

January 26, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MEYERS.
CHAIR BASKIN PRESENT AS EX-OFFICO MEMBER.

1. COMM. 2E-16 (2023)
COUNTY EXECUTIVE
WHEREAS, it is desired to rehabilitate Abbott Road (CR 4) from Milestrip Road to Fisher Road, including pavement resurfacing and drainage modification; and

WHEREAS, it is desired to rehabilitate Willett Road (CR 187) from the Smokes Creek bridge to Abbott Road, including pavement resurfacing and drainage modification; and

WHEREAS, the total cost of the Design Engineering phase of this Project is \$443,670.45, including contingency and is available in Capital Projects B.16011, B.17003, B.18006, and B.22062, Fund 420, Funds Center 123; and

WHEREAS, after the County’s selection process, the firm of CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C (CPL), has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the rehabilitation of the above noted segments of Abbott Road (CR 4) and Willett Road (CR 187).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Rehabilitation of Abbott Road and Willett Road, CAP-4&187-22Design (the “Project”); and be it further

RESOLVED that the County Executive be authorized to execute an agreement between the County of Erie and the selected Project Design Engineers, CPL, for engineering design services in an amount not to exceed \$443,670.45, including contingency, and execute any necessary Change Orders; and be it further

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

B.16011	2016 Road Design (Countywide)	\$ 78,078.00
B.17003	2017 Preservation of Roads Design	\$ 37,483.30
B.18006	2018 Turn Back of Roads to Towns	\$ 19,809.15
<u>B.22062</u>	<u>2022 Abbott Road Design</u>	<u>\$308,300.00</u>
Total Not to Exceed		\$443,670.45

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.
(4-0)

2. COMM. 2E-18 (2023)
COUNTY EXECUTIVE
WHEREAS, via COMM. 6E-5 (April 26, 2018) your Honorable Body approved the award of an On-Call General Civil and Geotechnical Term Agreement (Term Agreement) to Greenman Pedersen Inc. (GPI) with an initial term of 3 years starting on June 1, 2018 with the possibility of two one-year extensions; and

WHEREAS, via COMM 15E-6 (July 22, 2021) GPI’s term agreement was extended to December 31, 2022 utilizing seven months of the second one-year extension permitted by COMM. 6E-5; and

WHEREAS, the Department of Public Works (DPW) has issued a Request for Proposals (RFP) for the next round of On-Call Term Agreements but does not expect to have new agreements in place until the middle of 2023; and

WHEREAS, it is desired to utilize the remaining five (5) months of the second one-year extension permitted under COMM 6E-5 to extend GPI’s agreement to June 1, 2023; and

WHEREAS, Hopkins Road (CR 87) north of Smith Road (CR 297) was the subject of a major County capital project in 2014-2015 to address roadway and embankment failures along Ransom Creek that had reduced a section of Hopkins north of Smith Road to a single lane; and

WHEREAS, the section of Hopkins Road south of Smith Road is showing the initial signs of similar embankment failures; and

WHEREAS, it is desired to stabilize the roadway and roadway embankment prior to a major failure that would significantly impact the safety and mobility of the travelling public; and

WHEREAS, incidental geotechnical services are necessary to assess and respond to ground stability issues Countywide as they are brought to the Department’s attention by the Department’s maintenance forces, the general public, and as they arise, during the normal conduct of business; and

WHEREAS, civil and geotechnical engineering services are required to investigate, assess and design the necessary remediation to stabilize the roadway and roadway embankment on Hopkins Road as well as assess incidental ground stability issues Countywide; and

WHEREAS, GPI has the necessary knowledge and expertise to provide the required civil and geotechnical engineering services; and

WHEREAS, it is desired to engage GPI to provide the necessary engineering services for the remediation of the incipient slope failures on Hopkins Road and assessment of incidental ground stability issues; and

WHEREAS, the estimated cost of the required engineering services is \$325,000 which is available from the capital projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a 5-month extension to GPI’s current On-Call General Civil and Geotechnical Services Agreement to June 1, 2023; and be it further

