

April 22, 2021

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is received and filed:

a. COMM. 8M-2 (2021)

**CITIZENS FOR REGIONAL TRANSIT:** “Requests for Investments in Public Transit”  
(Chair’s Ruling)

2. COMM. 8E-7 (2021)

**COUNTY EXECUTIVE**

WHEREAS, the Buffalo Niagara Convention Center 19-year old main lobby interior finishes are worn and outdated, and the lobby upgrades will be a cost-effective measure to maintain client engagement, stay competitive in the industry, and maintain its appeal to its customers; and

WHEREAS, the County of Erie received bids for the Buffalo Niagara Convention Center 2020 Lobby Upgrades project on March 11, 2021; and

WHEREAS, the 2022 facility event calendar does not allow the construction window needed to perform these renovations as the facility rebounds from the Covid-19 pandemic; and

WHEREAS, the Department of Public Works and Trautman Architects are recommending award of the contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter in contracts with the lowest responsible bidders for the Buffalo Niagara Convention Center 2020 Lobby Renovations project for an amount not to exceed as follows:

General Construction Work

Willett Builders, Inc.	Base Bid:	\$ 840,000
	Alternate No. G-1	\$ 47,000
	Alternate No. G-2	\$ 20,000
	Alternate No. G-3A	\$ 45,000
	Alternate No. G-4	\$ 7,000

Total Award of General Construction Contract: \$ 959,000

Electrical Construction Work

Electrical Systems Service and Installation Inc.	Base Bid:	\$ 70,300
	Alternate No. E-1	\$ 8,270
	Alternate No. E-2	\$ 5,980
	Alternate No. E-4	\$ 5,950

Total Award of Electrical Construction Contract: \$ 90,500

and be it further

RESOLVED, that the sum of \$125,000 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 any allowance and contingency funds that remain unspent will be returned to the capital budget; 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 projects in Fund 410, Funds Center 122 as follows:

A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation	\$ 155,525.61
A.18003 – 2018 Buffalo Niagara Convention Center Improvements	\$ 494,800.00
<u>A.19013 – 2019 Buffalo Niagara Convention Center Improvements</u>	<u>\$ 524,174.39</u>
Total not to exceed	\$1,174,500.00

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 Niagara Convention Center c/o Paul Murphy and Financial Officer.

(5-1) Legislator Lorigo voted in the negative.

3. COMM. 8E-14 (2021)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the existing structural members have deteriorated over time and are in need of repair; and

WHEREAS, the repairs to be made to the existing structural members within the Rath Building Parking Garage will not only correct previous deterioration but will also prevent future deterioration; and

WHEREAS, the County of Erie received bids for the Erie County Rath Building Garage Rehabilitation project on March 25, 2021; and

WHEREAS, the lowest responsible bidder is Highland Masonry and Restoration; and

WHEREAS, the Department of Public Works is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Rath Building Garage Rehabilitation project for an amount not to exceed as follows:

<u>General Contracting Work</u>	
Highland Masonry and Restoration	Base Bid: \$ 390,732
	<u>Alternate GC-01:</u> \$ 65,766
Total Award of Construction Contract:	\$ 456,498

and be it further

RESOLVED, that the sum of \$ 75,000 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 change order reductions 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 approved Capital Budget, Fund 410, Funds Center 122, as follows:

<u>A.19006 - Preservation of County Buildings and Facilities</u>	\$ 531,498
Total Payment Not to Exceed:	\$ 531,498

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)

4. COMM. 8E-15 (2021)  
**COUNTY EXECUTIVE**

WHEREAS, the Bridge Replacements of North French Road (CR 299) over Gott Creek, BIN 3326760 and County Road (CR 282) over Beeman Creek, BIN 3326680, Towns of Amherst and Clarence, PIN 5763.34 (the "Project") are eligible for funding under CFR Title 23 U.S. Code, as amended, that calls for the appropriation of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the two bridges need to be replaced due to structural deficiencies; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance 80% of the reimbursable Federal share and payment of the 20% Non-Federal share of the costs of the design engineering (Scoping & Design phases I-VI); and

