

May 5, 2022

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 8

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

1. RESOLVED, the following item is hereby received and filed:
- a. COMM. 8M-3 (2022)
NFTA: “Cash Flow Statement for 4/1/2021 – 3/31/2022 & Projected Cash Flow for 4/1/2022 – 3/31/2023”
(Chair’s Ruling)
2. COMM. 8E-6 (2022)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Grover Cleveland Golf Course requiring professional design services; and

WHEREAS, the qualifications and proposals were solicited by the Erie County Department of Public Works (DPW) in coordination with Parks to renovate the Schenck House and Restroom Outbuilding; and

WHEREAS, DPW received professional Architectural/Engineering design qualifications and proposals for the Grover Cleveland Golf Course Schenck House and Restroom Renovation - Historic project on February 22, 2022; and

WHEREAS, a review of qualifications evaluated each firm, it was deemed via the County’s consultant selection process that Watts Architecture and Engineering, DPC has the necessary expertise, experience, and manpower to provide the required architectural and engineering services; and

WHEREAS, the scope of work will include a full-scale renovation of the existing historic buildings to include a new roof, interior finish upgrades, interior restoration of historic features, and new electrical/ HVAC system as needed to house a heritage museum for public display or historic County artifacts; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with Watts Architecture and Engineering, DPC for providing professional architecture and engineering services for the Grover Cleveland Golf Course Schenck House and Restroom Renovation - Historic Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Watts Architecture and Engineering, DPC for the Grover Cleveland Golf Course Schenck House and Restroom Renovation - Historic Project for an amount not to exceed \$116,200.00 for Professional Design Fee, Bidding and Construction Administration, \$500.00 for reimbursables, as well as a \$12,000 design contingency; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following Capital Project approved in the American Rescue Plan resolution, COMM 13E-15, on 7/8/21, Fund 410, Funds Center 122:

A.21162 Parks Managed by DPW Expanded Capital Program \$128,700

and be it further

RESOLVED, that two certified copies each 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 Office of the Comptroller, and one copy to the Department of Parks, Recreation and Forestry.
(6-0)

3. COMM. 8E-7 (2022)
COUNTY EXECUTIVE
WHEREAS, the east elevator machine room and boiler chimney structure at the Buffalo and Erie County Public Library appears original to the 1960’s building; and

WHEREAS, the brick structure has deteriorated due to age, requiring brick replacement and repointing; and

WHEREAS, the Buffalo & Erie County Public Library – East Elevator Machine Room & Chimney Exterior Rehabilitation project (herein called the “Project”) is necessary to address this issue and provide a sound and weathertight structure; and

WHEREAS, the County of Erie received bids for the Project on March 8, 2022; and

WHEREAS, the Department of Public Works, along with its consultant Trautman Associates, are recommending award of the contract Raymond E. Kelley, Inc. as 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 Project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Raymond E. Kelley, Inc.	Base Bid	\$ 90,000
Total Award of all Construction Contracts:		\$ 90,000

and be it further

RESOLVED, that the sum of \$10,000 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 Fun; 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 following Capital Project in Fund 490, Funds Center 122:

F.21101	Buffalo & Erie County Public Library – Various Improvements and Upgrades	\$100,000
Total Payment not to Exceed:		\$100,000

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, the Office of the Comptroller, and Chief Financial Officer Kenneth Stone of the Buffalo and Erie County Public Library.
(6-0)

4. COMM. 8E-8 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Court Building has cracks in the façade allowing water infiltration into and behind the façade causing deterioration of the façade from freeze/ thaw cycles resulting in falling façade debris; and

WHEREAS, sidewalk protections were put in place to protect the public from falling façade fragments via; and

WHEREAS, Trautman Associates (TA) was selected through the Department of Public Works (DPW) Request for Proposal/ Qualification (RFP/Q) process; and

WHEREAS, Trautman Associates was previously authorized to provide professional Architectural / Engineering investigative, design, and construction administration services for the Erie County Court Building – Exterior Repair and Waterproofing per COMM. 20E-17 (2019); and

WHEREAS, an investigative survey of the building’s exterior was performed by the engineering firm of Trautman Associates in accordance with the original base scope that revealed the cracking of the façade panels was pervasive and more extensive that originally anticipated; and

WHEREAS, the inspection also revealed extreme corrosion of the façade’s steel support elements leaving the existing façade system compromised in its current condition and cannot be left in place; and

WHEREAS, reconstruction of the building envelope, inclusive of window replacement and a new building veneer system, must be implemented to install a building cladding system that is able to withstand the conditions that the west face of the building sees; and

WHEREAS, additional design services to are needed to remove the distressed façade of the Erie County Court Building and replace with a new system in accordance with the investigation inspection performed after the commencement of the design project which is when the additional costs as well as unforeseen conditions were realized; and

WHEREAS, upon review of the proposal for additional services, the Department of Public Works has determined that the requested fee is fair and reasonable considering the comprehensiveness of the project and the expected construction budget; and

WHEREAS, authorization is required for the County Executive to issue an Agreement Amendment with Trautman Associates for providing additional professional design and construction administration services for the Erie County Court Building – Exterior Repair and Waterproofing project; and

WHEREAS, at times capital projects may receive unanticipated revenue and/or project scopes are reduced when less revenue is to be received than what is budgeted; and

WHEREAS, authorization is required to adjust the budgets in the capital projects to match the known actual revenue to be received; and

WHEREAS, all additional spending would continue to need Legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given for the Division of Budget and Management to increase or decrease the budgets in capital projects to match the actual known revenue to be received; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement Amendment with Trautman Associates increasing their design fee for providing additional professional Architectural / Engineering design services and construction administration for the Erie County Court Building – Exterior Repair and Waterproofing by an amount not to exceed \$500,000 bringing the total value of the contract to \$750,000, inclusive of a \$52,750 design contingency in total; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment from the following capital project, approved via the American Rescue Plan resolution, COMM. 13E-15 on July 8, 2021 in Funds Center 122, Fund 410:

<u>A.21167 – 2021 25 Delaware Exterior</u>	<u>\$ 500,000</u>
Total	\$ 500,000

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)

5. COMM. 8E-9 (2022)
COUNTY EXECUTIVE

WHEREAS, the 2022 Bridge Painting and Vertical Down Repairs (Bullis Road Bridge) PIN 5763.78, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds, and a 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, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$1,275,000 with \$608,000 in Federal reimbursements and \$667,000 in local funds.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature 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 with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; 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 \$1,275,000 of which \$608,000 is made up of Federal reimbursements and \$667,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal reimbursements from the NYSDOT Agreement, as well as any other additional Federal or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$900,000 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	\$ 357,695
B.18019 – 2018 Rehabilitation of Flagged Bridges	\$ 157,305
<u>B.21105 – 2021 Federal Aid Pres. of Bridges</u>	<u>\$ 760,000</u>
TOTAL Project Cost	\$ 1,275,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.21105, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
414000	Federal Aid	\$1,200,000	\$0	\$1,200,000
475000	Gen Oblig Bond Proc	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>
TOTAL REVENUES		<u>\$1,700,000</u>	<u>\$0</u>	<u>\$1,700,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$500,000	\$260,000	\$760,000
<u>UNALLOCATED</u>	<u>Unallocated Capital</u>	<u>\$1,200,000</u>	<u>(\$260,000)</u>	<u>\$940,000</u>
TOTAL APPROPRIATIONS		<u>\$0</u>	<u>\$1,700,000</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; 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, \$1,275,000 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 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 ten (10) 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.
(6-0)

6. COMM. 8E-10 (2022)
COUNTY EXECUTIVE

WHEREAS, the 2022 Bridge Washing (209 Bridges) PIN 5763.40, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds, and a 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, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$375,000 with \$280,000 in Federal reimbursements and \$95,000 in local funds.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature 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 with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; 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 \$375,000 of which \$280,000 is made up of Federal reimbursements and \$95,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal reimbursements from the NYSDOT Agreement, as well as any other additional Federal or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$375,000 for the construction, and construction inspection phase for the Project is available in B.19012 – 2019 Federal Aid Bridge Preservation, 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 B.19012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$80,000	\$0	\$80,000
414000	Federal Aid	\$781,325	\$280,000	\$1,061,325
475000	Gen Oblig Bond Proc	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>
TOTAL REVENUES		<u>\$1,161,325</u>	<u>\$280,000</u>	<u>\$1,441,325</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$1,161,325	\$280,000	\$1,441,325
<u>UNALLOCATED</u>	<u>Unallocated Capital</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL APPROPRIATIONS		<u>\$1,161,325</u>	<u>\$280,000</u>	<u>\$1,441,325</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; 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, \$375,000 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 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 ten (10) 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.
(6-0)

7. COMM. 8E-11 (2022)
COUNTY EXECUTIVE
WHEREAS, the 2022 Bridge Deck Sealing (32 Bridges) PIN 5763.39, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds, and a 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, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$453,000 with \$328,000 in Federal reimbursements and \$125,000 in local funds.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature 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 with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; 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 \$453,000 of which \$328,000 is made up of Federal reimbursements and \$125,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal reimbursements from the NYSDOT Agreement, as well as any other additional Federal or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$453,000 for the construction, and construction inspection phase for the Project is available in B.19012 – 2019 Federal Aid Bridge Preservation, 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 B.19012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$80,000	\$0	\$80,000
414000	Federal Aid	\$453,325	\$328,000	\$781,325
475000	Gen Oblig Bond Proc	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>
TOTAL REVENUES		<u>\$833,325</u>	<u>\$328,000</u>	<u>\$1,161,325</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project	\$805,000	\$356,325	\$1,161,325
	Expense			
<u>UNALLOCATED</u>	<u>Unallocated Capital</u>	<u>\$28,325</u>	<u>(\$28,325)</u>	<u>\$0</u>
TOTAL		<u>\$833,325</u>	<u>\$328,000</u>	<u>\$1,161,325</u>
APPROPRIATIONS				

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; 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, \$453,000 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 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 ten (10) 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.
(6-0)

8. COMM. 8E-12 (2022)
COUNTY EXECUTIVE

WHEREAS, bids were received and opened on March 31, 2022, for the Rehabilitation of Borden Road (CR322) – Phase 1, Strasmer Road to Broadway (NY130) Project, ECDPW Project No. CAP-CR322-1-2022 (the” Project”); in the Town of Cheektowaga and the Village of Depew; and

WHEREAS, the bids are still being evaluated in accordance with the applicable local laws; and

WHEREAS, due to the time required for Legislative approval, contract execution, the anticipated lead time on necessary materials due to current supply chain issues, and to make maximum use of the 2022 construction season, it is desired to obtain Legislative approval as soon as possible to permit contract award; and

WHEREAS, it will be necessary to establish a Project Contingency in the amount of 5% of the lowest responsible bid with authorization for the County Executive to execute related approved Change Orders, Amendments and/or Agreements; and

WHEREAS, the project includes work funded by ECDPW Division of Highways (HGWYS), ECDEP – Division of Sewerage Management (DSM) and Erie County Water Authority (ECWA) and funding for the Project is available from the sources hereinafter identified.

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 establish a Project Contingency and execute Project related change orders, amendments and agreements, as necessary, for an amount not to exceed 5% of the lowest responsible bid; and be it further

RESOLVED, that the total cost of the contracts for construction and the Project Contingency shall not exceed \$13,036,500; and be it further

RESOLVED, the Project budget, in the not to exceed amount of \$13,036,500 be made available for the Project, as follows:

HGWYS:

- Fund 420, Funds Center 123:
 - Project B.21102 – Preservation of Roads Borden - \$3,997,000
 - Project B.22050 – 2022 Capital Budget – Borden - \$1,846,000

DSM:

- Fund 430, Funds Center 181:
 - Capital Account C.21150 (American Rescue Plan) – Depew FM Replacement - \$6,380,000

ECWA:

- Fund 420, Funds Center 123
 - Project B.21102 – Preservation of Roads Borden - \$813,500 (increase to project budget for the cost of the ECWA work, approved via COMM 5E-23 (2022) on March 17, 2022).

