

May 30, 2019

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. INTRO. 5-8 (2019)  
**LORIGO:** “Directing the Auction of New Era Field’s Astroturf for Charitable Causes”  
(Chair’s Ruling)

b. COMM. 12E-28 (2019)  
**COUNTY EXECUTIVE:** “ECSD No. 4 – Change Order No. 4 to Engineering Agreement”  
(Chair’s Ruling)

c. COMM. 12E-31 (2019)  
**COUNTY EXECUTIVE:** “ECSD No. 3 – Work Order”  
(Chair’s Ruling)

d. COMM. 12M-9 (2019)  
**ECIDA:** “Submission of Reports in Pursuance with Public Authorities Law”  
(Chair’s Ruling)
2. COMM. 7E-17 (2019)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, bids were received and opened on April, 18 2019 for the East & West Road (CR 363) Reconstruction Project (the “Project”); ECDPW Project No. CAP-363-19 in the Town of West Seneca; and

WHEREAS, Erie County Department of Public Works, along with consultant design engineers CPL Architects, Engineers, Landscape Architect and Surveyor, DPC, recommends award of contract to the lowest responsible bidder, Concrete Applied Technologies, Corp. d/b/a CATCO, in the amount of \$6,046,237.60; and

WHEREAS, it is necessary to contract for construction inspection and engineering services during construction with the Project consulting engineer, CPL, DPC in the amount of \$493,746.54; and

WHEREAS, it is necessary to establish a Construction and Construction Engineering Contingency (including required fees for railroads and/or utilities, as necessary) of \$210,015.86 for the Project with authorization for the County Executive to execute related Change Orders, Amendments and/or agreements; and

WHEREAS, the estimated total cost of the Project is \$6,750,000, and is available in Fund 420, Funds Center 123, Projects B.18002 – 2018 Preservation of Roads, B.19001 – 2019 Preservation of Roads, and B.19009 – 2019 Turn Back of Roads.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a contract for ECDPW Project No. CAP-363-19, to the lowest responsible bidder, Concrete Applied Technologies, Corp. d/b/a CATCO for an amount not to exceed \$6,046,237.60; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for construction inspection and engineering services during construction for the Project with CPL Architects, Engineers, Landscape Architect and Surveyor, DPC in the amount of \$493,746.54; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute Project related change orders, amendments and agreements, as necessary, for an amount not to exceed \$210,015.86; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection, engineering services during construction and the Project contingency shall not exceed \$6,750,000; and be it further

RESOLVED, the Project budget, in the amount of \$6,750,000, be made available for the Project in Fund 420, Funds Center 123 as follows:

B.18002	2018 Preservation of Roads Construction-East & West Road	\$3,000,000
B.19001	2019 Preservation of Roads Construction-East & West Road	\$3,000,000
B.19009	2019 Turn Back of Roads	\$750,000
Total		\$6,750,000

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 Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

3. COMM. 12E-26 (2019)  
**COUNTY EXECUTIVE**  
WHEREAS, the Department of Equal Employment Opportunity, Diversity and Inclusion (ECEEO), is responsible for the enforcement of Erie County’s goals and laws concerning minority, women, disadvantaged, and apprenticeship employment on construction projects financed by Erie County; and

WHEREAS, the Department of Public Works, and the Department of Environment and Planning administer construction contracts incorporating the above-stated requirements; and

WHEREAS, LCP Tracker is the software which tracks the construction labor data for (EEO) as part of these construction contracts; and

WHEREAS, the contract for this software needs to be extended and upgraded to a construction dollar value equivalent to those contracts being bid by both departments.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to extend and upgrade the contract with LCP Tracker from a \$5 Million construction threshold to a \$25 Million threshold, with an option to increase to a \$50 Million threshold if needed; and be it further

RESOLVED, that the current annual pricing for an upgrade to \$25 Million in construction costs is \$6,545 and an upgrade to \$50 Million in construction costs is \$11,550; and be it further

RESOLVED, that LCP Tracker will pro-rate what the County has already paid for the \$5 Million threshold towards the cost of the upgrade; and be it further

RESOLVED, that the funding source for the cost of this upgrade is available in Fund 110, GL 511000, in Countywide Funds Center 14010; and be it further

RESOLVED, that the funding of \$ 6,545 (with the potential of up to \$ 11,550) will be transferred to the ECEEEO Budget in Fund 110, GL 516020, Funds Center 10810 for payment of this contract; 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, the Department of EEO, the Division of Sewerage Management, and the Division of Purchase.  
(6-0)

4. COMM. 12E-27 (2019)  
**COUNTY EXECUTIVE**  
WHEREAS, the Department of Public Works intends to purchase computer-aided sign making software and vehicle templates; and

WHEREAS, in order to effectuate these purchases, it is necessary to transfer funds to the appropriate budget line; and

WHEREAS, funding for the needed transfer is available in Funds Center 1232060, Fund 210, Account 506400, Highway Supplies, in the 2019 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget transfers are authorized in the 2019 Sign Shop Operating Budget – in Fund 210, Funds Center 1232060:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
506400	Highway Supplies	\$ 332,875.48	(\$ 10,758.25)	\$ 322,117.23
561410	Lab & Tech Equipment – Assets	\$ 27,488.40	\$ 10,758.25	\$ 38,246.65
EXPENSES		\$ 360,363.88	\$ 0.00	\$ 360,363.88

and be it further

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

5. COMM. 12-29 (2019)  
**COUNTY EXECUTIVE**  
WHEREAS, a project for the Rehabilitation and Reconstruction of North and South Main Street (the “Project”) was approved by this Honorable Body via Comm. 6E-20 (2018) on April 12, 2018; and

WHEREAS, in order to facilitate the Project, it will be necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the Project:

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 235.16-1-1.1	Evans
SBL 235.16-1-2.111	Evans
SBL 235.16-1-35	Evans

such properties to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the Right-of-Way (ROW) for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so that the public interest will not be prejudiced by the Rehabilitation and Reconstruction of North and South Main Street; and

WHEREAS, the estimated cost of acquisition of the required ROW is estimated not to exceed \$8,000; and

WHEREAS, the required funds are available from Fund 420, Funds Center 123, Capital Project B.17006, 2017 Capital Right of Way County-wide; 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 subject action; and be it further

RESOLVED, the County Executive is authorized to acquire, for an amount not to exceed \$8,000 the necessary real property interests from the aforementioned Subject Properties for the Rehabilitation and Reconstruction of North and South Main Street; and be it further

RESOLVED, that the amount of \$8,000 be appropriated from Fund 420, Funds Center 123, Capital Project B.17006, 2017 Capital Right of Way Countywide to cover the cost of ROW acquisition; 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 properties 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 by easement and/or fee, which acquisition is necessary for the Rehabilitation and Reconstruction of North and South Main Street 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 portions of the aforementioned Subject Property; and be it further

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

RESOLVED, should one or more owners of the Subject Property 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 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)

6. COMM. 12E-30 (2019)  
**COUNTY EXECUTIVE**

WHEREAS, professional design services are required for the Erie County Toxicology Laboratory and Morgue Renovations Phases 5 and 6; and

WHEREAS, phases 5 and 6 are the final phases of a long term, multi-phased project; and

WHEREAS, the Erie County Department of Public Works received professional Architectural/Engineering design services proposals for the Erie County Toxicology Laboratory and Morgue Renovations Phases 5 and 6 on April 8, 2019; and

WHEREAS, Trautman Associates has the necessary expertise and manpower to provide professional design and construction services for the Project; and

WHEREAS, the County Executive is requesting authorization to issue an agreement amendment or contract to Trautman Associates for providing professional design and construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement amendment or contract with Trautman Associates for providing professional architectural /engineering services for the Project for an amount not to exceed \$240,000 for Phase 5 and \$99,000 for Phase 6 including reimbursables; and be it further

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

A.17008 2017 Preservation of County Buildings.	\$99,000
<u>A.18009 2018 Toxicology Laboratory Pathology Morgue Renovations.</u>	<u>\$240,000</u>
Total Payment Not To Exceed:	\$339,000

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)

7. COMM. 12E-33 (2019)  
**COUNTY EXECUTIVE**  
WHEREAS, the allowed completion date for the construction of the Federal Aid Lakeshore Shoreline Trail – Phase III, Project No. FA-127-BP3-17, PIN 5758.02 (the “Project”) has been extended; and

WHEREAS, Wendel is the consultant providing construction phase engineering services for the project; and

WHEREAS, additional construction phase engineering services are required as the duration of construction and subsequent project close-out has been extended beyond what was originally estimated in Wendel’s contract; and

WHEREAS, the estimated amount for the additional construction phase engineering services required is \$78,080; and

WHEREAS, Federal funding and appropriations totaling \$22,400 is available is from an earlier phase of the project in Capital Project A.14079 – 2014 Evans Multi-Use Pathway, Fund 410, Funds Center 162; and

WHEREAS, the New York State Department of Transportation (NYSDOT) Supplemental Agreement authorized \$1,782,400 in Federal Aid for the construction phase in Capital Project A.16018 – 2016 Evans Shoreline Trail Phase III, Fund 410, Funds Center 162; and

WHEREAS, the budgetary transfer of \$22,400 from Capital Project A.14079 – 2014 Evans Multi-Use Pathway to A.16018 – 2016 Evans Shoreline Trail Phase III is needed to fulfill the construction phase needs of this project; and

WHEREAS, following the budget modification, \$78,080 will be available within Fund 410, Funds Center 162, Capital Project A.16018 – 2016 Evans Shoreline Trail Phase III.

NOW, THEREFORE, BE IT

RESOLVED, that \$22,400 in Federal Aid and appropriations be transferred from Capital Project A.14079 – 2014 Evans Multi-Use Pathway in Fund 410, Funds Center 162 to A.16018 – 2016 Evans Shoreline Trail Phase III in Fund 410, Funds Center 162; and be it further

RESOLVED, that the authorization to accept funding from the New York Department of Transportation for Capital Project A.16018 be increased to an amount not to exceed \$1,782,400; and be it further

RESOLVED, that the County Executive be authorized to execute a supplemental amendment to Wendel’s current contract for the Project for the additional construction phase engineering services required for in the amount of \$78,080; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward six (6) 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, Department of Environment and Planning and the Office of the Comptroller.  
(6-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**