WHEREAS, the total cost of the Design Engineering is \$400,000, the required 20% local share, including a \$20,000 contingency, is \$96,000 and the 80% federal share is \$304,000, available in Capital Projects B.20057, 2020 Federal Aid Bridge Preservation Design – County Road over Beeman Creek and B.21152, 2021 Federal Aid Bridge Preservation Design – North French Road over Gott Creek, Fund 420, Funds Center 123; and

WHEREAS, the New York State Department of Transportation (NYSDOT) has combined the two separate bridge projects into a single Project, PIN 5763.34 for the purposes of economy and efficiency; and

WHEREAS, the Department of Public Works, Division of Highways requests authorization to work with the Division of Budget and Management to transfer the Pay-As-You-Go (PAYGO)/Federal Aid total budget of \$300,000, including the \$60,000 interfund revenue transfer from Capital Project B.20057 into the \$325,000 PAYGO/Federal Aid Capital Project B.21152, Fund 420, Funds Center 123 for a total budget of \$625,000 to allow for budgeting flexibility for the two bridges and to help with claiming accuracy; and

WHEREAS, using the Federal Aid RFQ process, the firm of CHA Consultants, Inc., has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the replacement of the above noted two (2) bridges.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves participation in the Bridge Replacement of North French Road (CR 299) over Gott Creek, BIN 3326760 and County Road (CR 282) over Beeman Creek, BIN 3326680, PIN 5763.34 (the "Project"); and be it further

RESOLVED, that the County Executive be authorized to execute the Agreement with the NYSDOT, an agreement between the County of Erie and the selected Project Design Engineers, CHA Consultants, for engineering design services in an amount not to exceed \$400,000, and execute any necessary Change Orders; 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 (Scoping and Design I-VI) phases of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the federal revenue that is available as administered by the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Department of Public Works, Division of Highways and the Division of Budget and Management are hereby authorized to best effectuate the combination of funding for the Project by transferring the \$300,000 PAYGO/Federal Aid budget, including the \$60,000 interfund revenue subsidy transfer from Capital Project B.20057, 2020 Federal Aid Bridge Preservation Design, into the \$325,000 PAYGO/Federal Aid Capital Project B.21152, 2021 Federal Aid Bridge Preservation Design-PIN 5763.34, Fund 420, Funds Center 123 as follows:

B.20057 - 2020 Federal Aid Bridge Preservation Design

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$240,000	(\$240,000)	\$0
486000	Interfund Rev Subsidy	<u>\$60,000</u>	<u>(\$60,000)</u>	<u>\$0</u>
TOTAL REVENUES		<u>\$300,000</u>	<u>(\$300,000)</u>	<u>\$0</u>
APPROPRIATIONS				
Capital Projects UNALLOCATED	Capital Project Exp Unallocated Capital	\$60,000 <u>\$240,000</u>	(\$60,000) <u>(\$240,000)</u>	\$0 <u>\$0</u>
TOTAL APPROPRIATIONS		<u>\$300,000</u>	<u>(\$300,000)</u>	<u>\$0</u>

B.21152 - 2021 Federal Aid Bridge Preservation Design-PIN 5763.34

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$250,000	\$240,000	\$490,000
486000	Interfund Rev Subsidy	<u>\$75,000</u>	<u>\$60,000</u>	<u>\$135,000</u>
TOTAL REVENUES		<u>\$325,000</u>	<u>\$300,000</u>	<u>\$625,000</u>
APPROPRIATIONS				
Capital Projects UNALLOCATED	Capital Project Exp Unallocated Capital	\$75,000 <u>\$250,000</u>	\$364,000 <u>(\$64,000)</u>	\$439,000 <u>\$186,000</u>
TOTAL APPROPRIATIONS		<u>\$325,000</u>	<u>\$300,000</u>	<u>\$625,000</u>

and be it further

RESOLVED, that the estimated total Project cost of \$400,000 for Design Engineering is hereby appropriated from B.21152 and made available to cover the cost of participation in the above phases of the Project; 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 (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 New York State Department of Transportation thereof; and be it further

RESOLVED, that 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 the additional 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, NYS Marchiselli aid and any other funding source on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and all local share costs of 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)

5. COMM. 8E-16 (2021)

**COUNTY EXECUTIVE**

WHEREAS, the building envelope of the Fire Training Academy building has deteriorated and requires repairs and sealing to keep the building weather tight; and

WHEREAS, the existing roof system of the Fire Training Academy building is trapping moisture and requires rehabilitation; and

WHEREAS, the County of Erie received bids for the Fire Training Academy- Exterior Waterproofing and Roof Recoating project on February 11, 2021; and

WHEREAS, the lowest responsible bidder is Patterson Stevens, Inc.; and

WHEREAS, the Department of Public Works is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Fire Training Academy – Exterior Waterproofing and Roof Recoating project for an amount not to exceed as follows:

<u>General Contracting Work</u>	
<u>Patterson Stevens, Inc.</u>	Base Bid: \$ 649,885
Total Award of Construction Contract:	\$ 649,885

and be it further

RESOLVED, that the sum of \$ 100,000 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 change order reductions 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 approved 2020 Capital Budget, Fund 410, Funds Center 122, as follows:

<u>A.20002-2020 Roof Replacement and Exterior</u>	\$ 749,885
Total Payment Not to Exceed:	\$ 749,885

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)

6. COMM. 8E-17 (2021)

**COUNTY EXECUTIVE**

WHEREAS, Exchange Street (CR 578) located in the Town of Marilla was previously redesigned and reconstructed by the State of New York; and

WHEREAS, the State of New York abandoned the underlying roadway, formerly known as the Alden-Cowlesville Road (State Highway 1537) in and around 1980 to the County; and

WHEREAS, after the realignment, the County continued to own a portion of the former right-of-way that is no longer needed, as it was never properly abandoned during the reconstruction project; and

WHEREAS, the former portion of the highway bisects the property owned by the homeowner located at 590 Exchange Street; and

WHEREAS, the homeowner of 590 Exchange Street is seeking to sell his property and is willing to take title to the former right-of-way in order to cure a title defect; and

WHEREAS, the County Land Advisory Review Committee (“ARC”) has recommended that the former right-of-way be abandoned pursuant to NYS Highway Law §118-a; and

WHEREAS, the Department of Public Works has recommended that this portion of the former highway be abandoned; and

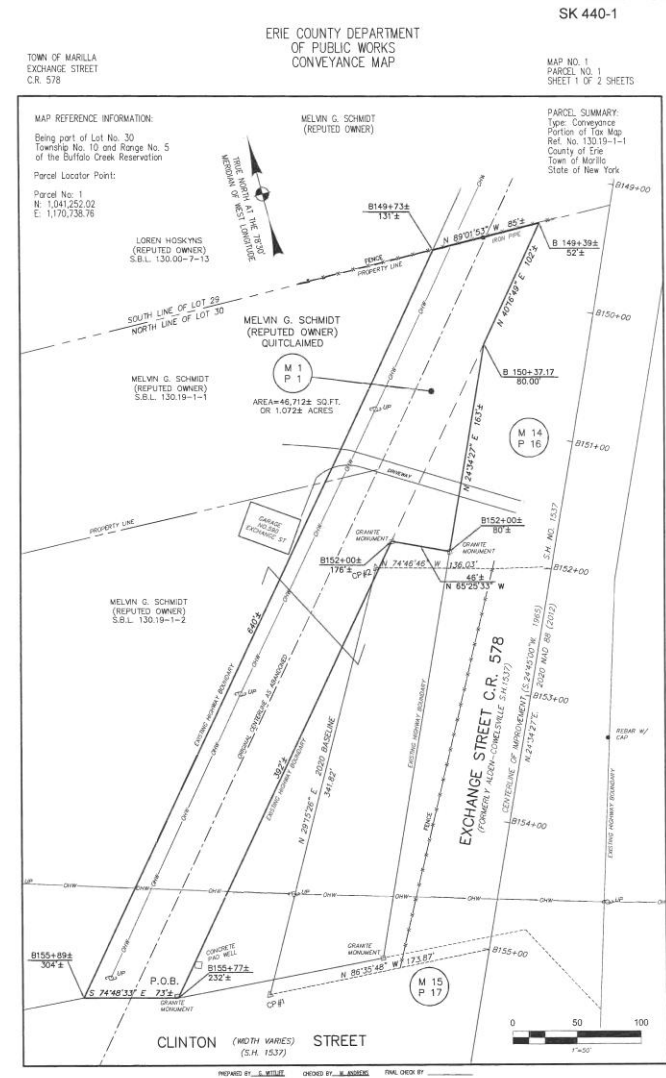
WHEREAS, those utilities presently residing within the boundaries of said parcel as denoted on attached SK 440-01 shall be granted permanent easements, as a condition of the land conveyance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute a quit claim deed abandoning the former portion of County right-of-way used for Exchange Street located in the Town of Marilla to the adjacent property owner, a survey of which is attached hereto as Exhibit A; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the County Comptroller and the County Attorney.

## ATTACHMENT A



ERIE COUNTY DEPARTMENT  
OF PUBLIC WORKS  
CONVEYANCE MAP

TOWN OF MARILLA  
EXCHANGE STREET  
C.R. 578

MAP NO. 1  
PARCEL NO. 1  
SHEET 1 OF 2 SHEETS

All that piece or parcel of property hereinafter designated as Parcel No. 1, situate in Lot 30, Township 10, Range 5 of the Buffalo Creek Reservation, Town of Marilla, County of Erie, State of New York, as shown on the accompanying map and described as follows:

PARCEL NO. 1

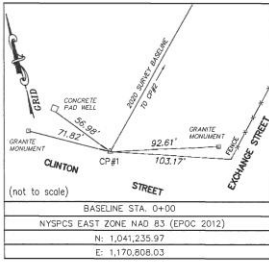
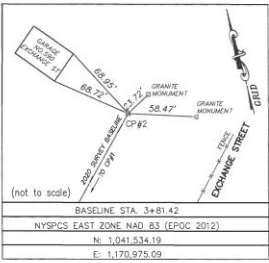
Beginning at the point of intersection of the original westerly highway boundary of the existing Exchange Street, County Road No. 578, being formerly Alden-Cowlesville State Highway No. 1537, and the northerly highway boundary of Clinton Street, State Highway No. 1537, said point being 232± feet westerly, measured at right angles from Station 155+77± of the hereinafter described centerline of the Exchange Street, County Road No. 578; thence northerly along the last mentioned boundary of said existing Exchange Street, the following two (2) distances: (1) 392± feet to a point being 176± feet distant westerly measured at right angles from Station 152+00± of said baseline; (2) South 85°25'33" East 46± feet to a point being 80± feet distant westerly measured at right angles from Station 152+00± of said baseline; thence northerly through the bed of said Exchange Street the following three (3) distances: (1) North 24°34'27" East 163± feet to a point being 80.00 feet distant westerly measured at right angles from Station 150+37.17 of said baseline; (2) North 40°16'49" East 102± feet to a point being 52± feet to the intersection of the division line between the North line of Lot 30, Township 10, Range 5 and the South line of Lot 29, Township 10, Range 5, said point being 52± feet distant westerly measured at right angles from Station 149+39 of said baseline; (3) North 89°01'53" West along said Lot Line 85± feet to a point on the westerly boundary of said existing Exchange Street at its intersection with the division line between the property of Loren Huskyns (reputed owner) on the north and the property of Melvin G. Schmidt (reputed owner) on the south, said point being 131± feet distant westerly measured at right angles from Station 149+73 of said baseline; thence southerly along the last mentioned boundary of said existing road 640± feet to the intersection of said existing Exchange Street and the northerly boundary of said existing Clinton Street, said point being 304± feet distant westerly measured at right angles from Station 155+89± of said baseline; thence South 74°48'33" East through the bed of said Exchange Street 73± feet to the point of beginning, being 46,712± square feet or 1.072± acre more or less.

