

February 14, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-3 (2019)
VISIT BUFFALO NIAGARA: “2019 Operating Budget & Strategic Plan of the Buffalo Niagara Convention & Visitors Bureau, Inc.”
(Chair’s ruling)
 - b. COMM. 3M-4 (2019)
VISIT BUFFALO NIAGARA: “Listing of Personnel, Job Descriptions & Salaries for All Employees of the Buffalo Niagara Convention & Visitors Bureau, Inc.”
(Chair’s ruling)
 - c. COMM. 3M-12 (2019)
NFTA: “Minutes for Board of Commissioners Meeting Held on 12/20/18”
(Chair’s ruling)
 - d. COMM. 3M-13 (2019)
NFTA-METRO: “Positive Declaration, Determination of Significance & Notice of Intent to Prepare a Draft Environmental Impact Statement - Metro Rail Expansion Project”
(Chair’s ruling)
2. COMM. 3E-15 (2019)
COUNTY EXECUTIVE
WHEREAS, the Town of Grand Island (“Town”) intends to design and construct sidewalks on two County-owned roads, Whitehaven Road (CR75) and Baseline Road (CR 249); and

WHEREAS, said improvements shall be designed and constructed in compliance with the Americans with Disabilities Act and with Federal and Town funds; and

WHEREAS, the Town will own said improvement and be responsible for any and all maintenance aspects related to the sidewalks; and

WHEREAS, an Inter-municipal Agreement between the Town and the County will be necessary to allow the Town to proceed with the design and construction of the sidewalk facilities along with the future maintenance of these facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an agreement between the County of Erie and the Town of Grand Island, allowing the Town to design, construct, and maintain the sidewalks located in Town of Grand Island along Whitehaven Road (CR75) and Baseline Road (CR 249); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of the resolution to the County Executive, the County Attorney, and the Department of Public Works.
(5-0)

3. COMM. 3E-25 (2019)
COUNTY EXECUTIVE

WHEREAS, a project for the replacement of Trevett Road Bridge over Eighteen Mile Creek, BIN 3328560, PIN 5762.15, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds and 5% non-Federal funds; and

WHEREAS, the County of Erie previously advanced the Project via Legislative Communication 8E-9 dated May 11, 2017; and

WHEREAS, the County of Erie previously approved the acquisition of Right-of-Way for the Project via Legislative Communication 17E-18, as amended, dated October 4, 2018; and

WHEREAS, the BridgeNY Program requires the Project to be let no later than 18 months after award of the Project to the County of Erie; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection and Right-of-Way acquisition phases of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction, Construction Inspection, and Right-of-Way Acquisition Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYSDOT) in the total amount of \$2,220,000 of which \$111,000 is the required local share, for the construction, construction inspection, and Right-of-Way Acquisition phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with Greenman Pedersen, Inc., various utilities and establish a local share construction contingency in an amount not to exceed \$250,000, for a total project construction phase allowance not to exceed \$2,450,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this BridgeNY Project in the total amount of \$2,220,000 of which \$111,000 is the required local share; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction, construction inspection, and Right-of-Way acquisition phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from BridgeNY funds; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with Greenman Pedersen, Inc., enter into utility agreements, and establish a local share construction contingency in an amount not to exceed \$250,000 for a total project construction phase cost not to exceed \$2,450,000; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the 95% Federal aid reimbursement of \$2,090,000 for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the estimated total sum, with adjustments for the anticipated Federal revenue, of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount not to exceed \$2,450,000 is hereby appropriated from the Project B.18015 – Federal Aid Bridge Project, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18015, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
APPROPRIATIONS				
UNALLOCATED	Unallocated Capital	\$5,065,000	(\$2,090,000)	\$2,975,000
CAPITLAPROJECTS	Capital Project Expense	<u>\$ 935,000</u>	<u>\$ 2,090,000</u>	<u>\$ 3,025,000</u>
TOTAL APPROPRIATIONS		<u>\$ 6,000,000</u>	<u>\$ 0</u>	<u>\$ 6,000,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for an and all additions or reductions in Federal and/or State revenue that are made for this Project; and be it further

RESOLVED, that the 5% required local share of \$1,000 for Right-of-Way acquisition be made available in the previously approved 2017 Capital Right-of-Way Budget, in B.17006 – 2017 Capital Right-of-Way, Fund 420, Funds Center 123; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the 95% reimbursement of \$19,000 in Federal Aid for Right-of-Way acquisition from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in Project B.17006, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
414000	Federal Aid	\$ 0	\$ 19,000	\$19,000
475000	Gen Oblig Bond Proc	<u>\$ 100,000</u>	<u>\$ 0</u>	<u>\$ 100,000</u>
TOTAL REVENUES		<u>\$ 100,000</u>	<u>\$ 19,000</u>	<u>\$ 119,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	<u>\$ 100,000</u>	<u>\$ 19,000</u>	<u>\$ 119,000</u>
TOTAL APPROPRIATIONS		<u>\$ 100,000</u>	<u>\$ 19,000</u>	<u>\$ 119,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget for the Federal revenue in accordance with the current Supplemental Agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are made for this Project; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of Federal Aid, State Aid, or BridgeNY funding awarded to the County of Erie; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$2,450,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County of Erie hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0)

4. **COMM. 3E-26 (2019)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works (DPW), Division of Highways, and the Department of Environment and Planning host and maintain a Geographic Information Solutions ("GIS") ERSI database; and

WHEREAS, as a result of this software and services, Erie County DPW will operate more efficiently as well as respond to the public with consistent and accurate data; and

WHEREAS, the DPW, Division of Highways, determined that Bergmann and Associates has the appropriate experience in professional GIS technical services, and implementation said services utilizing the New York State Office of General Services professional service contract; and

WHEREAS, in order for the DPW, to urgently respond to these cited County deficiencies with asset repairs and construction, Legislative approval is required to extend a contract with Bergmann and Associates to perform this work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to extend a contract with Bergmann and Associates for providing consulting services to assist DPW with the implementation of GIS technology in the Highways Division for an amount not to exceed \$150,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments to Bergmann and Associates for the GIS Implementation of the searchable data base project from B.17026 – 2017 Highway Searchable Database, Fund 420, Funds Center 123; 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.
(5-0)

5. **COMM. 3E-28 (2019)**
COUNTY EXECUTIVE

WHEREAS, a project to improve approximately 1,000 linear feet of Vermont Street in the Town of Holland, known as Site 9 (the "Project") was approved by this Honorable Body via COMM. 23E-28 (December 7, 2017); and

WHEREAS, the Project was bid on January 17, 2019 with Union Concrete and Construction Corp. being the lowest responsible bidder with a bid of \$926,571.37; and

WHEREAS, it is desired to award a construction contract to Union Concrete and Construction Corp. in that amount; and

WHEREAS, it is desired to establish a construction contingency in the amount of \$150,000; and

WHEREAS, both sums are available from the SAP Projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject actions; and be it further

RESOLVED, the County Executive is authorized to award a construction contract to the lowest responsible bidder, Union Concrete and Construction Corp for the Project in the amount of \$926,571.37 the funds for which are available from Fund 420, Funds Center 123 as follows:

- \$226,765 Project B.20922 – 2009 FEMA Projects Reconstruction
- \$100,000 Project B.13003 – 2013 Preservation of Roads Countywide
- \$115,000 Project B.14017 – 2014 Road Slides Construction
- \$250,000 Project B. 16013 – 2016 DPW/Highways Road Construction
- \$234,806.37 Project B.17005 – 2017 Constr. for Road Projects or Turn Back of Roads

and be it further

RESOLVED, that the County Executive is authorized to establish a construction contingency in the amount of \$150,000 which amount is available from Fund 420, Funds Center 123, Project B.17005 – 2017 Construction for Road Projects or Turn Back of Roads; 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, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

6. COMM. 3E-29 (2019)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, has highway and building assets to manage and needs a searchable data base to help aid in this process; and

WHEREAS, the Department of Public Works, determined that Cyclodmedia has the appropriate professional, technical services and implementation services utilizing a GSA contract can provide the county with a highly accurate searchable data base of said assets; and

WHEREAS, in order for the Department of Public Works, to manage an aging infrastructure and respond to County facilities deficiencies with electronic processes and mapping, Legislative approval is required to enter into a contract with Cyclomedia to create this searchable data base.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with Cyclomedia in an amount not to exceed \$200,000 using funding which is available in Project B.17026 – 2017 Highway Searchable Data Base, Fund 420, Funds Center 123; 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.
(5-0)

APRIL N.M. BASKIN
CHAIR