RESOLVED, that the County Executive is authorized to include in the amendment to GPI’s On-Call General Civil and Geotechnical Services Agreement the engineering services necessary for the remediation of the slope failures on Hopkins Road (CR 87) and for incidental geotechnical services in the not to exceed amount of \$325,000 which is available from the following Capital Projects in Fund 420, Funds Center 123:

B.17014 – 2017 Road Slide Design	\$200,000
<u>B.17013– 2017 Slope Stability Investigations</u>	<u>\$125,000</u>
	\$325,000

which will be 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, 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. (4-0)

3. COMM. 2E-19 (2023)
COUNTY EXECUTIVE

WHEREAS, the County is undertaking a project to rehabilitate Vermont Street (C.R. 226) in the Town of Holland (“the Town”) from NY Route 16 to Pearl Street (hereinafter referred to as the (“Project”)) which was approved via COMM 13E-11 (July 9, 2020); and

WHEREAS, the Town desires to improve the resiliency and efficiency of the water distribution system in this section of Vermont Street by abandoning the existing watermain which dates to the 1930s and installing a new 10” diameter PVC watermain including required interconnects to the existing water distribution system, transfer of services from the old watermain to the new watermain as well as hydrant

replacements and connections to the new watermain as required (hereinafter collectively referred to as “Betterment”); and

WHEREAS, the Project presents a unique and time limited opportunity to undertake the Betterment; and

WHEREAS, the Town agrees to be responsible for the construction costs of the Betterment, including approved Betterment-related cost overruns and will maintain ownership and maintenance responsibility after completion of construction; and

WHEREAS, it is advantageous for the County to include the Betterment as part of the Project with the Town as owner responsible for the cost of the Betterment and all future operation and maintenance costs thereof; and

WHEREAS, the cost of the Betterment is estimated to be \$501,000 and will require that the project budget in Funds Center 123, Fund 420, B.19013 – 2019 Road Slides Construction – Vermont Street (CR226) Site 9 be increased by that amount to reflect acceptance of funds from the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves inclusion of the Betterment in the subject project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an inter-municipal agreement with the Town of Holland, subject to the County of Erie Attorney’s approval as to form and content, regarding the incorporation of the Betterment into the Project and the Town’s responsibility to provide 100% of the funding for the Betterment including any approved Betterment-related cost overruns; and be it further

RESOLVED, that the County Executive is hereby authorized to accept the funds from the Town and to increase the Project budget by the \$501,000 estimated cost of the Betterment in Funds Center 123, Fund 420, B.19013 – 2019 Road Slides Construction – Vermont Street (CR226) Site as follows:

Revenue	Description	Budget	Increase	Revised Budget
475000	General Oblig Bonds	\$300,000	\$0	\$300,000
420499	Other Local Source Revenue	\$0	\$501,000	\$501,000
Total Revenue		\$300,000	\$501,000	\$801,000
Appropriations				
CAPITALPROJECTS	Capital Project Exp	\$300,000	\$501,000	\$801,000
Total Appropriations		\$300,000	\$501,000	\$801,000

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.
(4-0)

4. COMM. 2E-20 (2023)
COUNTY EXECUTIVE

WHEREAS, bids were received and opened on December 7, 2022 for the Construction of Asphalt Snow Storage on East and West Rd (CR363) Project (the "Project"); ECDPW Project Number CAP-CR363-01-2022 in the Town of West Seneca; and

WHEREAS, Erie County Department of Public Works wants to award the contract to the lowest responsible bidder, Union Concrete and Construction Corp., in the amount of \$454,121 and establish a contingency of \$45,879, for a total cost not to exceed \$500,000; and

WHEREAS, the estimated total cost of the Project is \$500,000, and is available in Fund 420, Funds Center 123, Project B.18023.3 - 2018 Various Roads Reconstruction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a contract for ECDPW Project Number CAP-CR363-01-2022, to the lowest responsible bidder, Union Concrete and Construction Corp., in the amount of \$454,121; and be it further

RESOLVED, that a Project contingency be established in an amount of \$45,879 with authorization for the County Executive to execute Project related change orders, amendments and agreements, as necessary; and be it further

