

April 11, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
- a. COMM. 7E-16 (2019)
COUNTY EXECUTIVE: “ECSD No. 4 – Engineer Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 7E-10 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to the Northwest and the Northeast-Southtowns Solid Waste Management Boards for solid waste and recycling planning; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, the NYSDEC awarded Erie County a recycling grant of \$26,000 to continue its Municipal Waste Reduction and Recycling Coordination Program (MWRRP) through December 31, 2019 and thereby align the County program with all future NYSDEC MWRRP grants; and

WHEREAS, the additional grant funding necessitates the execution of a contract with the NYSDEC and an amendment to the existing grant budget to encompass the new revenue and the continued funding of programming and a current position Environmental Compliance Specialist (JG-09) position.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$26,000 from the NYSDEC for the purpose of extending for three months the County’s MWRRP; and be it further

RESOLVED, that the grant budget and project period for the NYSDEC Waste Reduction and Recycling Coordination Program is hereby revised in the Department of Environment and Planning, Funds Center 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling Coordination Grant (Grant Period: 10/1/2016 – 12/31/2019),
Grant 162WRRCG1619

REVENUE:

Account	Description	Current Budget	Revision	Amount
402499	Other Local Source Revenue	(\$60,750.00)	-	(\$60,750.00)
409000	State Aid Revenue	(\$268,521.37)	(\$26,000.00)	(\$294,521.37)
479000	County Share Contribution	(\$20,100.00)	-	(\$20,100.00)
TOTAL REVENUE		(\$349,371.37)	(\$26,000.00)	(\$375,371.37)

APPROPRIATIONS:

Account	Description	Current Budget	Revision	Amount
500000	Regular Full Time Wages	\$158,974.03	\$12,400.00	\$171,374.03
502000	Fringe Benefits	\$130,272.34	\$9,694.00	\$139,966.34
505000	Office Supplies	\$525.00	-	\$525.00
510100	Out of Area Travel	\$3,500.00	-	\$4,600.00
510200	Training	\$3,600.00	-	\$3,600.00
516020	Professional Services	\$46,500.00	\$2,000.00	\$48,306.00
530000	Other (Promotional)	\$6,000.00	\$1,906.00	\$7,000.00
TOTAL APPROPRIATIONS:		\$349,371.37	\$26,000.00	\$375,371.37

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas Hersey, Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

3. COMM. 7E-11 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State environmental waste regulations; and

WHEREAS, Erie County’s two solid waste management boards have signed in the past, separate Memorandums of Understanding (MOU) for the ECDEP to provide the necessary administrative, logistical and technical assistance and services to comply with the SWMP; and

WHEREAS, execution of the MOU documents provide \$20,250 annually in local source funding from the two Solid Waste Management Boards; and

WHEREAS, an appropriate and efficient use of these funds made available through the MOUs through the three-year Waste Reduction and Recycling Coordination Grant budget established by resolution on October 20, 2016 (COMM. 19E-10 (2016) SAP Account #162WRRCG-1619) has accounted for these funds; and

WHEREAS, the Household Hazardous Waste program is a critical and valued service to the community; and

WHEREAS, these MOU documents provide an outline of the roles and responsibilities for cooperative planning, funding and implementation between the ECDEP and the Boards for these events.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or his designee is authorized to enter into separate MOU agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to provide services in 2019 and accept the combined funds; and be it further

RESOLVED, that DEP will provide services related to organizing and running the HHW collection program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance.
(5-0)

4. COMM. 7E-13 (2019)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has previously approved the Replacement of the Pedestrian Bridge (PK-7) at Ellicott Creek Park (ECP) via Legislative Communication 10E-34 (2018); and

WHEREAS, the Department of Parks, Recreation and Forestry would like to successfully implement the relocation of a gas line carried by this bridge in a timely manner, it will be necessary for the County to execute the agreement with National Fuel Gas Distribution Corporation (“National Fuel”) in an amount not to exceed \$25,000; and

WHEREAS, there are funds available in Capital Project B.18024 in the amount of \$25,000 for the utility work which will not exceed the capital funding available for the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute an agreement with National Fuel in an amount not to exceed \$25,000 for this project; and be it further

RESOLVED, that the funding for the utility relocation will not exceed \$25,000 and will be paid for out of Capital Project B.18024-2018 Ellicott Creek Park Pedestrian Bridge; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Parks, Recreation and Forestry, Daniel J. Rizzo; and Assistant County Attorney Kristen M. Walder.
(5-0)

5. COMM. 7E-18 (2019)
COUNTY EXECUTIVE

WHEREAS, most of the auditorium at the Buffalo & Erie County Public Library, including the seating, carpeting, HVAC duct system, most light fixtures, and plumbing are original to the over 55 year old building, and in addition, the sound amplification and assisted listening systems installed in the early 2000s which have become unreliable; and

WHEREAS, auditorium renovations are necessary to provide technological and aesthetic upgrades for better theatrical performances and audience experience, increased Americans with Disabilities Act (ADA) accommodations and usability, and a more comfortable interior environment; and

WHEREAS, the County of Erie received bids for the Buffalo and Erie County Main Library – Auditorium Renovations Phase 2 project on March 12, 2019; and

WHEREAS, the Erie County Department of Public Works, along with its consultant, LaBella Associates, D.P.C., are recommending award of contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Buffalo and Erie County Main Library – Auditorium Renovations Phase 2 project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Sicoli Construction Services, Inc.	Base Bid:	\$ 1,018,700.00
	Add Alternate No. 1:	\$ 16,700.00
	Add Alternate No. 2:	\$ 195,700.00
Total Award of General Construction Contract:		\$ 1,231,100.00
<u>Mechanical Construction Work</u>		
Quackenbush Co., Inc.	Base Bid:	\$ 194,840.00
Total Award of Mechanical Construction Contract:		\$ 194,840.00
<u>Electrical Construction Work</u>		
Goodwin Electric Corporation	Base Bid:	\$ 422,000.00
	Add Alternate No. 2:	\$ 10,000.00
	Add Alternate No. 3:	\$ 8,000.00
Total Award of Electrical Construction Contract:		\$ 440,000.00
<u>Plumbing Construction Work</u>		
Willett Builders Inc.	Base Bid:	\$ 59,000.00
Total Award of Plumbing Construction Contract:		\$ 59,000.00
Total Award of all Construction Contracts:		\$1,924,940.00

and be it further

RESOLVED, that the sum of \$200,000.00 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 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 from the following Capital Projects, Fund 490, Funds Center 122, and Grant 420NYSCONSTCTR1821 - NYS Construction Grant – Central, Fund 821, Funds Center 420, GL Account 516020 – Professional Services as follows:

F.15002 – 2015 BECPL Central Library Auditorium Rehabilitation	\$ 48,046.28
F.17001 – 2017 BECPL Mechanical, Electrical and Plumbing Improvements	\$ 61,894.25
F.17002 – 2017 BECPL Auditorium Rehabilitation and Asbestos Abatement	\$ 510,000.00
F.18001 – 2018 BECPL Auditorium Rehabilitation – Phase III	\$ 649,654.47
F.18002 – 2018 BECPL Mechanical, Electrical and Plumbing Improvements	\$ 200,000.00
Grant 420NYSCONSTCTR1821 - NYS Construction Grant – Central	\$ 655,345.00
Total Payment Not To Exceed:	\$2,124,940.00

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, the Division of Budget and Management, the Buffalo & Erie County Central Library, Kenneth Stone and the Office of the Comptroller. (5-0)

6. COMM. 7E-19 (2019)
COUNTY EXECUTIVE
WHEREAS, the Bridge Deck Sealing PIN 5762.08, (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 80% Federal funds, and a 20% local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute an Agreement with the New York State Department of Transportation (NYSDOT) in the total amount of \$350,000 for the construction and construction inspection phase of the Project; and

WHEREAS, the total project with contingency is estimated at \$380,000, is available, once adjusted for anticipated federal revenue, in Project B.16010 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; 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 CHA Consultants, and establish a construction contingency, for a total project allowance not to exceed \$380,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; 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 and construction inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with New York State Department of Transportation (NYSDOT) for this Federal Aid Project in the amount of \$350.000; and be it further

RESOLVED, that the estimated total sum of the Construction, Construction Inspection Phase, and contingency for the Project is \$380,000; 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 CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$380,000; and be it further

RESOLVED, that the total sum of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount not to exceed \$380,000 is hereby appropriated from Project B.16010 – Federal Aid Bridge Project Preservation Construction, 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 project B.16010 in accordance with the NYSDOT agreement, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$ 165,150	\$ 0	\$ 165,150
414000	Federal Aid	\$ 1,120,800	\$ 280,000	\$1,400,800
475000	Gen Oblig Bond Proc	<u>\$ 333,000</u>	<u>\$ 0</u>	<u>\$ 333,000</u>
TOTAL REVENUES		<u>\$ 1,618,950</u>	<u>\$ 280,000</u>	<u>\$1,898,950</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	<u>\$ 1,465,000</u>	<u>\$ 380,000</u>	<u>\$1,845,000</u>
UNALLOCATED	Unallocated Capital	<u>\$ 153,950</u>	<u>\$ (100,000)</u>	<u>\$ 53,950</u>
TOTAL APPROPRIATIONS		<u>\$ 1,618,950</u>	<u>\$ 280,000</u>	<u>\$1,898,950</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal and/or State revenue that are made available for this Project in accordance with the NYSDOT agreement; 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, \$380,000 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 Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal 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 six (6) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) each certified copies 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)