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, the Division of Sewerage Management, and the Office of the Comptroller.

(6-0)

9. COMM. 8E-13 (2022)
COUNTY EXECUTIVE
WHEREAS, the existing parking garage sprinkler system is beyond a 50-year service life; and

WHEREAS, the sprinkler system will be replaced in its entirety to allow for at least another 50 years of service life; and

WHEREAS, the Rath Building – Parking Level Sprinkler System Replacement project (herein called the “Project”) is necessary to address this issue and provide a new and improved sprinkler system; and

WHEREAS, bids for the Project were first received by the Department of Public Works on December 28, 2021; and

WHEREAS, the one and only bid received was an unresponsive bid and could not be considered; and

WHEREAS, the Project was then re-bid, resulting in no bids received on January 31, 2022; and

WHEREAS, upon direction of the Department of Law to forego the traditional bid procedures under General Municipal Law 103, the Department of Public Works engaged with potential fire protection contractors directly by requesting bid proposals for the Project; and

WHEREAS, the County of Erie received one bid proposal for the Project on March 8, 2022; and

WHEREAS, the Department of Public Works, along with its consultant Trautman Associates, are recommending award of the contract to M&S Fire Protection, LLC as 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 Project for an amount not to exceed as follows:

<u>General Construction Work</u>		
M&S Fire Protection, LLC	Base Bid	\$ 445,675
Total Award of all Construction Contracts:		\$ 445,675

and be it further

RESOLVED, that the sum of \$54,325 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 Fun; 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 following Capital Project in Fund 410, Funds Center 122:

A.21106	Mechanical, Electrical, Plumbing, and Misc. Improvements (Countywide)	\$500,000
Total Payment not to Exceed:		\$500,000

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)

10. COMM. 8E-17 (2022)
COUNTY EXECUTIVE
WHEREAS, the County of Erie recognizes the role of the performing arts in preserving cultural heritage, building community character, and enhancing economic vitality; and

WHEREAS, Shea’s Buffalo Theater, located at 650 Main Street, Buffalo, currently provides the aforementioned programming to the residents of Erie County; and

WHEREAS, Shea’s has a loyal audience and serves as a major cultural destination in Erie County; and

WHEREAS, the existing theater building currently does not contain a publicly accessible elevator to provide ADA accessibility to all levels of the Theater; and

WHEREAS, the proposed capital improvements will enable Shea’s to provide a more inclusive experience to all members of the community; and

WHEREAS, the addition will also address capacity issues and improve the functionality of the existing theatre; and

WHEREAS, Erie County desires to fund a portion of the improvements to the new theater space; and

WHEREAS, the City of Buffalo is the owner of the Theater building located at 642 Pearl Street, Buffalo; and

WHEREAS, the Shea’s O’Connell Preservation Guild Ltd., a subsidiary of Shea’s is the property owner of 439 Pearl Street, Buffalo the parcel where the expansion shall occur; and

WHEREAS, the County of Erie has allocated \$750,000 for the theater improvements in the approved 2020 Capital Budget in account A.20012.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the City of Buffalo, and Shea’s O’Connell Preservation Guild Ltd or affiliated subsidiaries of the City of Buffalo or Shea’s Theatre as necessary to implement the proposed project; and be it further

RESOLVED, that the source of these funds shall be \$750,000 available in the approved 2020 Erie County Capital Budget within SAP account A.20012; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; Mark Rountree, Department of Environment and Planning and the County Attorney.
(6-0)

11. COMM. 8E-18 (2022)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Wendt Beach requiring professional design services; and

WHEREAS, the qualifications and proposals were solicited by the Erie County Department of Public Works (DPW) in coordination with Parks to renovate the Wendt Beach Mansion and Stables; and

WHEREAS, DPW received professional Architectural/Engineering design qualifications and proposals for the Wendt Beach Mansion and Stables project on March 8, 2022; and

WHEREAS, after an extensive review of qualifications submitted by all respondents as well as an in-person presentation from the qualified firms scoring in the top three, it was deemed via the County’s consultant selection process that Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C has the necessary expertise, experience, vision and manpower to provide the required architectural and engineering services; and

WHEREAS, the scope of work will include a full-scale renovation of the existing historic buildings, interior finish upgrades, interior restoration of historic features, and new electrical/ HVAC system as needed for the adaptive re-use of the mansion and stables; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C for providing professional architecture and engineering services for the Wendt Beach Mansion and Stables Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C for the Wendt Beach Mansion and Stables Project for an amount not to exceed \$697,810 inclusive of; \$630,740 for Professional Base Design, Bidding and Construction Administration Fee, \$3,070 for reimbursables, and a \$64,000 design contingency; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following Capital Project approved in the American Rescue Plan resolution, COMM 13E-15, on 7/8/21, Fund 410, Funds Center 122:

A.21162 Parks Managed by DPW Expanded Capital Program \$697,810

and be it further

RESOLVED, that two certified copies each 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 Office of the Comptroller, and the Department of Parks, Recreation and Forestry.
(6-0)

12. COMM. 8E-19 (2022)
COUNTY EXECUTIVE
WHEREAS, The County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site into Renaissance Commerce Park; and

WHEREAS, the development of utility and transportation infrastructure is necessary for the commercial development of the site; and

WHEREAS, the County of Erie is the owner of a 6.9-acre linear parcel where the Shoreline Trail is located which is situated between the Hamburg Turnpike (N.Y.S. Route 5) and Renaissance Commerce Park; and

WHEREAS, utility and transportation easements are necessary on the County parcel to connect Hamburg Turnpike (N.Y.S. Route 5) utility and transportation infrastructure to existing and proposed development located within Renaissance Commerce Park; and

WHEREAS, the Department of Environment and Planning will coordinate the easements with the Parks, Recreation and Forestry and Law Departments to minimize the disruption of the Shoreline Trail and conform to the County requirements relative to disturbance and restoration; and

WHEREAS, the Erie County Lands Advisory Review Committee will continue to evaluate each easement individually and review the futures actions under SEQRA.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into non-exclusive, utility and transportation easements with adjacent land owners, utility companies, municipal and other state and federal agencies as needed to facilitate the development of Renaissance Commerce Park; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; Commissioner of Real Property, Commissioner of Parks, Recreation and Forestry and the County Attorney.
(6-0)

13. COMM. 8E-20 (2022)
COUNTY EXECUTIVE

WHEREAS, the County is interested in the fostering of business growth and job retention within the County; and

WHEREAS, the County is the owner of a short line railroad, running between Lancaster and Cheektowaga which serves numerous commercial and industrial customers; and

WHEREAS, the County leases the rail line to the Erie County Industrial Development Agency (the “Organization”), and the Organization manages or causes to be managed, the operation of the aforementioned line; and

WHEREAS, portions of the line are slated for various safety and efficiency improvements and the County desires to fund a portion of such improvements; and

WHEREAS, the Organization has experience in contracting for construction projects on behalf of the County; and

WHEREAS, a \$1,617,000 grant award through the NYS PFRAP grant program was recently awarded to offset the cost of the project; and

WHEREAS, the County has allocated \$250,000 for improvements to the Depew Lancaster & Western Railroad (the "DL&W Railroad Project") in its 2022 Capital Budget in Capital Account A.22057 which will serve as the match to the NYS PFRAP grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive/ Deputy County Executive is hereby authorized to execute contracts as necessary with the Erie County Industrial Development Agency and DL&W in amounts not to exceed \$250,000 from Capital Account A.22057 (pay as you go) to implement the Project; and be it further

RESOLVED, and the County, through the Department of Environment and Planning, is authorized to make payments for the DL&W Project with the Organization and its contractors in an amount not to exceed \$250,000 from A.22057 (pay as you go); and

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner, Department of Environment and Planning; Mark Rountree, Department of Environment and Planning and the County Attorney.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR