December 16, 2019

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

RE: Buffalo Niagara Convention Center - 2019 – Franklin Street and Court Street Betterment with the City of Buffalo

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into an agreement with the City of Buffalo for the Buffalo Niagara Convention Center 2019 Franklin Street and Court Street Betterment project.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr. at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nt
Enclosure

cc: William Geary, Commissioner
MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Buffalo Niagara Convention Center – 2019 – Franklin Street and Court Street Betterment with the City of Buffalo
Date: December 16, 2019

SUMMARY
This resolution is requesting authorization for the County Executive to enter into an agreement with the City of Buffalo ("the City") for the Buffalo Niagara Convention Center – 2019 – Franklin Street and Court Street Betterment project, located at Convention Center Plaza, Buffalo New York 14202.

This project is part of a larger Franklin Street improvement project being let by the City and involves sidewalk replacement along Franklin Street on the west side of the Buffalo Niagara Convention Center (BNCC) limited to the space beyond the highway boundary and in front of the building; and the regrading and repaving of BNCC’s plaza located on the Southeast portion of the site within its property line, which is bound by Court Street on the south, Pearl Street on the east, and 43 Court Street Building on the west. Pursuant to Sections 224 and 225 of the County Law and Local Law 3-2002, the County is authorized to appropriate funds for the purpose of making a conditional grant to the City for public benefit funding. This amount shall not exceed $160,000.

FISCAL IMPLICATIONS
Funds for the project are currently available from the previously approved, as adopted 2017 Erie County Capital Budget, Funds Center 122, Fund 410, Project A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation (Buffalo).

REASONS FOR RECOMMENDATION
The existing interlocking paving by the BNCC Franklin Street frontage and Court Street plaza is 43 years old, has settled unevenly, and is a tripping hazard. In addition, the existing Court Street plaza is reported by BNCC personnel to have drainage and ponding issues resulting in potentially unsafe winter conditions for pedestrians along Court Street.

By agreeing to assist the City with the minor cost for the 765 square feet of sidewalk replacement along Franklin Street limited to within the BNCC building and the highway boundary on the west, the City will be able to complete their sidewalk improvement project. The existing sidewalk directly at BNCC’s front entrance doors will remain unchanged because of the existing snow-melt system.

In addition, removing the existing interlocking pavers and replacing with exposed aggregate concrete paving and sealed joints will rectify the drainage and ponding issues at BNCC’s Court Street plaza.
The total amount shall not exceed $160,000 based on cost estimates provided by the City’s engineering consultant.

BACKGROUND INFORMATION
The City is implementing an Infrastructure Improvements to the Downtown Entertainment District project to the following streets: Chippewa Street between Main Street and Elmwood Avenue, Franklin Street between Chippewa Street and Court Street, and Court Street between Main Street and Niagara Street.

Total funding available for the City’s project is approximately $6,000,000 allocated through various State and City agencies. The design work shall include but is not limited to, street paving, curb and sidewalk improvements, landscaping, street lighting, upgraded traffic signals and other miscellaneous work.

CONSEQUENCES OF NEGATIVE ACTION
If this approval is not obtained, the City will be unable to replace any of the existing interlocking pavers in front of the BNCC building which will result in a discontinuous appearance of the Franklin Street improvement as the rest of Franklin Street will still be improved as part of the City’s project. In addition, the City of Buffalo will not replace the existing interlocking pavers at BNCC’s Court Street plaza and drainage issues will not be rectified.

STEPS FOLLOWING APPROVAL
Upon Legislative approval, the County Executive will enter into an agreement with the City of Buffalo for the Buffalo Niagara Convention Center – 2019 – Franklin Street and Court Street Betterment project.
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 G. GACH
Deputy Comptroller
Comptroller’s Office

A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation (Buffalo)

File Copy (DPW Resolution_BG_BNCC Franklin + Court St Betterment_Bflo.docx)
A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE:  Buffalo Niagara Convention Center – 2019 – Franklin Street and Court Street Betterment with the City of Buffalo

WHEREAS, the County, pursuant to the authority granted to it by Sections 224 and 225 of the County Law and Local Law No. 3-2002, is authorized to appropriate funds for the purpose of making a conditional grant to the City for public benefit funding; and

WHEREAS, the existing interlocking paving by the Buffalo Niagara Convention Center Franklin Street frontage and Court Street plaza is 43 years old, has settled unevenly and is a tripping hazard; in addition the Court Street plaza has drainage and ponding issues resulting in potential unsafe winter conditions for pedestrians along Court Street; and

WHEREAS, the City of Buffalo is currently implementing an Infrastructure Improvements to the Downtown Entertainment District project which includes Franklin Street between Chippewa Street and Court Street, and Court Street between Main Street and Niagara Street; and

WHEREAS, the City of Buffalo has estimated the County’s betterment work not to exceed $160,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the City of Buffalo for the Buffalo Niagara Convention Center – 2019 – Franklin Street and Court Street Betterment project, for an amount not to exceed $160,000; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the approved, as amended 2017 Capital Budget, Fund 410, Funds Center 122, follows:

A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation (Buffalo) $160,000

; 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, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Paul Murphy c/o BNCC.
TO:             GREGORY G. 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       City of Buffalo

2. AMOUNT OF CONTRACT  City of Buffalo  $160,000

3. PROJECT NUMBER          A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation (Buffalo)

4. PROJECT TITLE           Buffalo Niagara Convention Center – 2019 – Franklin Street and Court Street Betterment with the City of Buffalo

5. DEPARTMENT CONTACT  Funding questions: Kristofer Straus at x7294
                                                Letter pickup: Christy Weber at x8301

COMPTROLLER’S OFFICE COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS  

7. PERFORMED BY

Date Sent to Comptroller’s Office:  December 5, 2019

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