

November 30, 2017

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 17

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 20E-7 (2017)
COUNTY EXECUTIVE

WHEREAS, the Goodrich Road CR216 Reconstruction Project (the "Project") contract was awarded to Concrete Applied Technologies Corp. (CATCO), the responsible low bidder on August 31, 2015 via Comm. 8E-4 of April 24, 2014 and Comm. 7E-5 of April 23, 2015; and

WHEREAS, the Project required additional work, approved by the Department of Public Works (DPW), for excavation of the sub-base material (undercut) due to the poor soil qualities; and

WHEREAS, New York State Department of Conservation and US Army Corps of Engineers Wetlands required wetland mitigation for the Project's associated permits; and

WHEREAS, Erie County Soil & Water Conservation District (ECS&W) performed this specialized work for the Project, at the direction of DPW, in Beeman Creek Park, Town of Clarence.

WHEREAS, it is necessary to allocate additional funds for the Project in the amount of \$170,615 and authorize the execution of a Change Order to CATCO's construction contract and an amendment to ECS&W's technical services agreement to process payment and close the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Goodrich Road Reconstruction Project Number CAP-216-15 budget be increased by \$170,615; and be it further

RESOLVED, that the additional funds for the Project be allocated from Fund 420, Funds Center 123, SAP Projects B.14014, 2014 Preservation of Roads Program in an amount of \$136,768 and B.15001, 2015 Preservation of Roads Program in an amount of \$33,847; and be it further

RESOLVED, that the County Executive be authorized to execute a Change Order for the Goodrich Road Reconstruction Project Number CAP-216-15, with the contractor, CATCO in the amount of \$130,000, and to authorize the County Executive to enter into an amendment to ECS&W's technical services agreement with ECS&W in the amount of \$40,615; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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, and the Office of the Comptroller.

(6-0)

2. COMM. 20E-9 (2017)
COUNTY EXECUTIVE

WHEREAS, New York State Electric and Gas Corporation (NYSEG) has requested a permanent Right of Way and Easement over, under, along and/or through the County Owned parcel located on Walden Avenue, Alden, New York SBL# 96.00-5-1; and

WHEREAS, this Right of Way and Easement would be along the southerly side of Walden Avenue and used to extend utility service to a solar generation facility being developed near the Erie County Correctional Facility; and

WHEREAS, it is necessary that this approval be granted to allow this Right of Way and Easement to be issued so that construction of the solar generation facility could be completed; and

WHEREAS, authorization to grant an easement for utility services is contingent upon the review and approval of the Architectural Review Committee for the above referenced easement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to grant an easement for utility services at the County Owned parcel located on Walden Avenue, Alden, New York SBL# 96.00-5-1 to NYSEG; and be it further

RESOLVED, that two 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 Department of Environment and Planning, Office of the Commissioner, County Attorney and the Office of the Comptroller.
(6-0)

3. COMM. 20E-10 (2017)
COUNTY EXECUTIVE

WHEREAS, the existing 35 year old roof system at Erie County Community College North Campus Spring Student Center is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Erie County Department of Public Works received A/E professional design proposals for Erie County Community College North Campus Spring Student Center on February 14, 2017; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Bell & Spina Architects Planners P.C, to provide professional design and construction administration services for Erie Community College North Campus Spring Student Center Roof Replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Bell & Spina Architects Planners P.C. to provide professional design and construction document services for the Erie Community College North Campus Spring Student Center Roof Replacement project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account E.15003 – 2015 ECC Roof Replacement & Waterproofing Collegewide, an amount not to exceed \$200,000, including reimbursables and a design contingency; 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, Erie Community College, Director of Finance and the Office of the Comptroller.
(6-0)

4. COMM. 20E-11 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Youth Detention Facility – 2016 Interior Housing Unit renovations project on August 31, 2017; and

WHEREAS, the Division of Youth Services is required to provide a safe and secure environment for youth held at the Youth Detention Facility, and

