

October 14, 2021

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 16

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 18E-5 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, the bridge carrying Ward Drive over Big Gulf Creek (BIN 3362260/PK-12) in Chestnut Ridge Park in the Town of Orchard Park, Erie County (the "Project") has been flagged by the New York State Department of Transportation due to deterioration, is posted for 12 Tons, and is in need of rehabilitation; and

WHEREAS, the design of the rehabilitation for the bridge has been completed by CHA Consultants; and

WHEREAS, public bids will be taken for the Project in October 2021; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, to enter an agreement with CHA Consultants for construction inspection and construction administration, and establish a construction contingency, for a total project construction phase allowance of \$450,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a contract for ECDPW Project CAP-PK-12-22 with the lowest responsible 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 \$450,000; and be it further

RESOLVED, that the estimated total sum of \$450,000 for the construction, and construction inspection phase for the Project is available in Fund 420, Funds Center 123, as follows:

B.17017 – 2017 Rehabilitation of Flagged Bridges	\$ 50,000
B. 21107 - 2021 Culverts & Bridges	\$400,000
TOTAL Project Cost	\$450,000

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)

2. COMM. 18E-6 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, authorization is necessary to acquire the Right-of-Way (ROW), for the rehabilitation of the North Ellicott Creek Road over North Diversion Channel Bridge (BIN 1072800/BR 232-01), the "Project"; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communication 13E-13 dated July 9, 2020 and construction of the Project via Legislative Communication 13E-12 dated June 18, 2020; and

WHEREAS, to facilitate the construction of the Project it will be necessary for the County to acquire such parcels, herein referred to as the "Subject Properties" as may become necessary for construction, including parcels that are portions of real property in the vicinity of the project as follows:

PORTIONS OF TAX MAP SBL NUMBER		TOWNSHIP
SBL	40.10-1-12	Amherst
SBL	40.10-1-13.1	Amherst

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, the County owns the following parcel of land, which is irregularly shaped, vacant, and landlocked by other owners:

PORTIONS OF TAX MAP SBL NUMBER	TOWNSHIP
SBL 40.10-1-15	Amherst

and

WHEREAS, the County Land Advisory Review Committee (“ARC”) has agreed that retaining this County owned parcel is of no benefit to the County; and

WHEREAS, the County contemplates an offer of an exchange of the County owned parcel, in lieu of payment, to the owner(s) of the Subject Properties; 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 acquisition of the ROW required to construct the Project; 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 Erie County Executive is authorized and directed to exchange, in lieu of payment, the above referenced County owned parcel in the Town of Amherst to the adjacent property owner for the Subject Properties; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Mott MacDonald NY, 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 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 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 Mott MacDonald NY, 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)

3. COMM. 18E-14 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Departments of Public (DPW) has been working closely with the Buffalo Niagara Convention Center Management Corporation (BNCCMC), as well as Visit Buffalo Niagara (VBN), in an effort to perform exterior façade improvements as well as a new door entry layout to the Buffalo Niagara Convention Center (BNCC); and

WHEREAS, it is important to make improvements to the existing building in order to continue to help attract business as the facility looks to hold events again as they did prior to the onset of the COVID-19 pandemic; and

WHEREAS, the BNCC was constructed in the mid-1970s and the original exterior of the building is worn and outdated; and

WHEREAS, in conjunction with the City of Buffalo’s efforts on the Franklin Street Betterment Project, the County wishes to improve upon the Franklin Street exterior façade and revised door layout of the BNCC to help attract new business and bring-in revenue; and

WHEREAS, the County previously entered into an agreement with Trautman Associates Architects/Engineers (Trautman Associates) to provide architectural and engineering services for the BNCC per COMM. 6E-24 (2021); and

WHEREAS, at the time of the above-referenced agreement, the conceptual design of the façade was yet to be determined, therefore the County is seeking to amend its agreement with Trautman Associates to allow for the design of the Franklin Street exterior façade per a conceptual design agreed upon by the County, VBN, and BNCCMC; and

WHEREAS, Trautman Associates has the design and engineering expertise to perform the underlying project; and

WHEREAS, once the design is complete, DPW will advertise and award construction contracts to the lowest responsible bidder(s) in accordance with General Municipal Law section 103, as well as all Erie County Local Laws.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a third Agreement Amendment (second amendment specific to this project) with Trautman Associates Architects/Engineers under EC DPW Contract No. 18-459-PW to increase their A/E design fee by a cost no greater than \$380,000 for a total contract value of \$480,000 specific to the Buffalo Convention Center Façade and Door Entry Improvements Project; and be it further

RESOLVED, that the base design fee will be increased by \$337,500 from \$67,500 to \$405,000 and the design contingency will be increased by \$42,500 from \$32,500 to \$75,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the previously approved, via COMM. 13E-15 (2021), Capital Project A.21163– 2021 Convention Center Façade in Fund 410, Funds Center 122; and be it further

RESOLVED, that once the design and engineering is completed by Trautman Associates, DPW will advertise and award the corresponding construction contract(s) to the lowest responsible bidder(s) pursuant to General Municipal Law section 103, and Erie County local laws; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive shall have the authority to execute the aforementioned construction contract(s) with the lowest responsible bidder(s); 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 Office of the Erie County Attorney, the Division of Budget and Management, and the Office of the Comptroller. (5-1) Legislator Lorigo voted in the negative.

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