



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 10, 2015

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Black Rock Canal Park – Phase 3 Design

Dear Honorable Members:

Enclosed please find a proposed resolution seeking authorization for the execution of an agreement with Nussbaumer and Clarke, Incorporated (NCI) for Phase 3 design services at the Erie County Black Rock Canal Park.

The resolution also is requesting authorization to accept a recent award of \$700,000 from the New York State Power Authority Resettlement Agreement (Greenway) and to create a new capital project for the design phase.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", is written over a faint, larger version of the same signature.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Thomas J. Dearing, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Black Rock Canal Park – Phase 3 Design
Date: July 10, 2015

SUMMARY

The Department of Environment and Planning is seeking authorization for the County Executive to execute an agreement for schematic design services with Nussbaumer and Clarke, Inc. The schematic design phase services pertain to Phase 3 improvements to the Black Rock Canal Park in the City of Buffalo. Authorization is also being requested to accept a \$700,000 award from the New York State Power Authority Resettlement Agreement and to create a new capital project for Phase 3 which will be funded by the award.

FISCAL IMPLICATIONS

The cost of the Schematic Design Phase is currently estimated at an amount not to exceed \$62,290. The monies will utilize a portion of the recent award of \$700,000 in New York State Power Authority proceeds from the Relicensing Agreement as funneled through the Erie County Standing Committee Greenway process. A new Capital Account of \$700,000 will be set up by the Division of Budget and Management in Fund Center 162, Fund 410.

REASONS FOR RECOMMENDATION

It is necessary that these approvals be granted, so that the work can be completed within the targeted timeframes from the funding source. It is important to have Phase 3 of the Park Improvements design underway soon so that construction can begin in the spring of 2016. Nussbaumer and Clarke, Inc. has completed design of Phase 1 and 2 of park improvements and is familiar with the park property, necessary permits, and land control matters.

BACKGROUND INFORMATION

The requirement for Request for Proposals in Section 19.08 of the Erie County Administrative Code is requested to be waived since the timeframe for expending grant funds is very short. Nussbaumer and Clarke's previous experience on Phase 1 and 2 will expedite the public outreach and design of the next phase of park improvements.

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. Phase 3 of the project will focus on boat basin improvements.

CONSEQUENCES OF NEGATIVE ACTION

The project will be delayed and thus threaten the County's ability to draw down the Niagara River Greenway funds in a timely manner.

STEPS FOLLOWING APPROVAL

A design services agreement with Nussbaumer and Clarke, Inc. for schematic design services will be executed by the County Executive.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to a capital project, which would become authorized and have sufficient account balances for the action proposed following legislative approval.



FOR GREGORY GACH

GREGORY GACH
Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Black Rock Canal Park – Phase 3 Design

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

WHEREAS, Erie County is looking to initiate Phase 3 improvements, which include enhancements to the boat basin area; and

WHEREAS, Erie County was recently awarded a \$700,000 grant through the Niagara River Greenway funding process for Phase 3 improvements to Black Rock Canal Park and it is necessary to accept these funds and to award a contract for the design phase of the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award of \$700,000 from the New York State Power Authority Resettlement Agreement (Greenway) for the Phase 3 improvements; and be it further

RESOLVED, that the Division of Budget and Management is authorized to establish a new capital project in Fund Center 162, Fund 410 (Account 409000 State Aid Revenues) with the funds from this award and to make the necessary budgetary adjustments; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an agreement with Nussbaumer and Clarke, Inc. (NCI) for engineering services for the project's schematic design phase in an amount not to exceed \$62,290, and an additional \$6,230 for a Department of Environment and Planning design contingency fund with authorization for the County Executive to approve contract amendments with NCI not to exceed \$68,520; and be it further

RESOLVED, that the estimated total sum of the schematic design phase inclusive of the design contingency \$68,520 is hereby appropriated from the new capital project and made available to cover the cost of participation in the above schematic phase of the Project; and be it further

RESOLVED, that the requirement for a request for proposal in Section 19.08 of the Erie County Administrative Code is hereby waived due to the unique knowledge and experience of Nussbaumer and Clarke, Inc. concerning conditions at Black Rock Canal Park and their ability to expedite the design process in a manner consistent with the completion timeframes established by various grantor agencies; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.