WHEREAS, the Erie County Department of Public Works and the Architectural and Engineering consultant, Zaxis P.C., are recommending award of construction contracts to the lowest responsible bidders; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Zaxis P.C. for providing design, construction documents, and construction administrative services for Erie County Youth Detention Facility – 2016 Interior Housing Unit Renovations.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management is hereby authorized to transfer funds in the 2017 Budget in order to fully fund the 2017 Interior Housing Unit Renovations project in the Youth Services Division as follows:

Division of Youth Services		
Fund 110 - Fund Center 12520		
Expense		Increase/(Decrease)
516020 Professional Services		(117,720)
570050 Inter-fund Transfer to Capital		<u>117,720</u>
	Total	0
Fund 410 - Project A.17031		
Renovations to Secure Youth Detention Facility		
Revenue		Increase
486000 Inter-fund Revenue Subsidy		117,720
Expense		
Capital Projects		<u>117,720</u>
	Net	0

; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for Erie County Youth Detention Facility – 2016 Interior Housing Unit Renovations project for an amount not to exceed as follows:

<u>General Construction Work:</u>		
Trason	Base Bid	\$ 463,000
	Add Alt 1	\$ 352,000
	Add Alt 2A	\$ 46,000
	Add Alt 2B	<u>\$ 46,000</u>
Total GC Contract Not To Exceed		\$ 907,000
 <u>Mechanical Work:</u>		
Willet Builders	Base Bid	\$ 28,900
	Add Alt 1	<u>\$ 26,000</u>
Total Mechanical Contract Not to Exceed		\$ 54,900

Electrical Work:

Wydman	Base Bid	\$ 34,000
	Add Alt 1	\$ 29,000
	Add Alt 3A	\$ 33,000
	Add Alt 3B	\$ 33,000
Total Electrical Contract Not to Exceed		\$ 129,000

Plumbing and Fire Protection Work:

MKS	Base Bid	\$ 37,700
	Add Alt 1	\$ 36,500
Total Plumbing Contract Not to Exceed		\$ 74,200

Total Contract Award Not to Exceed \$ 1,165,100

;and be it further

RESOLVED, that the sum of \$25,000.66 from SAP project account A.17031 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that savings from change order reductions will result in these funds being placed into the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Zaxis Architectural, PC for providing professional A/E design, construction documents and construction administration services for Erie County Youth Detention Facility – 2016 Interior Housing Unit Renovations project, including a design contingency and reimbursable costs for an amount not to exceed \$12,550; and be it further

RESOLVED, that the Comptroller’s office be authorized to make payment for all the above from the SAP project accounts, Fund 410, BA 122, SAP Accounts:

A.16036 – Renovation to Secure Youth Detention Facility	\$ 520,430.66
<u>A.17031 – Renovation to Secure Youth Detention Facility</u>	<u>\$ 682,220.00</u>
For a Total Amount Not To Exceed	\$ 1,202,650.66

;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.

(6-0)

5. COMM. 21E-8 (2017)
COUNTY EXECUTIVE

WHEREAS, previously approved resolution Comm. 19E-5 (2017) requested approval of the above federal aid project; authority for the County Executive to execute all necessary agreements, certifications or reimbursement requests for the project with the New York State Department of Transportation; and authority to execute an inter-municipal agreement with the Village of Kenmore addressing the Village’s responsibility for 100% of the local share of project costs including any overruns; and

WHEREAS, that same resolution requested that the Erie County Office of the Comptroller establish a new capital project for the total amount of \$125,000 in Fund 420, Funds Center 123, and accept Federal revenue in the amount of \$100,000 (G/L Account 414000) and Village of Kenmore revenue of \$25,000 (G/L 420499); and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Phases I-VI) and Right-of-Way Incidentals Phases of the Project; and

WHEREAS, it is desired to execute a contract with the selected consultant Clark Patterson Lee (CPL) in the amount of \$125,000 for Preliminary Engineering (Phases I-VI) and Right-of-Way Incidentals; and

WHEREAS, upon completion of the Preliminary Engineering (Phases I-VI) and Right-of-Way Incidentals phases of the project and execution of the necessary construction phase State-Local Agreement with NYSDOT it is desired to negotiate and execute a contract amendment with CPL for engineering services during construction and construction inspection.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with Clark Patterson Lee for Preliminary Engineering (Phases I-VI) and Right-of-Way (ROW) Incidentals phases of the Project in the total amount of \$125,000 which will be appropriated from a new capital project to be established by the Office of the Comptroller for the total amount of \$125,000 in Fund 420, Funds Center 123 and to accept Federal revenue of \$100,000 (G/L Account 414000) and Village of Kenmore revenue of \$25,000 (G/L 420499) which will fund the cost of said services; and be it further

RESOLVED, that upon completion of the Preliminary Engineering (Phases I-VI) and ROW Incidentals phases of the project and execution of the necessary construction phase State Local Agreement with NYSDOT the County Executive be authorized to negotiate and execute an agreement for engineering

services during construction and construction inspection for the Project with Clark Patterson Lee in an amount not to exceed that provided for in the State-Local Agreement; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded 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 County Attorney, and the Office of the Comptroller.

(6-0)

6. COMM. 21E-9 (2017)

COUNTY EXECUTIVE

WHEREAS, it is desired to acquire the Right-of-Way (ROW) necessary for the replacement of a culvert on Hayes Hollow Road in the Town of Colden for the "Project"; and

WHEREAS, in order to facilitate construction of the Project it will be necessary for the County to acquire by easement and/or fee, such parcels as may become necessary for construction, including 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 259.00-2-6.2	Colden

Such property necessary 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 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 \$75,000 was previously authorized via resolution reference Comm. 1E-8 of January 26, 2017 and be made available from B.16006 to cover all costs of Project 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, including CHA Consulting, Inc., 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, including CHA Consulting Inc., 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, including CHA Consulting Inc., 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, including CHA Consulting, Inc., 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)

7. COMM. 21E-10 (2017)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, as part of its duties and responsibilities, maintains various County buildings within the City of Buffalo; and

WHEREAS, the City of Buffalo provides garbage and recycling bin pick-up; and

WHEREAS, the current Memorandum of Understanding (MOU) has is outdated; and

WHEREAS, the Department of Public Works has negotiated with the City of Buffalo to pay for said garbage and recycling bin pick-up services; and

WHEREAS, the terms of this arrangement are favorable to the County and adequate funding for all associated costs for 2017 is available in the 2017 Department of Public Works Budget, GL account 520050-Garbage Disposal, Fund 110, Fund Center 12220.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to sign a Memorandum of Understanding (MOU) between the County of Erie and the City of Buffalo for the City to pick up trash and recycling bins at several County-owned buildings; and be it further

RESOLVED, that the cost to Erie County is \$5,000 per month and that this MOU shall be reviewed annually and renewed automatically unless one or both parties agree to terminate the arrangement upon reasonable notice to the other; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Department of Public Works, the Director of Budget and Management, the County Attorney and the County Comptroller.
(6-0)

8. COMM. 21E-11 (2017)
COUNTY EXECUTIVE

WHEREAS, restoration and repairs to Houses 1, 4, 7, 10, 11 & 12 will correct and preserve the glass and masonry structures which are failing due to ongoing water penetration and dampness that is inherent to this type of structure. House 1, 11 and 12 face the front of the facility and the repairs will improve their appearance and function alongside with the recently completed Houses 2 & 3; and

WHEREAS, the Erie County Department of Public Works received A/E professional design proposals for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Project on September 8, 2017; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Foit Albert Associates to provide professional design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Fund 480, Funds Center 122, SAP Project A.16002 – 2016 Botanical Gardens Rehabilitation, for an amount not to exceed \$150,000, including reimbursable costs and a design contingency; 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, Erie Community College, Director of Finance and the Office of the Comptroller.
(6-0)

9. COMM. 21E-12 (2017)
COUNTY EXECUTIVE

WHEREAS, this Honorable Body approved the above project and award of a construction contract to the lowest responsible bidder via Comm. 13E-9 (July 27, 2017); and

WHEREAS, this original authorization carried a construction funding limit of \$200,000; and

WHEREAS, a single bid was received for the project in the amount of \$245,960 from Hohl Industrial Services, Inc.; and

WHEREAS, it was determined that it was in the best interest of the County to accept the single bid submitted; and

WHEREAS, in order to accept the bid additional funding for construction and a suitable contingency is required; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder, Hohl Industrial Services, Inc. in the amount of \$245,960 and to establish an approximate 12% contingency in the amount of \$29,040 for a new not to exceed amount of \$275,000; and

WHEREAS, this requires that additional funding in the total amount of \$75,000 be added to the original funding of \$200,000; and

WHEREAS, this additional amount of \$75,000 is available from Fund 420, Funds Center 123 SAP Projects B.15014 Dam Preservation, Rehabilitation and Regulatory Compliance Construction Countywide (\$25,000) and B.16050.1.3 Como Lake Dam Construction (\$50,000).

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds from Fund 420, Funds Center 123 SAP Projects B.15014 Dam Preservation, Rehabilitation and Regulatory Compliance Construction Countywide (\$25,000) and B.16050.1.3 Como Lake Dam Construction (\$50,000) be made available for construction of the Project and be added to the originally authorized project funds for a not to exceed total of \$275,000; and be it further

RESOLVED, that the County Executive be authorized to award a construction contract to the lowest responsible bidder, Hohl Industrial Services, Inc., in the amount of \$245,960 and to establish a contingency of \$29,040 for an overall not to exceed total of \$275,000; and be it further

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

10. COMM. 21E-14 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant (CDBG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$2,700,000 annually in Community Development Block Grant Funds from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low- and moderate-income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with LaBella Associates, DPC in an amount not to exceed \$30,000 for the purpose of undertaking household

income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the source of said funds shall be Project Number WBS-J.00517.2.11 for the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the County Executive's Office; the County Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; Commissioner of the Department of Environment and Planning, Rath Building, 10th floor.
(6-0)

11. COMM. 21E-15 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the federal Emergency Solutions Grant (ESG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Block Grant Consortium; and

WHEREAS, said Consortium receives approximately \$218,000 annually in ESG funds from the United States Department of Housing and Urban Development; and

WHEREAS, said funds benefit the homeless population and those who are at risk of being homeless; and

WHEREAS, the ESG program provides a critical service by preventing residents from becoming homeless and rapidly re-housing those already in a homeless shelter.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Restoration Society, Inc. in an amount not to exceed \$190,000 for the purpose of undertaking Homeless Prevention and Rapid Rehousing services within the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Homeless Alliance of WNY in an amount not to exceed \$12,000 for the purpose of providing Homeless Management Information System (HMIS) services within the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the source of said funds shall be Project Number WBS J.00617.2 for the Emergency Solutions Grant Program; and be it further

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

(6-0)

12. COMM. 21E-36 (2017)

COUNTY EXECUTIVE

WHEREAS, Commissioner of Public Works desires to engage the services of Environmental Service Consultants in order to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on various County projects; and

WHEREAS, the Department of Public Works advertised for Countywide Hazardous materials Design and/or Sample Testing and Air Monitoring consulting firms and received proposals on June 19, 2017 ; and

WHEREAS, after careful review of each firm's capabilities, several firms were selected having the necessary expertise, experience, and manpower to provide the required services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Watts Architecture & Engineering PC and LiRo Engineers, Inc. to provide Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and be it further

RESOLVED, that the sum of \$150,000 be allocated for said environmental consulting service fees to be paid to the selected consultants, with a maximum contract value of \$75,000 each; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.17004 for a total amount not to exceed \$150,000; 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.

(6-0)

**JOSEPH C. LORIGO
CHAIR**