RESOLVED, the Project budget, in the amount of \$500,000, is available in Fund 420, Funds Center 123 as follows:

B.18023.3	2018 Various Roads Reconstruction	\$500,000
-----------	-----------------------------------	-----------

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, 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.
(4-0)

5. COMM. 2E-21 (2023)
COUNTY EXECUTIVE

WHEREAS, the County has determined that there is a need for the ability to access general civil engineering and land survey services in an efficient and timely manner to be able to respond to problems, emergency situations and issues that are of such magnitude that an issuance of a request for proposals is not warranted; and

WHEREAS, the County has in the past met this need by the awarding of two On-Call contracts for such services to consultants selected in accordance with County policy and the County selection process; and

WHEREAS, the term of the existing On-Call contracts ends on December 31, 2022; and

WHEREAS, the Department of Public Works (DPW) issued a Request for Proposals (RFP) for the next round of On-Call Term Agreements; and

WHEREAS, upon evaluation of the proposals received in accordance with County policy and the County selection process GPI (Greenman-Pedersen, Inc.) and DiDonato Associates Engineers and Architects (DiDonato) were selected for contracts; and

WHEREAS, the firms are anticipated to be utilized by both the Highway Division and Buildings and Grounds; and

WHEREAS, funding for the On-Call contracts is available from the Capital Projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute On-Call term contracts with GPI and DiDonato for an initial term of three years with the option of two one-year extensions; and be it further

RESOLVED, that the aggregate number of tasks assigned inclusive of both firms is not to exceed \$415,000; and be it further

RESOLVED, that of that amount \$100,000 will be for exclusive use by the Division of Buildings and Grounds and \$315,000 for the exclusive use of the Division of Highways; and be it further

RESOLVED, that the funding is available as follows:

Project	Title	Fund	Fund Center	Amount
A.22052	Preservation of County Bldgs and Facilities	410	122	\$100,000
B.19017	General Civil & Geotech–Construction as Directed	420	123	\$315,000
Total not to Exceed				\$415,000

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.
(4-0)

6. COMM. 2E-22 (2023)
COUNTY EXECUTIVE

WHEREAS, two existing Grow Houses that are adjacent to the existing administration building complex were completed in 2010 with concrete foundation walls and utility extensions constructed during that time in anticipation of a total of four Grow Houses while only two were constructed due to funding at the time; and

WHEREAS, to facilitate the expansion, the existing one-story growing range built in 1965 will need to be demolished as the old growing range has deteriorated to a point where it has been determined the cost of improvement is cost prohibitive; and

WHEREAS, the proposed demolition of the growing range, underground tunnel, abandoned septic field, and construction of the two additional custom designed steel-framed grow houses on the existing foundations are part of the Botanical Gardens Master Plan and will be consistent and respectful of the requirements of the NY State Historic Preservation Office (SHPO) and will provide a seamless experience to the public allowing the Botanical gardens to maintain plant production to support exhibitions while clearing the way for the expansion project, is a necessary and needed first phase of the expansion project and will serve to kick off the public phase of the expansion project; and

WHEREAS, while this is being considered the first phase preparing for the facility’s future addition, the demolition of the existing grow range and construction of two new grow houses are still necessary due to the condition of the existing building and the operations of the facility regardless of any future work that would occur regarding a future addition; and

WHEREAS, Foit Albert Associates was selected through the Department of Public Works standard consultant selection process; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement with Foit Albert Associates to provide professional design and construction administration services for a base fee of \$206,431 plus a \$48,502 hazardous materials allowance, \$750 reimbursable and \$29,317 design contingency for a total amount not to exceed \$285,000 for the Buffalo and Erie County Botanical Gardens Grow House Addition and Building Demolition project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional design and construction administration services for a total amount not to exceed \$285,000 including reimbursables and a design contingency for the Buffalo and Erie County Botanical Gardens Grow House Addition and Building Demolition project; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the previously approved Capital Project A.21164 – 2021 Botanical Gardens New Greenhouse, Fund 410, Funds Center 122 for a total amount not to exceed \$285,000; 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, and one copy to Buffalo and Erie County Botanical Gardens c/o Mark Mortenson.
(4-0)

7. COMM. 2E-23 (2023)
COUNTY EXECUTIVE

WHEREAS, the existing window and storefront systems at Gleasner Hall and Dry Memorial Library at Erie Community College North Campus have either been replaced with glass block or are original 60-year-old non-thermally broken aluminum storm window systems with single pane glazing added to the interior of the existing original storefront and in poor condition; and the entrance, corridor and entryway radiation, convectors or unit heaters, original to both buildings, are near the end of their reliable service life, and evaluated to be in poor condition; and

WHEREAS, the scope includes building-wide exterior masonry repair, replacement of all exterior window and storefront systems, exterior building and lobby lighting replacement, and lobby and entrance finishes; mechanical work includes new equipment screening, replacement of all entrance, corridor, and entryway radiation, convectors or unit heaters, and other miscellaneous work; and

WHEREAS significant energy savings will be achieved utilizing energy efficient commercial low-emissivity insulated window replacement systems and upgraded mechanical heating systems; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, Watts Architects and Engineers was selected through the Department of Public Works standard consultant selection process; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Watts Architects & Engineers to provide professional design and construction administration services for a base fee of \$323,114 plus a \$21,903 hazardous materials allowance, \$500 reimbursable and \$54,483 design contingency for a total amount not to exceed \$400,000 for the SUNY Erie Community College North Campus 2022 Gleasner Hall and Dry Memorial Library Exterior Envelope Rehabilitation Work project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Watts Architects & Engineers to provide professional design and construction administration services for a total amount not to exceed \$400,000, for the SUNY Erie Community College North Campus 2022 Gleasner Hall and Dry Memorial Library Exterior Envelope Rehabilitation Work; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the approved capital budgets, Fund 480, Funds Center 122, follows:

E.16002 – 2016 ECC Roof Replacement and Exterior Waterproofing	\$ 188,196.98
Collegewide	
E.19001 – 2091 Collegewide Improvements and Renovations	\$ 211,803.02
For a Total Amount Not to Exceed	\$ 400,000.00

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, Erie Community College, Director of Finance, and the Office of the Comptroller.
(4-0)

8. COMM. 2E-27 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2023 Annual Action Plan at their session held on January 26, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2023 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

1. Erie County Consortium Community Development Program: \$3,115,575
2. Emergency Solutions Program: \$239,111
3. HOME Investment Partnership Program: \$1,095,213
4. Town of Hamburg Community Development Program: \$435,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(4-0)

9. COMM. 2E-30 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County wishes to honor and memorialize the contributions of trailblazing women of the Western New York Community; and

WHEREAS, a Trailblazing Women’s Monument Selection Committee led by the Executive Director of the Erie County Commission on the Status of Women was established; and

WHEREAS, the Selection Committee determined that the greenspace and walkways in front of Old County Hall was the appropriate location for the monument; and

WHEREAS, on April 25, 2022, the Erie County Department of Environment & Planning issued a request for proposals from qualified artists to produce concepts, designs, and representational sculptures that bring to life the three historical figures chosen; and

WHEREAS, proposals were received by the June 3, 2022 deadline from twelve artists; and

WHEREAS, the Selection Committee members independently reviewed, scored, and ranked submitted proposals based on the selection criteria; and

WHEREAS, it was the unanimous vote of the Selection Committee to award the project to artists Vinnie Bagwell and Jiwoong Cheh.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the two selected artists – Vinnie Bagwell for \$133,000 and Jiwoong Cheh for \$267,000 (total of \$400,000) with sufficient funds existing within the 2021 Trailblazing Women’s Monument project, Fund 410, Funds Center 162, capital project A.21159; and that it be further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to make any budget adjustments and/or capital project budget modification necessary to effectuate this transfer; and be it further

RESOLVED, that the Clerk of the Legislature is hereby instructed to forward certified copies of this resolution to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management, Department of Law, Department of Public Advocacy and Department of Environment and Planning.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR