

July 15, 2021

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 14D-1 (2021)
COMPTROLLER'S OFFICE: "Report on Capital Funds Available for SUNY Erie Roofing"
(Chair's Ruling)

2. COMM. 14E-14 (2021)
COUNTY EXECUTIVE

WHEREAS, the Rehabilitation of Elmwood Avenue (CR 119) from Kenmore Avenue (CR 307) to Knoche Road (CR 306), Town of Tonawanda and Village of Kenmore, PIN 5763.33 (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 20% non-federal funds; and

WHEREAS, the project is also eligible for New York State (NYS) Marchiselli funding up to 15% of eligible project costs; and

WHEREAS, the New York State Department of Transportation (NYSDOT) agreement for the engineering Design (I-VI) and Right of Way (ROW) Incidentals Phases of the Project is pending; and

WHEREAS, the County of Erie desires to advance the Project in a timely fashion so as to make maximum use of good weather for the field work necessary for said Project phases; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable federal and NYS Marchiselli shares of the costs of the Engineering Design and ROW Incidentals (Phases I-VI) phases of the Project; and

WHEREAS, the firm of DiDonato Associates Engineering & Architecture, has been selected via the process required for Locally Administered Federal Aid Projects as having the necessary expertise, experience, and manpower to provide the County of Erie with engineering Design (I-VI) and ROW Incidentals services for the reconstruction of the above noted segment of Elmwood Avenue (CR 119); and

WHEREAS, the estimated total cost of the engineering Design (I-VI) and ROW Incidentals phases of this Project are available in the Capital Project hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Rehabilitation of Elmwood Avenue, PIN 5763.33 (the "Project"); and be it further

RESOLVED, that the County Executive is authorized to execute the pending Project agreement with the NYSDOT provided the amounts therein do not exceed the \$1,200,000 budget in Capital Project B.21163, 2021 Federal Aid Project Design – Elmwood Avenue; and be it further

RESOLVED, that the County Executive is authorized to execute a negotiated agreement between the County of Erie and the selected Project Design Engineers, DiDonato Associates Engineering & Architecture, P.C. for engineering Design (I-VI) and ROW Incidentals services in an amount not to exceed the amount allowed by the project agreement with NYSDOT; 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 the federal and non-federal shares of the cost of the Engineering Design (I-VI) and ROW Incidentals phases of the Project or portions thereof not to exceed the amounts contained in the Project agreement with NYSDOT; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the federal and state funds available for the Project; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the Project budgets as necessary based on the agreement with NYSDOT including appropriation of funds necessary for participation in the Project from Capital Project B.21163, 2021 Federal Aid Project Design Elmwood Avenue, Fund 420, Funds Center 123 provided the NYSDOT agreement amounts do not exceed the \$1,200,000 budget in B.21163; 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 cost of the Project's Design Engineering and ROW Incidentals (Scoping & Design I-VI) phases exceeds the amount appropriated above, 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, should the Agreement receive additional federal or non-federal reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; 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 and non-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 County's first instance funding of 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, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; 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 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. 14E-15 (2021)
COUNTY EXECUTIVE

WHEREAS, a contract with CPL Architecture, Engineering and Planning (CPL) for engineering design services for the project noted (the "Project") was approved by your Honorable Body via Comm. 4E-23 (2019); and

WHEREAS, it is necessary to execute amendments to that contract for Project scope changes that became necessary during detailed design; and

WHEREAS, it is estimated that the cost of the necessary work will not exceed \$85,000 which is available from the SAP Project numbers hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute contract amendments for the Project with CPL in the not to exceed amount of \$85,000 for which funds are available from Fund 420, Fund Center 123, SAP Projects B.16002 – 2016 Preservation of Roads Design (\$73,730.68) and B.17003 - 2017 Preservation of Roads Design (\$11,269.32) and which are hereby appropriated and made available for the Project; 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.
(6-0)

4. COMM. 14E-18 (2021)
COUNTY EXECUTIVE

WHEREAS, Legislative Comm. 2E-16 (2012) approved the Town of Evans Multi-Use Pathway Project Phase 2 with funding from the New York State Marcheselli Aid Reimbursement Program administered by the New York State Department of Transportation; and

WHEREAS, additional time is needed to complete the project and therefore a contract term extension for the approved funding is requested; and

WHEREAS, the Erie County Department of Environment and Planning recommends to extend the completion date to December 31, 2022.

NOW, THEREFORE, BE IT

RESOLVED, that Contract #D034022, PIN 5757.49.321 & .322. between the County of Erie and the New York State Department of Transportation be extended to December 31, 2022; and be it further

RESOLVED, that the County Executive be authorized to execute a No-Cost Time Extension of Local/Miscellaneous Contract for Contract #D034022, PIN 5757.49.321 & .322 to modify the contract completion date to December 31, 2022; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, County Attorney, Department of Public Works and five (5) certified copies to Mark Rountree, Department of Environment and Planning.
(6-0)

5. COMM. 14E-21 (2021)
COUNTY EXECUTIVE

WHEREAS, in 1999 Erie County entered into a license with Niagara Mohawk Power Corporation d/b/a "National Grid" for usage of National Grid's property located along Two Mile Creek Road in the City of Tonawanda and Town of Tonawanda to construct a multi-use trail known as the Two Mile Creek Greenway Trail; and

WHEREAS, pursuant to the 1999 license agreement, in the event National Grid required usage of their property the County would be responsible for relocating the Two Mile Creek Greenway; and

WHEREAS, National Grid notified the County of the need to relocate the Two Mile Creek Trail; and

WHEREAS, National Grid constructed a new electrical substation on the location of a section of the existing Two Mile Creek Greenway Trail to service increased electrical needs in North Youngman Commerce Park and Riverview Solar Technology Park; and

WHEREAS, the Two Mile Creek Greenway Trail is a critical connection between the population centers of the Town and City of Tonawanda and the waterfront trail network known as the Shoreline Trail; and

WHEREAS, the County desires to maintain the Two Mile Creek Greenway Trail connection; and

WHEREAS, due to the time required for Legislative approval, contract execution, and the anticipated lead time on necessary materials, it is desired to obtain Legislative approval as soon as possible to permit contract award and completion of the Two Mile Creek Greenway Bike Trail this construction season; and

WHEREAS, a contract will be negotiated with Wendel Companies for the construction phase engineering inspection services; and

WHEREAS, funding is available for the project from Fund 410, Business Area as follows:

<u>Project A.19053 – Two Mile Creek Greenway Trail Realignment</u>	<u>\$ 196,500</u>
Total not to exceed	\$ 196,500

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive is authorized to award and execute a construction contract for the project with the lowest responsible bidder; and be it further

RESOLVED, that the County Executive be authorized to execute an agreement with Wendel Companies for inspection/engineering services during construction; and be it further

RESOLVED, that the total cost of the contracts for construction, engineering/construction inspection, services during construction shall not exceed \$196,500; and be it further

RESOLVED, the Project budget, in the amount of \$196,500, be made available for the Project in Fund 410, Business Area 162 as follows:

<u>Project A.19053 – Two Mile Creek Greenway Trail Realignment</u>	<u>\$ 196,500</u>
Total not to exceed	\$ 196,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Director of the Division of Budget and Management; the Comptroller's Office; the Commissioner of the Department of Environment and Planning, and the County Attorney.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR