



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

June 30, 2015

**IMMEDIATE CONSIDERATION**

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

**Re: Isle View Park-Tribute Garden – Phase II**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a contract agreement with the lowest responsible bidder, Wayside Nursery, LLC, for the Isle View Park- Tribute Garden-Phase II project.

The Phase II work is a continuation of Phase I that was completed last summer. The bids received for Phase II exceed the NYS Power Authority (Greenway) Grant Funding, which your Honorable Body approved on June 11, 2015. The County Executive is now seeking legislative approval to provide additional funding so the construction contract can be awarded.

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", with a long, sweeping flourish extending to the right.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/dab

cc: John C. Loffredo, Commissioner

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Isle View Park-Tribute Garden – Phase II  
**Date:** June 30, 2015

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### **SUMMARY**

The Tribute Garden Wall will honor those whose lives have been affected by domestic violence and give survivors and their families a safe place to reflect and find solace. The garden will provide an approachable, awareness driven, and engaging sanctuary for women, men and children. The Tribute Garden is sponsored by the Erie County Executive through the Erie County Commission on the Status of Women. Phase II of the project was to be fully funded by the NYS Power Authority (Greenway) Fund.

This resolution is seeking authorization for the County Executive to enter into a contract with the lowest responsible bidder, Wayside Nursery, LLC, and for increasing the project funding since the lowest bid received exceeded the NYS Power Authority (Greenway) funding.

### **FISCAL IMPLICATIONS**

The County has received a grant from the New York State Power Authority (Greenway) Fund, in the amount of \$157,965.00 and the balance of funds for Phase II is to be funded from the 2012 Capital Budget, SAP Account A.12007-2012-Countywide Parks Improvements & Equipment.

### **REASONS FOR RECOMMENDATION**

The Tribute Garden will serve as an important reminder that domestic violence exists and that the lives devastated by domestic violence should be remembered with dignity, love and respect.

### **BACKGROUND INFORMATION**

The Tribute Garden will honor those whose lives have been affected by domestic violence and give survivors and their families a safe place to reflect and find solace. The garden will provide an approachable, awareness driven, and engaging sanctuary for women, men and children. The Tribute Garden is sponsored by the Erie County Executive through the Erie County Commission on the Status of Women. Phase I of the project was completed last summer and Phase II will complete the project.

### **CONSEQUENCES OF NEGATIVE ACTION**

People affected by domestic violence will not have a place to go and give survivors and their families a safe place to reflect and find solace. The awareness of domestic violence will go unnoticed. The Tribute Garden will only be partially completed.

### **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidder so the work can begin.

**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



GREGORY GACH *for 666*

Deputy Comptroller

Comptroller's Office

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

**RE: Isle View Park – Tribute Garden Wall – Phase II**

**WHEREAS**, the Tribute Garden will honor those whose lives have been affected by domestic violence and give survivors and their families a safe place to reflect and find solace; and

**WHEREAS**, the Erie County Department of Public Works completed Phase 1 of the Tribute Garden last summer; and

**WHEREAS**, the New York State Power (NYS) Authority (Greenway) is partially funding Phase II of the Tribute Garden Project through a grant to the County of Erie; and

**WHEREAS**, the Department of Public Works has received bids for the Isle View Park-Tribute Garden-Phase II on June 11, 2015; and

**WHEREAS**, the Erie County Department of Public Works along with the consultant, Joy Kuebler Landscape Architect PC, is recommending award of the contract to the lowest responsible bidder; and

**WHEREAS**, the lowest responsible bid received exceeds the NYS Power Authority (Greenway) Fund Grant.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive is authorized to enter into a contract for the Isle View Park-Tribute Garden-Phase II Project with Wayside Nursery, Inc. for an amount not to exceed \$186,340.00; and be it further

**RESOLVED**, that the sum of \$6,625.00 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

**RESOLVED**, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

**RESOLVED**, that the Comptroller’s Office be authorized to make payment for all the above as follows:

NYS Power Authority (Greenway) Grant, Fund 281	\$157,965.00
<u>A.12007-2012-Countywide Parks Improvements</u>	<u>\$ 35,000.00</u>
Total Amount of Payments Not To Exceed	\$192,965.00

; and be it further

**RESOLVED**, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, Department of Public Advocacy, the Department of Parks, Forestry and Recreation, the Division of Budget and Management and the Office of the Comptroller.

TO: GREGORY GACH, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |   |
|-----------------------|---|
| 1. CONTRACTOR'S NAME  | <u>Wayside Nursery LLC</u>  |
| 2. AMOUNT OF CONTRACT | <u>Wayside Nursery LLC \$186,340.00</u><br><u>Construction Contingency \$ 6,625.00</u>  |
| 3. PROJECT NUMBER     | <u>NYS Power Authority (Greenway) Grant</u><br><u>Fund 281 \$157,965.00</u><br><u>A.12007-2012 Countywide Parks</u><br><u>Improvements \$ 35,000.00</u> |
| 4. PROJECT TITLE      | <u>Isle View Park – Tribute Garden – Phase II</u>   |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Jeffrey P. Zack, PE at x8824</u><br><u>Letter pickup: Diane Bukowski at x8301</u>   |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |                             |
|------------------------------------|-----------------------------|
| 6. AVAILABILITY OF FUNDS           | <u>A.12007 \$ 35,000.00</u> |
| 7. PERFORMED BY                    | <u>Don Urban</u>            |
| Date Sent to Comptroller's Office: | <u>June 23, 2015</u>        |

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