7. COMM. 7E-20 (2019)
COUNTY EXECUTIVE
WHEREAS, the County of Erie previously entered into an Agreement with Kideney Architects to provide professional architecture and engineering services for the Erie Community College STEM Building project (COMM. 2E-12 on February 12, 2015) and amended for additional project design contingency (COMM. 14E-26 on July 26, 2018); and

WHEREAS, additional project design contingency in the amount of \$9,100 is required for the review of TESLA’s design and engineering calculations for the post-construction installation of donated PV array on the roof of the STEM Building project; and

WHEREAS, any A/E design contingency funds that remain unspent will be returned to the ECC STEM Building project contingency fund; and

WHEREAS, the County Executive is requesting authorization to enter in a second Agreement Amendment with Kideney Architects to increase the project design contingency for the ECC STEM Building project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a second Agreement Amendment with Kideney Architects to increase the project design contingency in the amount of \$9,100.00, from \$145,000 for the ECC STEM Building project; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from the previously approved, as adopted capital project as follows:

<u>Funds Center 122 Fund 480 Project E.12002</u>	<u>\$9,100</u>
Total Payment Not To Exceed:	\$9,100

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 Erie Community College of the Chief Administrative and Financial Officer.
(5-0)

8. COMM. 7E-21 (2019)
COUNTY EXECUTIVE
WHEREAS, the County of Erie received bids for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11, and 12 project on Tuesday, February 12, 2019; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Allstate General Contracting and for the Electrical Construction Work is Goodwin Electric Corporation; and

WHEREAS, the County of Erie will be partially reimbursed in the amount of \$500,000 for the construction cost from the NYS Office of Parks, Recreation and Historic Preservations (SHPO) Environmental Protection Fund (EPF) grant and \$125,000 from the NYS State and Municipal Facilities Program funds; and

WHEREAS, the Department of Public Works and Foit Albert Associates are recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11, and 12 project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Allstate General Contracting	Base Bid:	\$1,163,300
	Add Alternate No. G-1:	\$ 38,000
Total Award of General Construction Contract:		\$1,201,300
 <u>Electrical Construction Work</u>		
Goodwin Electric Corporation	Base Bid:	\$ 334,000
Total Award of Electrical Construction Contract:		\$ 334,000

and be it further

RESOLVED, that the sum of \$264,700 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 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 from the following capital projects in Fund 410, Funds Center 122 and grant in Fund 281, Funds Center 122:

A.16002 – 2016 Botanical Gardens Rehabilitation (Buffalo)	\$ 999,561.80
A.17002 – 2017 Botanical Gardens Rehabilitation (Buffalo)	\$ 500,000.00
A.18002 – 2018 Botanical Gardens Rehabilitation (Buffalo)	\$ 175,438.20
122SAMBOTGARD1821 – Restoration & Imp to Bflo & EC	
<u>Bot Grdn Society Grant</u>	<u>\$ 125,000.00</u>
Total Payment Not To Exceed:	\$1,800,000.00

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, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Buffalo and Erie County Botanical Gardens c/o Dave Swarts.
(5-0)

9. COMM. 7E-22 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (DEC), provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the DEC granted Erie County \$388,054 to commence the WNY Stormwater Coalition (WNYSC): Gap Analysis and Mapping Project; and

WHEREAS, Erie County and the DEC entered into a contract (Grant #162WNYSCGAMP1719) authorized by COMM. 13E-18 (2017); and

WHEREAS, the DEC has agreed to extend the term of this contract to March 31, 2023 and make budget adjustments that will allow for successful completion of the grant work; and

WHEREAS, it is necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Gap Analysis and Mapping Project.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or the Deputy County Executive is authorized to execute the necessary agreements with the DEC to extend the project until March 31, 2023; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the Research Foundation of SUNY at Buffalo State College for student interns in an amount not to exceed \$5,000 in grant resources; and be it further

RESOLVED, that the grant budget for the WNYSC: Gap Analysis and Mapping Project is hereby revised in the DEP Funds Center 16200, as follows:

WNY Stormwater Coalition: Gap Analysis and Mapping Project
(Grant Period: 6/1/17– 3/31/23), SAP Grant #162WNYSCGAMP-1719)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel Services	\$169,780	(\$5,000)	\$164,780
516020	Professional Service Contract	\$5,000	\$5,000	\$ 10,000

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.
(5-0)

APRIL N.M. BASKIN
CHAIR