Being a portion of the property which was acquired by the State of New York for the construction and reconstruction of Alden-Cowlesville Road S.H. No. 1537, Map No. 14, Parcel No. 16, and more.

The above mentioned centerline is a portion of the centerline for the reconstruction of Alden-Cowlesville Road, State Highway No. 1537, as shown on a map and plan on file in the office of the State Department of Transportation, a portion of said centerline being described as follows:

Beginning at Station B 149+00, thence South 24°34'27" West 808.53 feet to Station 157+08.53.

All bearings were established in 2020, and are referenced to true north at the 78°39'00" Meridian of West Longitude.

BASELINE STA. 0+00
NYSPCS EAST ZONE NAD 83 (EPOC 2012)
N: 1,041,235.97
E: 1,170,808.03

BASELINE STA. 3+81.42
NYSPCS EAST ZONE NAD 83 (EPOC 2012)
N: 1,041,534.19
E: 1,170,975.09

I hereby certify that the property mapped above is not necessary for highway purposes and the conveyance thereof is recommended.

Date November 5 2020

*Darlene Salvaso, P.E.*  
Darlene Salvaso, P.E.  
Director of Engineering  
Erie County Highway Department

PROPERTY TO BE  
QUITCLAIMED TO  
MELVIN G. SCHMIDT

Pursuant to the authority delegated to me by Erie County I hereby approved and filed in the Clerk's Office of the County of Erie, State of New York

Date Nov. 5 2020

*William Geary*  
William Geary  
Commissioner of Public Works

Unauthorized alterations of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law.

I hereby certify that this map was prepared in accordance with the current NYS DOT policies, standards and procedures.

Date November 4, 2020

*Mark J. Andrews, P.L.S.*  
Mark J. Andrews, P.L.S., Lic. No. 050455  
Greenman-Peterson, Inc.

Approved and adopted by Resolution of the Legislature of the County of Erie, Pursuant to Section 65 of the Highway Law, at a meeting held on the day of \_\_\_\_\_, 20\_\_\_\_.

Clerk of the County Legislature of Erie County.

Map of property provided as set forth above for the reconstruction of Exchange Street County Road 578 and now found to be unnecessary for highway purposes by the Commissioner of Public Works.

7. COMM. 8E-33 (2021)  
**COUNTY EXECUTIVE**  
WHEREAS, the Rehabilitation of Borden Road Project (the Project) was approved by your Honorable Body via COMM 15E-12 (July 23, 2020); and

WHEREAS, a contract for design engineering services with the selected consultant, Bergmann Associates in the amount of \$545,519 was unable to be fully funded due to the financial constraints of 2020; and

WHEREAS, the required design engineering services were begun via an initial contract with Bergmann Associates in the amount of \$195,519; and

WHEREAS, it is now desired to fully fund the design services contract by executing an amendment in the amount of \$350,000; and

WHEREAS, this amount is available from the capital project identified below.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves amending the contract with Bergmann Associates in the amount of \$350,000 to fully fund the engineering design services contract for the subject Project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a contract amendment with Bergmann Associates for design engineering services for all phases of the Project in the amount of \$350,000 for a total contract amount of \$545,519; and be it further

RESOLVED, that funding for this Project is hereby appropriated from Fund 420, Funds Center 123, and made available for the project as follows:

B.20005	2020 Preservation of Roads Design	\$350,000
Total		\$350,000

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)

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