this resolution addresses has been filed to date and has to go to arbitration and it is suspected that more may follow if these changes are not incorporated,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the addition of one Supervising Maintenance Mechanic (J.G.9), and be it further

RESOLVED, that the Erie County Legislature authorizes the deletion of an Assistant Supervising Maintenance (J.G.8; position #063021), and be it further

RESOLVED, that the source of funds for the difference of the above of the Division of Buildings and Grounds shall be unexpended balances in the personal services and fringe benefit accounts of the Division of Buildings and Grounds, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one each to the County Executive, the Director of Budget and Management and the Office of the Comptroller.

(4-0) Legislator Marshall absent.

7. Item Page -2004 (Comm. 9E-68)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Erie County Medical Center, Access Road Waterline Replacement, and

WHEREAS, the firm of Robson & Woese, Inc. presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Robson & Woese, Inc. in an amount not to exceed \$18,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Medical Center, Access Road Waterline Replacement, and be it further,

RESOLVED, that the \$18,000 fee allocation be taken from Project 293, Fund 410, 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 Erie County Medical Center; one copy to Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

(4-0) Legislator Marshall absent.

8. Item Page -2004 (Comm. 9E-77)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has a great demand for financial resources targeted toward low-income households seeking to improve their housing conditions; and

WHEREAS, the County of Erie has received \$237,128 from the Federal Home Loan Bank of New York under their Affordable Housing Program; and

WHEREAS, the full Program cost is \$2,423,727 with \$237,128 coming from the Federal Home Loan Bank of New York, \$2,104,900 from HSBC Bank USA, \$60,000 from the federal HOME Investment Partnership Program and \$21,700 from home buyers participating in the Erie County First Time Home Buyer – Targeted Program; and

WHEREAS, said monies will assist 30 households purchase a home in targeted communities within Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with the Federal Home Loan Bank of New York, Seven World Trade Center, New York, New York, and HSBC Bank USA, One HSBC Center, Buffalo, New York, for the purpose of implementing the County's First Time Home Buyer – Targeted Program for an amount not to exceed \$237,128; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; 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 Marshall absent.

9. Item Page -2004 (Comm. 9E-82)

COUNTY EXECUTIVE

WHEREAS, the City of Buffalo owns and operates a Central Heating facility in downtown Buffalo which is underutilized and the actual cost of the heat is more expensive than it should be, and

WHEREAS, currently, two County owned facilities are connected to the City's District Heat, and

WHEREAS, in order to bring down the cost of operation and more fully utilize the plant, the City needs to expand usage of the facility, and

WHEREAS, in response to an RFP issued three years ago to hire a consultant to study the expansion of District Heat in the downtown area the City awarded a contract to Siemens Building Technology through the Buffalo District Energy Corporation, and

WHEREAS, their work has progressed to a point where various County buildings have been identified as good candidates for District Heat, and

WHEREAS, the next step is for the County to analyze its buildings and work through Siemens as its Performance Contractor to determine if this is feasible from the County's standpoint,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to Siemens Building Technologies to perform a preliminary energy audit on various County owned facilities in the downtown area providing that a clause is included in the contract that states that no specific payment will be made for this service provided reasonable energy costs can be obtained through utilizing District Heat and a construction contract is progresses, and be it further

RESOLVED, that should the Performance Contractor perform a preliminary energy audit and reasonable energy costs can be obtained through utilizing District Heat, and a construction contract is not progressed by the County, the cost of \$367,000 for this preliminary energy audit will be paid from the Utility Fund, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one each to the County Executive, the Director of Budget and Management and the Office of the Comptroller.

(4-0) Legislator Marshall absent.

MARK J. F. SCHROEDER
CHAIRMAN