

June 15, 2017

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 3E-9 (2017)

MILLS: "Letter to County Executive Regarding Condition of Springville-Boston Road, Towns of Boston & Concord"
(6-0)

2. COMM. 10E-24 (2017)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, Glenwood - East Concord Road from Holland Glenwood Road to Foote Road; Boston State Road from Boston Cross to Abbott Hill Road; Springville Boston Road from Abbott Hill Road to Route 39 are all in poor condition; and

WHEREAS, the Department of Public Works has opened bids for the 2017 Capital Overlay Contract B Project; and

WHEREAS, the lowest responsible bidder was Destro and Brothers Concrete Co., Inc. at \$3,367,772.14; and

WHEREAS, the allotted contingency for the 2017 Capital Overlay Contract B project is \$336,777.21; and

WHEREAS, it is desired to award the construction contract to Destro Brothers Concrete Co., Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the 2017 Capital Overlay Contract B Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay for the Construction Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project funds, Fund 420, BA 123, SAP B.17050 - 2017 Capital Overlay in the amount of \$3,705,549.35, be made available for the Project; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$3,705,549.35; and be it further

RESOLVED, that the County Executive is authorized to execute a construction agreement between the County of Erie and Destro Brothers Concrete Co., Inc. for the 2017 Capital Overlay Contract B Project; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for the project; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

3. COMM. 10E-24 (2017)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, as a result of these inspections, maintenance staff and taxpayer notifications, Erie County desires to respond to conditions which may restrict access to the traveling public with a plan of action as soon as practicable; and

WHEREAS, engineering and design services are necessary for the annual Bridge Inspection and Maintenance Program; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in emergency bridge design, technical/engineering services, construction management and inspection, and Bridge Maintenance design through an RFP process; and

WHEREAS, in order for the Department of Public Works, Division of Highways, to respond to these cited County bridge deficiencies with appropriate action, Legislature approval is required to authorize the County Executive to award a contract to CHA Consultants, Inc.; and

WHEREAS, there is funding available in Fund Center 123, Fund 420, SAP Account B.16017, in the amount of \$250,000 for this contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with CHA Consultants, Inc. in the amount of \$250,000 from Fund 420, BA 123, SAP Account B.16017, 2016 Bridge and Culvert Design; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Division of Purchase. (6-0)

4. COMM. 11E-6 (2017)
COUNTY EXECUTIVE

WHEREAS, it is desired to acquire the ROW necessary to construct a multi-use paved pedestrian/bike pathway from Roat Drive along Lakeshore Road to Shell Road, through Wendt Beach Park to the Wendt Beach Park Access Road/Lakeshore Road intersection and thence along Lakeshore Road to Sturgeon Point Road in the Town of Evans, the "Project" known as Lakeshore Shoreline Trail – Phase 3, a federal aid project identified as NYSDOT PIN 5758.02; and

WHEREAS, in order to facilitate construction it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 220.09-1-43.1	Evans
SBL 220.09-1-45	Evans
SBL 220.09-1-46	Evans

Such property to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that a sum not to exceed \$30,000 from A.16019 be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (6-0)

JOSEPH C. LORIGO
CHAIR