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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

March 4, 2013

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Third Amendatory Agreement – Design Services –  
Black Rock Canal Park Improvements Project**

Dear Honorable Members:

Enclosed please find a proposed resolution authorizing the execution of a third amendatory agreement to the Nussbaumer and Clark Inc. Design Service Contract dated July 11, 2011.

Nussbaumer and Clark Inc. is under contract to the County to perform engineering and construction management services for improvements to the Black Rock Canal Park. Erie County desires to expand the original scope of services to include a feasibility study for the extension of the break wall in the Niagara River as well as the possible use of a geo-thermal system in future phases of park improvements. Also, to meet current project deadlines Nussbaumer and Clark Inc. is being requested to perform additional engineering, construction management and public outreach.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Maria R. Whyte in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/cp  
Enclosure

C: Commissioner Maria R. Whyte  
Commissioner Troy Schinzel

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Third Amendatory Agreement – Design Services –  
Black Rock Canal Park Improvements Project  
**Date:** February 22, 2013

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### SUMMARY

Erie County is embarking on the creation of major improvements to the Black Rock Canal Park. The project's initial scope has increased to include additional feasibility studies, engineering and public outreach. It is recommended that the Erie County Legislature approve the attached resolution authorizing the County Executive to execute necessary change orders to the design services contract with Nussbaumer and Clark Inc., dated July 11, 2011.

### FISCAL IMPLICATIONS

The proposed resolution requests that a total amount of \$59,543.82 be allocated from the available funds in the SAP Account A. 21016 Black Rock Canal Park. The sources of funding for this project are from NYS Environmental Protection Funds, NYS Multimodal Program, the NYS Canal Corporation, and the Niagara River Greenway Commission allocation process.

### REASON FOR RECOMMENDATION

It is necessary that these approvals be granted, so that the work can be completed within the contractual timeframes from funding sources. It is the goal of the Phase 1 Improvements and feasibility study to be completed in 2013.

### BACKGROUND INFORMATION

Black Rock Canal Park, formerly known as the Ontario Street Boat Launch, is located along the Niagara River and is in need of much repair and updating. The project will implement new eco-friendly materials as a test pilot for future Erie County park improvements. The project will also create the first County dog park in one area of the park.

### CONSEQUENCES OF NEGATIVE ACTION

Funding from the State sources will be lost if the design and construction work does not continue this year.

### STEPS FOLLOWING APPROVAL OF RESOLUTION

Change Orders to the design services agreement with Nussbaumer and Clark Inc. for engineering and construction management services will be executed by the County Executive.

### COMPTROLLERS OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized Capital Project A.21016 for which there are sufficient account balances for the action proposed.



Stefan L. Mychajliw  
Erie County Comptroller

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Third Amendatory Agreement –  
Design Services – Black Rock  
Canal Park Improvements Project**

**WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and**

**WHEREAS, the County is embarking on a \$1.8 million multi-phased improvement project to Black Rock Canal Park; and**

**WHEREAS, Erie County is looking to add improvements to the boat launch and dock area, which results in a need to increase the contract cost with the design firm Nussbaumer and Clark Inc.; and**

**WHEREAS, this Honorable Body previously approved the hiring of Nussbaumer and Clark Inc. to perform engineering and construction management services (COMM. 10E-21, 2011).**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the County Executive be authorized and is hereby directed to increase the design services contract with Nussbaumer and Clark Inc. in an additional amount of \$59,543.83, to a total contract value not to exceed \$183,846.13, to provide additional engineering and construction management services; and be it further**

**RESOLVED, that the source of said increase is available within the Erie County Department of Environment and Planning Budget in SAP Account No. 21016, Black Rock Canal Park; and be it further**

**RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.**