

February 9, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 3E-15 (2023)
COUNTY EXECUTIVE

WHEREAS, the federal American Rescue Plan (ARP), signed into law on March 11, 2021 as Public Law 117-2, requires institutions to use a portion of the Institutional funds to help fight the spread and transmission of COVID-19 on their campuses and among their student, faculty, staff and community members. The College allocated 5% percent of the total ARP funds to campus safety and the remainder was used to support revenue losses; and

WHEREAS, SUNY Erie Community College has more than 40 Heating, Ventilation, and Air Conditioning (HVAC) units across all three campus locations, with many having limited service and reaching the end of their useful lives; and

WHEREAS, SUNY Erie Community College seeks to maximize the required use of federal stimulus funds from the third tranche of support to postsecondary education by repairing and - in some cases - replacing HVAC units or their component parts across all three campus locations; and

WHEREAS, an amount of \$500,000 in Institutional Funds were planned for this use, and the plan was approved by SUNY System Administration and the State of New York to allocate this portion to campus safety; and

WHEREAS, there are no county funds being requested for this project but SUNY Erie Community College will seek support from New York State of up to 50 percent of existing state appropriations that were previously requested and approved through the State Budget Process, pursuant to NY Education Law Section 6304; and

WHEREAS, by doing so, SUNY Erie Community College can make major improvements in the physical operations of the campus and support the safety of its students, faculty, and staff.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature of the County of Erie does hereby authorize SUNY Erie Community College the use of American Rescue Plan (ARP) funds in the amount of \$500,000 as planned, and to seek additional support from the State of New York for this purpose; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, Officer in Charge of SUNY Erie Community College and the Chairman of the SUNY Erie Community College.
(5-0)

2. COMM. 3E-17 (2023)
COUNTY EXECUTIVE

WHEREAS, bids were received and opened on January 17, 2023 for the Road Reconstruction / Slope Stabilization of Back Creek Rd (CR438) in the Town of Boston, Erie County (the "Project"); Erie County Department of Public Works (ECDPW) Project Number CAP-438-23 in the Town of Boston; and

WHEREAS, ECDPW wants to award the construction contract to the lowest responsible bidder, Union Concrete and Construction Corp. (UCC), in the amount of \$1,099,740.01, enter into a construction period engineering services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates) in an amount not to exceed \$345,259.99 and establish a project contingency of \$55,000, for a total project cost not to exceed \$1,500,000; and

WHEREAS, the estimated total cost of the Project is \$1,500,000, and is available in Fund 420, Funds Center 123, Project B.21103 – 2021 Road Slides Construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a construction contract for ECDPW Project Number CAP-438-23, to the lowest responsible bidder, UCC., in the amount of \$1,099,740.01; and be it further

RESOLVED, that the County Executive is authorized to enter into a construction period engineering services agreement with Bergmann Associates in an amount not to exceed \$345,259.99; and be it further

RESOLVED, that a Project contingency be established in an amount of \$55,000 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 \$1,500,000, is available in Fund 420, Funds Center 123 as follows:

B.21103.1 – 2021 Road Slides Construction	\$1,500,000
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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.
(5-0)

3. COMM. 3E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, New York State Highway Law – HAY Section 102 charges the highway superintendent with the supervision of the work for constructing, maintaining, repairing, and improving the County highway system and its appurtenances; and

WHEREAS, the County of Erie's highway maintenance division must enter the New York State Department of Transportation's (NYSDOT) right of way to accomplish these tasks and is under the charge of the Commissioner of Highways; and

WHEREAS, the NYSDOT requires an annual permit for the County's maintenance forces to work within their right-of-way; and

WHEREAS, this annual permit requires an undertaking issued by the County of Erie which indemnifies the NYSDOT, requires the County to accept financial responsibilities for work within the State right-of-way, and the County's compliance with laws, rules, and regulation, governing the maintenance, construction, and traffic control activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Highway Commission to be the authorized agent signing the undertaking required by NYSDOT for the annual highway permit; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy 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 and the County Attorney.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR