

July 19, 2018

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 14M-7 (2018)  
**NFTA:** “2018-2018 NFTA-Metro Annual Performance Report”  
(Chair’s ruling)

2. COMM. 14E-13 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Tonawanda Rails to Trails Extension Project PIN 5761.02 (the “Project”) is eligible for funding under the Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT), such funding being apportioned as stated in Title 23 U.S. Code, as amended, that calls for the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, under TAP the Federal cost share is limited to the amount set forth in the original agreement with NYSDOT with any additional costs being borne 100% by the local sponsor; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering, Right of Way Incidentals and Right of Way Acquisition Phases via Legislative Communications 11E-10 (2015) and 2E-8 (2017); and

WHEREAS, the County of Erie would like to advance the Project’s Supplemental Agreement with NYSDOT which includes the addition of the Construction/Construction Inspection phase of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$1,816,400 an increase of \$1,579,400 over the County’s existing Project agreement with NYSDOT; and

WHEREAS, the required local share of the increase is \$1,009,000, of which \$822,000 is available in Fund 420, Funds Center 123 as follows:

B.17008	2017 Tonawanda Rails to Trails Extension	\$513,000
B.15005	2015 Tonawanda Rails to Trails	<u>\$309,000</u>
		\$822,000

and

WHEREAS, the remaining \$187,000 in local share is available from the City of Tonawanda according to an existing Inter-Municipal Agreement; and

WHEREAS, authorization is required to accept \$187,000 from the City of Tonawanda and to increase the budget in Project B.17008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; 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 Construction/Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Legislature hereby approves the acceptance of \$187,000 from the City of Tonawanda as per an existing Inter-Municipal Agreement and to increase to budget in Project B.17008; and be it further

RESOLVED, that the Project budget be adjusted to reflect the anticipated Federal revenue for the Construction/Construction Inspection phase as follows:

B.17008 – 2017 Tonawanda Rails to Trails Extension  
Fund 420, Funds Center 123

REVENUES		CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 787,000	(\$ 216,600)	\$ 570,400
420499	Other Local Source Revenue	\$ 0	\$ 187,000	\$ 187,000
475000	Gen Oblig Bond Proc	<u>\$ 513,000</u>	<u>\$ 0</u>	<u>\$ 513,000</u>
TOTAL REVENUES		\$ 1,300,000	(\$ 29,600)	\$1,270,400
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 513,000	\$ 187,000	\$ 700,000
Unallocated	Unallocated Capital	<u>\$ 787,000</u>	<u>(\$ 216,600)</u>	<u>\$ 570,400</u>
TOTAL APPROPRIATIONS		\$ 1,300,000	(\$ 29,600)	\$1,270,400

and be it further

RESOLVED, that the current estimated total cost increase of \$1,579,400 due to the addition of the Construction/Construction Inspection phases of the Project, is hereby appropriated from Fund 420, Funds Center 123 as follows:

B.17008	2017 Tonawanda Rails to Trails Extension	\$1,270,400
B.15005	2015 Tonawanda Rails to Trails	<u>\$309,000</u>
		\$1,579,400

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 Phases as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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, (subject to the County of Erie Attorney's approval as to form and content), 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 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 ten (10) 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)

3. **COMM. 14E-14 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, a project for the remediation of the slide on Belscher Road (CR 419) was approved by this Honorable Body via Comm. 12E-1 (June 22, 2017) (the "Project"); and

WHEREAS, it is desired to bid, award and complete construction of the Project during the 2018 construction season; and

WHEREAS, it is anticipated that it will not be possible to complete the bid process in time for the County Legislature to authorize award before the August recess; and

WHEREAS, it is estimated that the cost of construction should not exceed \$575,000 which is available from the SAP Projects hereinafter noted; and

WHEREAS, it is estimated that the cost of construction phase engineering services should not exceed \$150,000 which is available from the SAP Projects hereinafter noted; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder in a not to exceed amount of \$575,000; and

WHEREAS, it is desired to execute a contract with Greenman-Pedersen, Inc., the project consultant for construction phase engineering services in a not to exceed amount of \$150,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject actions; and be it further

RESOLVED, the County Executive is authorized to award a construction contract to the lowest responsible bidder for the project for an amount not to exceed \$575,000 the funds for which are available from Fund 420, Funds Center 123, SAP Project B.17016 – 2017 Road Slides Construction (\$500,000) and Fund 420, Funds Center 123, SAP Project B.16013 – 2016 Road Construction Countywide (\$75,000); and be it further

RESOLVED, that the County Executive is authorized to execute a contract with Greenman-Pedersen, Inc. for construction phase engineering services in an amount not to exceed \$150,000 which is available from Fund 420, Funds Center 123, SAP Project No. B.16013 – 2016 Road Construction Countywide; 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) Chair Savage not present for vote.

4. **COMM. 14E-15 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Education Department (NYSED) conducted an on-site Civil Rights Compliance Review of the Career and Technical Education programs and support services at Erie Community College (ECC), a recipient of federal funding administered through NYSED, and a Voluntary Compliance Plan (VCP) was issued as a result of the finding/violations; and

WHEREAS, the proposed accessibility upgrade work for the City Campus will contribute to compliance with the NYSED's VCP; and

WHEREAS, the existing three elevators at the Ellicott Street Building are 23 years old and have not been refurbished or modernized since installation, and have frequent breakdowns despite monthly preventive maintenance; and

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

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Architectural Resources P.C. to provide professional design and construction administration services for Erie Community College City Campus 2018 Various ADA upgrades and Ellicott Street Building Elevator Modernization project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Architectural Resources P.C. to provide professional design and construction document services for the Erie Community College City Campus 2018 Various ADA upgrades and Ellicott Street Building Elevator Modernization project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Erie County capital budgets as follows:

E.14006 – 2014 ECC Code Compliance Collegewide	\$ 23,917.28
E.15004 – 2015 ECC Code Compliance Collegewide	\$121,082.72

for an amount not to exceed \$145,000, including reimbursables and a design contingency; 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.

(5-0) Chair Savage not present for vote.

5. **COMM. 14E-16 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, 8 large culverts, identified as the 2018 Miscellaneous Culvert Group 1– BR MISC8-18 (the "Project") have been flagged as part of Erie County's Inspection process or noted by maintenance staff to be in serious disrepair and in need of being replaced or repaired; and

WHEREAS, it is desired to bid, award, and progress construction of the Project during the 2018 construction season; and

WHEREAS, it is anticipated that it will not be possible to complete the bid process in time for the County Legislature to authorize award before the August recess; and

WHEREAS, it is estimated that the total cost of construction should not exceed \$1,314,000 as follows: \$ 1,129,000 for construction, \$50,000 for a construction contingency, and \$135,000 for construction phase engineering services; and

WHEREAS, funding for the Project is available in Fund 420, Funds Center 123 as follows:

B.16050	2016 Capital Overlay	\$443,175
B.16050	2016 Capital Overlay – Contingency	\$50,000
B.17019	2017 Repair & Rehabilitation-Large Culverts	\$750,000
B.18018	2018 Preservation of Bridges & Large Culverts	\$70,825
		<hr/>
		\$1,314,000

and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder in an amount not to exceed \$1,129,000 plus a \$50,000 construction contingency; and

WHEREAS, it is desired to execute a contract with CHA Consulting, Inc., the project consultant for construction phase engineering services in a not to exceed amount of \$135,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject actions; and be it further

RESOLVED, that the County Executive is authorized to award a construction contract to the lowest responsible bidder for the Project for an amount not to exceed \$1,129,000 plus a construction contingency in an amount not to exceed \$50,000 from funds available in Fund 420, Funds Center 123 as follows:

B.16050	2016 Capital Overlay - Construction	\$443,175
B.17019	2017 Repair & Rehabilitation-Large Culverts	\$685,825
	Construction Total	\$1,129,000
B.16050	2016 Capital Overlay – Contingency	\$50,000

and be it further

RESOLVED, that the County Executive is authorized to execute a contract with CHA Consulting, Inc. for construction phase engineering services in an amount not to exceed \$135,000 from funds available in Fund 420, Funds Center 123 as follows:

B.17019	2017 Repair & Rehabilitation-Large Culverts	\$64,175
B.18018	2018 Preservation of Bridges & Large Culverts	\$70,825
	Construction Phase Engineering Total	\$135,000

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. (5-0) Chair Savage not present for vote.

6. COMM. 14E-17 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, design of the measures necessary for the remediation of the damage to Erie County’s transportation infrastructure resulting from Federally declared disaster DR 4204, 2014 Winter Storm “Knife”, as included in FEMA Project Worksheet (PW) 371 was approved by this Honorable Body via Comm. 10E-5 (June 9, 2016) (the “Project”); and

WHEREAS, the Project, PW 371, is comprised of a structures component and a roadway component; and

WHEREAS, it is desired to bid, award, and progress construction of the structures component of the Project during the 2018 construction season; and

WHEREAS, it is anticipated that it will not be possible to complete the bid process in time for the County Legislature to authorize award before the August recess; and

WHEREAS, for reasons of efficiency the Project includes both work eligible for FEMA reimbursement and work that is not FEMA-eligible; and

WHEREAS, it is estimated that the total cost of construction should not exceed \$1,099,000 broken down as follows:

FEMA-Eligible	\$448,000
Non-FEMA-Eligible	\$651,000

and

WHEREAS, it is estimated that the cost of construction phase engineering services should not exceed \$140,000 broken down as follows:

FEMA-Eligible	\$57,100
Non-FEMA-Eligible	\$82,900

and

WHEREAS, the funds for construction are available from the following Accounts and SAP Project Numbers:

FEMA-Eligible:

\$448,000 - Fund 251, Funds Center 123, Account 516020 – Professional Services Non-

FEMA-Eligible:

\$500,000 - B.16016 - 2016 Preservation of Bridges and Culverts

\$151,000 - B.18018 - 2018 Preservation of Bridges and Large Culverts

and

WHEREAS, the funds for construction phase engineering services are available from the following Accounts and SAP Project Numbers:

FEMA-Eligible:

\$57,100 - Fund 251, Funds Center 123, Account 516020 – Professional Services

Non-FEMA-Eligible:

\$82,900 - B.18018 - 2018 Preservation of Bridges and Large Culverts

and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder in a not to exceed amount of \$1,099,000; and

WHEREAS, it is desired to execute a contract with CHA Consulting, Inc., the project consultant for construction phase engineering services in a not to exceed amount of \$140,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject actions; and be it further

RESOLVED, the County Executive is authorized to award a construction contract to the lowest responsible bidder for the project for an amount not to exceed \$1,099,000, the funds for which are available from Fund 251, Funds Center 123, Account 516020 – Professional Services (\$448,000), Fund 420, Funds Center 123 SAP Projects B. 16016 Preservation of Bridge and Culverts (\$500,000) and B.18018 Preservation of Bridges and Large Culverts (\$151,000) and are hereby appropriated and made available for the project; and be it further

RESOLVED, that the County Executive is authorized to execute a contract with CHA Consulting, Inc. for construction phase engineering services in an amount not to exceed \$140,000 which is available from Fund 251, Funds Center 123, Account 516020 – Professional Services (\$57,100) and from Fund 420, Funds Center 123, SAP Project B. 18018 Preservation of Bridges and Large Culverts (\$82,900) and are hereby appropriated and made available for the project; and be it further

RESOLVED, that should the funds appropriated as noted above provide sufficient funding based on actual bids received to establish a project contingency the County Executive is authorized to establish such a contingency within the limit of the appropriated funds and to execute necessary Project change orders not to exceed the funding limits herein established; 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) Chair Savage not present for vote.

7. COMM. 14E-20 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Pedestrian Safety Action Plan (PSAP) Improvements at Various Locations, PIN 5762.70 (the "Project") is eligible for funding under the Highway Safety Improvement Program (HSIP) administered by the New York State Department of Transportation (NYSDOT) that calls for the costs of such program to be borne by 100% Federal funds; and

WHEREAS, it is necessary to enter into Inter-Municipal Agreements with the six participating municipalities (the Towns of Clarence, Hamburg, and Lancaster and the Villages of Alden, Hamburg, and Williamsville) identified for the Project improvements; and

WHEREAS, under the HSIP, the Federal cost share is limited to the amount set forth in the agreement with the NYSDOT; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable Federal share of the costs of the Preliminary Engineering Design (Phases I-VI) phase of the Project; and

WHEREAS, the engineering design phase of the Project, PIN 5762.70, is currently estimated at \$75,000 for the Project; and

WHEREAS, the anticipated budget for this project is \$75,000 Federal revenue; and

WHEREAS, the Project Design Engineers will be selected using the Procedures for Locally Administered Federal Aid Projects (PLAFAP) guidelines and the 2016-2019 Local Design Services Agreement (LDSA) list, and the selected firm will have the necessary expertise, experience, and manpower to provide the County of Erie with engineering design services for the pedestrian safety improvements included in this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Pedestrian Safety Action Plan (PSAP) Improvements at Various Locations, PIN 5762.70 (the "Project"); 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 shares of the cost of the engineering design phases of the Project or portions thereof; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the Federal revenue that is available under the Highway Safety Improvement Program (HSIP) administered by the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Division of Budget and Management is authorized to set up the Federal Aid budget, per the approved Agreement with the NYSDOT, in a new capital project B.18XXX – Federal Aid PSAP Improvements, in Fund 420, Funds Center 123, as follows:

Account	Description	Budget
REVENUES		
414000	Federal Aid	<u>\$75,000</u>
TOTAL REVENUES		<u>\$75,000</u>
APPROPRIATIONS		
Capital Projects	Capital Project Exp	<u>\$75,000</u>
TOTAL APPROPRIATIONS		<u>\$75,000</u>

and be it further

RESOLVED that the County Executive be authorized to execute the Agreement with the NYSDOT, a negotiated Contract between the County of Erie and the selected Project Design Engineers for engineering design services in an amount not to exceed \$75,000, the necessary Inter-Municipal Agreements with the Towns of Clarence, Hamburg, and Lancaster and the Villages of Alden, Hamburg, and Williamsville, and execute any necessary Change Orders; 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 engineering design 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 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 New York State Department of Transportation in connection with the advancement or approval of the Project; and providing for the administration of the Project and the County's first instance funding of 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 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, 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.

(5-0) Chair Savage not present for vote.

8. COMM. 14E-23 (2018)

**COUNTY EXECUTIVE**

WHEREAS, the Village of Williamsville has indicated its willingness to assume ownership and maintain Garrison Road after Erie County makes agreed upon improvements to the road; and

WHEREAS, the Memorandum of Understanding between the County of Erie and the Village of Williamsville is agreed to and signed off; and

WHEREAS, the Department of Public Works has completed the design and opened bids for the 2018 Overlay of Garrison Road Project, ECDPW Project No. CAP 289-18 in the Town of Amherst (Village of Williamsville), on June 21, 2018; and

WHEREAS, it is desired to award the construction contract to the lowest responsible bidder. Occhino Corp., for their offer of \$376,062.75; and

WHEREAS, it is desired to award a contract for the construction inspection and engineering services during construction of the Project to CHA Consulting in the amount not to exceed \$60,000; and

WHEREAS, it is necessary to establish a Construction Contingency of \$37,937.25 for the Project with authorization to execute related Change Orders and plan \$1,000 for miscellaneous advertising, and permits; and

WHEREAS, the estimated cost of the Project in the amount of \$475,000 is available in Fund 420, Funds Center 123, Project B.18006, 2018 Turn Back of Roads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the construction of the 2018 Overlay of Garrison Road Project in the Towns of Amherst, and Village of Williamsville ECDPW Project No. CAP-289-18; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay for the Construction Phases of the Project or portions thereof; and be it further

RESOLVED, that the County Executive is authorized to execute a construction agreement between the County of Erie and the responsible low bidder, Occhino Corp.; and be it further

RESOLVED, that the County Executive is authorized to execute a contract for construction inspection and engineering services during construction of the Project with CHA Consulting; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$475,000 and is broken down as follows:

Construction	\$ 376,062.75
Miscellaneous advertising, permits, etc.	\$ 1,000.00
Contingency	\$ 37,937.25
Engineering services during construction	\$ 60,000.00
Total cost	\$ 475,000.00

and be it further

RESOLVED, that funding for the Project is available in Fund 420, Funds Center 123, Project B.18006, 2018 Turn Back of Roads; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for the project; and be it further

RESOLVED, that the Clerk of the Legislature shall forward three (3) 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. (5-0) Chair Savage not present for vote.

9. COMM. 14E-24 (2018)

**COUNTY EXECUTIVE**

WHEREAS, bids were taken on July 13, 2017, for the Goodrich Road (CR 216) Reconstruction Project; ECDPW Project No. CAP-216-17 in the Town of Clarence; and

WHEREAS, a condition of the environmental project permit issued by the U. S. Army Corps of Engineers (USACOE) is that the County purchase 0.74 wetland credits (1 credit = 1 acre) to offset project impacts to federally defined wetlands; and

WHEREAS, it is necessary to pay Ducks Unlimited-New York In-Lieu Fee programs to supplement mitigation required by State and Federal wetlands' permits for an amount of \$92,500 (0.74 credits at \$125,000/Credit) for this project.

NOW, THEREFORE, BE IT

RESOLVED, the County is hereby authorized to pay Ducks Unlimited-New York in Lieu Fee programs for the supplemental mitigation required by State and Federal wetlands permits; and be it further

RESOLVED, that the \$92,500 estimated total sum for the cost of purchasing the required 0.74 wetland credits at \$125,000/ credit is hereby appropriated in B.17002 2017 Preservation of Roads – Construction, IFL-Ducks Unlimited, Fund 420, Funds Center 123; 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) Chair Savage not present for vote.

10. COMM. 14E-25 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the 2018 Capital Overlay Contract B roads: Pleasant View Drive, from Transit Road to Stony Road and Kenmore Avenue, from Elmwood Avenue to 2300 Kenmore, are all in poor condition; and

WHEREAS, the Department of Public Works will open bids for the 2018 Capital Overlay Contract B Project on July 19, 2018; and

WHEREAS, it is desired to award the construction contract to the lowest responsible bidder; and

WHEREAS, the funding is coming from the previously approved 2018 Capital Budget in Project B.18023 – 2018 Various Roads Reconstruction, Fund 420, Funds Center 123 in an amount not to exceed \$2,200,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the 2018 Capital Overlay Contract B Project for construction of Pleasant View Road in the Town of Lancaster and Kenmore Avenue in the Town of Tonawanda; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay for the Construction Phases of the Project or portions thereof; and be it further

RESOLVED, that the County Executive is authorized to execute a construction agreement between the County of Erie and the lowest responsible bidder for the 2018 Capital Overlay Contract B Project; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$2,200,000; and be it further

RESOLVED, that funding, in the amount of \$2,200,000 be made available from Fund 420, Funds Center 123, 2018 Capital Project B.18023 – 2018 Various Roads Reconstruction, for the Project; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for the project; 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, 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. (5-0) Chair Savage not present for vote.

11. COMM. 14E-26 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an Agreement with Kideney Architects (A/E Consultant) to provide professional architecture and engineering services for the Erie Community College (ECC) STEM Building project (COMM. 2E-12 on February 12, 2015); and

WHEREAS, additional project design contingency in the amount of \$8,400 is required, of which a portion will be used for the extension of the A/E consultant's construction administration services and unanticipated additional design services as necessary to assist the County to close out the project; and

WHEREAS, any A/E design contingency funds that remain unspent will be returned to the ECC STEM Building project contingency fund; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Kideney Architects for the ECC STEM Building project to increase the project design contingency.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Kideney Architects for the ECC STEM Building project to increase the project design contingency by \$8,400, from \$136,600 to a total amount not to exceed \$145,000; and be it further

RESOLVED, that the Comptroller's Office is hereby authorized to make payments for the above from the previously approved, as adopted Erie County Project E.12002 – 2012 ECC – New Academic Building, Funds Center 122, Fund 480; 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 Erie Community College of the Chief Administrative and Financial Officer.  
 (5-0) Chair Savage not present for vote.

12. COMM. 14E-27 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the resurfacing of Maple Road (CR-192) from Hopkins Road to Rt. 78, PIN 5761.76, (the “Project”) is eligible for funding under 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 County of Erie desires to advance the Project by making a commitment to advance 80% of the reimbursable Federal share and the 15% Marchiselli share and payment of the 5% local share of the costs of the design engineering (Design phases I-VI); and

WHEREAS, the design phases I-VI of the Project, PIN 5761.76, are currently estimated at \$400,000 and of the \$400,000 there is 80% federal funding in the amount of \$320,000 and 15% New York State (NYS) Marchiselli funding in the amount of \$60,000 leaving Erie County responsible for the 5% local share of \$20,000; and

WHEREAS, the 5% local share for the Project is available in the approved 2018 Capital Budget, Project B.18007–Federal Aid Projects Design – Maple Road (CR 192). PIN 5761.76, Funds Center 123, Fund 420; and

WHEREAS, the County of Erie desires to enter into an engineering services agreement with the most qualified consultant selected using the Federal Aid - Local Design Services Agreement (LDSA) process and is asking for preapproval as the selection process will be complete when the Legislature is on summer hiatus.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby previously authorized participation in the Federal Aid project for the resurfacing of Maple Road (CR-192) from Hopkins Road to Rt. 78, PIN 5761.76 in Comm. 10E-27 (2018); and be it further

RESOLVED, that the County Executive be authorized to in enter into an engineering services agreement with the most qualified firm selected via the Federal Aid - Local Design Services Agreement (LDSA) process; 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 & Design I-VI) phase of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18007 – 2018 Federal Aid Projects Design – Maple Rd. (CR 192), PIN 5761.76, Funds Center 123, Fund 420, per the NYSDOT agreement, as follows:

REVENUES		CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 60,000	\$ 60,000
414000	Federal Aid	\$ 484,800	\$(60,000)	\$ 424,800
445070	Prem on Obligation	\$ 0	\$ 0	\$ 0
475000	Gen Oblig Bond Proc	<u>\$ 121,200</u>	<u>\$ 0</u>	<u>\$ 121,200</u>
<b>TOTAL REVENUES</b>		<u>\$ 606,000</u>	<u>\$ 0</u>	<u>\$ 606,000</u>
<b>APPROPRIATIONS</b>				
Capital Projects	Capital Project Exp	<u>\$ 606,000</u>	<u>\$ 0</u>	<u>\$ 606,000</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 606,000</u>	<u>\$ 0</u>	<u>\$ 606,000</u>

and be it further

RESOLVED, that the \$400,000 estimated total sum of the Design phases I - VI of the Project is hereby appropriated from B.18007 – 2018 Federal Aid Projects Design- Maple Road (CR 192), PIN 5761.76 and made available to cover the cost of participation in the Design phase 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 costs of the Project’s design phases I-VI exceeds the \$400,000 amount appropriated, 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 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 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 Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State 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 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 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.  
 (5-0) Chair Savage not present for vote.

13. COMM. 14E-28 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the resurfacing of Abbott Road (CR-04), of McKinley Parkway (CR-204) and Armor Duells Road (CR-44) are all eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to enter into a single engineering services agreement with the most qualified consultant for all three projects, given this to be the most economical way to proceed as each of these are short tracks of roadway; and

WHEREAS, the federal process using the - Local Design Services Agreement (LDSA) process will be used to select this consultant; and

WHEREAS this selection process will not be completed until after the Legislature's summer hiatus begins, the Department of Public Works is asking for the preapproval of said consultant selection by the selection committee; and

WHEREAS, funding for the Project is available in Fund 420, Funds Center 123 as follows:

B.18052	Federal Aid Projects Design – Abbott Road (CR4) PIN 5761.74	Federal Aid \$160,000 NYS Marchiselli Funds \$ 30,000 Local Share \$ 10,000 <hr/> \$200,000
B.18053	Federal Aid Projects Design – McKinley Parkway (CR 204) PIN 5761.75	Federal Aid \$160,000 NYS Marchiselli Funds \$ 30,000 Local Share \$ 10,000 <hr/> \$200,000
B.18054	Federal Aid Projects Design – Armor Duells Road (CR 44) PIN 5762.25	Federal Aid \$288,000 NYS Funds \$ 72,000 Local Share \$ 0 <hr/> \$360,000

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to in enter into a single engineering services agreement with the most qualified firm; 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 phases I-VI of the Project; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept the Federal and Marchiselli Aid and adjust the budget in Project B.18052 2018 Federal Aid Projects Design – Abbott Road PIN 5761.74, Funds Center 123, Fund 420, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$ 0	\$ 30,000	\$ 30,000
414000	Federal Aid	\$ 161,600	(\$ 1,600)	\$ 160,000
486000	Interfund Rev Subsidy	<u>\$ 40,400</u>	<u>\$ 0</u>	<u>\$ 40,400</u>
<b>TOTAL REVENUES</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>				
UNALLOCATED	Capital Project Expense	\$ 40,400	\$ 159,600	\$ 200,000
	Unallocated Capital	<u>\$161,600</u>	<u>(\$131,200)</u>	<u>\$ 30,400</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept the Federal and Marchiselli Aid and adjust the budget in Project B.18053 2018 Federal Aid Projects Design – McKinley Parkway PIN 5761.75, Funds Center 123, Fund 420, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$ 0	\$ 30,000	\$ 30,000
414000	Federal Aid	\$ 161,600	(\$ 1,600)	\$ 160,000
486000	Interfund Rev Subsidy	<u>\$ 40,400</u>	<u>\$ 0</u>	<u>\$ 40,400</u>
<b>TOTAL REVENUES</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>				
UNALLOCATED	Capital Project Expense	\$ 40,400	\$ 159,600	\$ 200,000
	Unallocated Capital	<u>\$161,600</u>	<u>(\$131,200)</u>	<u>\$ 30,400</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept the Federal and New York State Aid and adjust the budget in Project B.18054 2018 Federal Aid Projects Design – Armor Duells Road PIN 5761.25, Fund Center 123, Fund 420, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
409010	State Aid-Other	\$ 0	\$ 72,000	\$ 72,000
414000	Federal Aid	\$ 297,600	(\$ 9,600)	\$ 288,000
486000	Interfund Rev Subsidy	\$ 74,400	\$ 0	\$ 74,400
<b>TOTAL REVENUES</b>		<u>\$ 372,000</u>	<u>\$ 62,400</u>	<u>\$ 434,400</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>				
UNALLOCATED	Capital Project Expense	\$ 74,400	\$ 285,600	\$ 360,000
<b>TOTAL APPROPRIATIONS</b>	Unallocated Capital	<u>\$ 297,600</u>	<u>(\$223,200)</u>	<u>\$ 74,400</u>
		<u>\$ 372,000</u>	<u>\$ 62,400</u>	<u>\$ 434,400</u>

and be it further

RESOLVED, that the estimated total sum of \$760,000 for the Design phases I - VI of the Project, is hereby appropriated from B.18052 at \$200,000, B.18053 at \$200,000 and B.18054 at \$360,000; 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 design phases I-VI exceeds the appropriated amount of \$760,000, 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 the County Executive be authorized to in enter into a single engineering services agreement with the most qualified firm; 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 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 Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State 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 six (6) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the New York State Department of Transportation; 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. (5-0) Chair Savage not present for vote.

14. **COMM. 14E-31 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, the interior finishes of the remaining six toilet rooms continues to be outdated, dark and unappealing for the building occupants, and the inefficient plumbing fixtures negatively impact overall building water usage; and

WHEREAS, the phase 2 toilet room renovations project involves updating the interior finishes and replacement of plumbing fixtures to the remaining six toilet rooms, similar to the phase 1 work completed in 2017 which updated four toilet rooms; and

WHEREAS, the County of Erie received bids for the Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project on June 29, 2018; and

WHEREAS, the lowest responsible bidder for the Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project is Nichter Construction, Inc.

**NOW, THEREFORE, BE IT**

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project for an amount not to exceed, as follows:

<u>General Construction Work</u>		
Nichter Construction Inc.	Base Bid:	\$ 297,000
	Add Alternate No. 1:	\$ 117,000
<b>Total Award of Construction Contract:</b>		<b>\$ 414,000</b>

and be it further

RESOLVED, that the sum of \$66,000 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 deduct change orders 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, as amended 2016 and 2017 capital budgets, Fund 410, Funds Center 122, follows:

A.16003	2016 Buffalo Niagara Convention Center Rehabilitation	\$ 19,475.51
A.17003	2017 Buffalo Niagara Convention Center Rehabilitation	\$ 460,524.49
Total Payment not to Exceed		\$ 480,000.00

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, and the Office of the Comptroller, and one copy to the Buffalo Niagara Convention Center c/o Paul Murphy and Financial Officer.  
(5-0) Chair Savage not present for vote.

15. COMM. 14E-32 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has ordered the County to perform contaminated soil remediation at the Clarence Highway Facility; and

WHEREAS, the underground unleaded fuel tank has already been removed due to leaks contained within the interstitial space, and the 25 year old underground diesel fuel tank will be removed during the soil excavation because it is within the contaminated soil excavation area; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Clarence Highway Facility – 2018 Soil Remediation and Fuel Tank Replacements project (herein the "Project") on May 30, 2018; and

WHEREAS, the lowest responsible bidder for the Project is LaValley Brothers Construction Inc.; and

WHEREAS, the Erie County 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 Project for an amount not to exceed as follows:

General Construction Work:

LaValley Brothers Construction Inc.	Base Bid:	\$ 548,400
Total Award of Construction Contract:		\$ 548,400

and be it further

RESOLVED, that the sum of \$51,600 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 SAP project accounts in Funds Center 122, Fund 410, as follows:

A.17009 – 2017 Preservation of County Highway Facilities (Countywide)	\$283,283.03
A.18013 – 2018 Preservation of County Highway Facilities (Countywide)	\$316,716.97
For a Total Amount Not to Exceed:	\$600,000.00

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, and the Office of the Comptroller.  
(5-0) Chair Savage not present for vote.

16. COMM. 14E-33 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Bridge Painting and Repairs (3 bridges) PIN 5762.02, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds, and a 20% local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment to advance the 80% reimbursable Federal share and payment of the 20% non-Federal share of the costs of the project; and

WHEREAS, to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute an Agreement with the New York State Department of

Transportation (NYSDOT) in the total amount of \$1,100,000 of which \$220,000 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County Executive to enter into an agreement with the NYSDOT, 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 the maximum project allowance of \$1,155,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves 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 Dept. of Transportation (NYSDOT) for this Federal Aid Project; 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 Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, the County Executive is hereby authorized to accept the 80% Federal share of the \$1,100,000 Locally Administered NYSDOT Agreement and adjust the projects budgets, as necessary; and be it further

RESOLVED, that the estimated total sum of \$1,155,000 for the construction, construction inspection phase, and contingency for the Project is hereby appropriated and made available to cover the cost of participation in the Project, from Fund 420, Funds Center 123, as follows:

B.15009 - 2015 Federal Aid Bridge Projects Construction – \$675,000  
Federal Aid – \$540,000  
Local Share – \$135,000

B.16010 – Federal Aid Bridge Projects Preservation Construction – \$480,000:  
Federal Aid – \$340,000  
Local Share – \$85,000  
Contingency – \$55,000

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, \$1,155,000 the County of Erie shall convene its Legislature as

soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT; 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 and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute agreements with the lowest responsible bidder for construction and a contract for construction phase engineering services agreement with CHA Consultants; 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 NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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. (5-0) Chair Savage not present for vote.

17. COMM. 14E-34 (2018)

**COUNTY EXECUTIVE**

WHEREAS, the replacement of Cedar St. Bridge over Ledge Creek, BIN 3326580, PIN 5761.78, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the replacement of the Cedar St. Bridge over Ledge Creek, BIN 3326580, PIN 5761.78 is a Federal Aid project in which participation was previously authorized in Comm. 8E-6(2017) on May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Project into the final design phases through a Supplemental Agreement with New York State Department of Transportation (NYSDOT) that will increase the original project in the amount of \$100,000 with the local share being \$20,000; and

WHEREAS, the County is required to pay the 20% Local share for the increase in Project costs, in the amount of \$20,000, which is available from Project B.16009 – Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and

WHEREAS, the County would like to amend the existing design contract with TY Lin Inc., the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$100,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for the Cedar St. over Ledge Creek, BIN 3326580, PIN 5761.78 Project; 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 final design engineering (Design V & VI) and the right-of-way acquisition, phases of the Project or portions thereof in the amount of \$100,000; and be it further

RESOLVED, that the 20% required Local share of \$20,000 be made available in the previously approved 2016 Capital Budget, in B.16009 – 2016 Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the 80% reimbursement of \$80,000 in Federal Aid from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.16009, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$ 0	\$ 80,000	\$ 80,000
475000	Gen Oblig Bond Proc	<u>\$ 150,000</u>	<u>\$ 0</u>	<u>\$ 150,000</u>
<b>TOTAL REVENUES</b>		<u>\$ 150,000</u>	<u>\$ 80,000</u>	<u>\$ 230,000</u>

**APPROPRIATIONS**

<b>CAPITAL PROJECTS</b>	Capital Project Expense	<u>\$ 150,000</u>	<u>\$ 80,000</u>	<u>\$ 230,000</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 150,000</u>	<u>\$ 80,000</u>	<u>\$ 230,000</u>

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 design phases V-VI, and right of way acquisition phases exceeds the amount appropriated, \$100,000, 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 the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid 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 Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary Amendment to the existing design contract with TY Lin Inc., the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$100,000; 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 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. (5-0) Chair Savage not present for vote.

18. **COMM. 14E-35 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, the replacement of Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the replacement of the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 is a Federal Aid project in which participation was previously authorized in Comm. 8E-5 on May 11, 2017; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with the NYSDOT by making a commitment to advance the 80% reimbursable Federal share and 20% payment of the non-Federal share of the costs of the Final Engineering (Design V & VI) and Right of Way acquisition phases of the Project; and

WHEREAS, the N YSDOT Supplemental Agreement is an increase of \$200,000 over the County's original Project Agreement with the NYSDOT; and

WHEREAS, the County is required to pay the estimated Local share for the increase in Project costs, in the amount of \$40,000, which is available from Project B.16009 – Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and

WHEREAS, the County would like to amend the existing design contract with Foit- Albert Associates, the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$200,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 Project; 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 final design engineering (Design V & VI) and the right-of-way acquisition, phases of the Project, or portions thereof, in the amount not to exceed \$200,000; and be it further

RESOLVED, that the 20% required Local share of \$40,000 be made available in the previously approved 2016 Capital Budget, in B.16009 – 2016 Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the 80% reimbursement of \$160,000 in Federal Aid from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.16009, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$ 0	\$ 160,000	\$ 160,000
475000	Gen Oblig Bond Proc	<u>\$ 150,000</u>	<u>\$ 0</u>	<u>\$ 150,000</u>
<b>TOTAL REVENUES</b>		<u>\$ 150,000</u>	<u>\$ 160,000</u>	<u>\$ 310,000</u>
<b>APPROPRIATIONS</b>				
CAPITAL PROJECTS	Capital Project Expense	<u>\$ 150,000</u>	<u>\$ 160,000</u>	<u>\$ 310,000</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 150,000</u>	<u>\$ 160,000</u>	<u>\$ 310,000</u>

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 design phases V-VI, and right of way acquisition phases exceeds the amount appropriated, \$200,000, 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 and/or Marchiselli Aid on behalf of the County of Erie, with the NYSDOT 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 Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary Amendment to the existing design contract with Foit-Albert Associates, the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$200,000; 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 NYSDOT; 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.

(5-0) Chair Savage not present for vote.

19. **COMM. 14E-36 (2018)**  
**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, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment Inc., and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding (MOU) on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, there is a need for construction services for the Dona Street extension to be performed by a contractor specializing in such services; and

WHEREAS, after a public bidding process, the lowest responsible bidder will be selected as having the necessary expertise, experience, and manpower to provide the County of Erie with construction services for the above noted Dona Street extension project; and

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to execute a negotiated Contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$2,100,000 and establish a Project Contingency in an amount not to exceed \$500,000 and execute any necessary Change Orders; and be it further

RESOLVED, that the funding for this project is available from the previously approved 2017 and 2018 Capital Budgets, using up funds in the following order:

Fund 410, Funds Center 162:

1) A.17016	2017 Bethlehem Steel Redevelopment	\$424,668.29
2) A.18022	2018 Bethlehem Steel Redevelopment	\$1,400,000.00

Fund 420, Funds Center 123:

3) B.17050	2017 Capital Overlay	\$775,331.71
Total not to exceed		\$2,600,000.00

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, Division of Highways, and also one copy each to the Department of Environment and Planning, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(5-0) Chair Savage not present for vote.

20. **COMM. 14E-37 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, a Project for the Replacement of Hillcroft Road Bridge over Eighteen Mile Creek, Town of Boston, Erie County, NYS PIN 5761.69, BIN 3327840 (the "Project") is eligible for funding under 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 Hillcroft Road Bridge over Eighteen Mile Creek, BIN 3327840, needs 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 design phases I - VI of the Project, PIN 5761.69, is currently estimated at \$400,000 and the 20% local share for the Project, in the amount of \$80,000, is available in Fund 420, Funds Center 123, SAP Project B.16015 – 2016 Bridge and Culvert Design – 5761.69 Hillcroft Design; and

WHEREAS, engineering design services are required for this project, the Department of Public Works shall issue a Request for Proposals (RFP) for this project using the Federal Aid - Local Design Services Agreement (LDSA) process; and

WHEREAS, the County of Erie desires to enter into an engineering services agreement with the most qualified consultant selected.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes participation in the Federal Aid project for the replacement of Hillcroft Drive Bridge over Eighteen Mile Creek, BIN 3327840, PIN 5761.69; and be it further

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

RESOLVED, that the County Executive be authorized to in enter into an engineering services agreement with the most qualified firm; 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 & Design I-VI) phase of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to accept the 80% Federal aid reimbursement of \$320,000 and adjust the budget in the previously approved 2016 Federal Aid project: B.16015 – Preservation of Bridges and Culverts, Design, Funds Center 123, Fund 420 for the anticipated Federal Aid as follows:

Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
<b>REVENUE</b>				
414000	Federal Aid	\$ 0.00	\$ 320,000.00	\$ 320,000.00
445070	Prem on Obligation	\$ 54,268.00	\$ 0.00	\$ 54,268.95
475000	Gen Oblig Bond Proc	\$ 345,731.05	\$ 0.00	\$ 345,731.05
<b>TOTAL REVENUES</b>		<u>\$ 400,000.00</u>	<u>\$ 320,000.00</u>	<u>\$ 720,000.00</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	Capital Project Exp	<u>\$ 400,000.00</u>	<u>\$ 320,000.00</u>	<u>\$ 720,000.00</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 400,000.00</u>	<u>\$ 320,000.00</u>	<u>\$ 720,000.00</u>

and be it further

RESOLVED, that the estimated total sum of \$400,000 for the Design phases I - VI of the Project, is hereby appropriated from B.16015 – Preservation of Bridges and Culverts Design and made available to cover the cost of participation in the Design phase 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 costs of the Project’s design phases I-VI exceeds the amount appropriated, \$400,000, 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 be authorized to enter into an engineering services agreement with the most qualified firm; 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 identified in the State/Local Agreement; 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- and State 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 six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; 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.  
(5-0) Chair Savage not present for vote.

21. **COMM. 14E-38 (2018)**  
**COUNTY EXECUTIVE**

WHEREAS, the Safety Improvements at the Intersection of Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 (the “Project”) is eligible for funding under Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT) that calls for the apportionment of the costs of such program to be borne at the approximate ratio of 90% Federal funds and 10% Non-Federal funds; and

WHEREAS, under the Transportation Alternatives Program, the Federal cost share is limited to the amount set forth in the agreement with NYSDOT, with any additional cost borne 100% by the local sponsor; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design via Legislative Communication 8E-5 dated May 12, 2016 and Communication 8E-4 dated May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable Federal share and payment of the Non-Federal share of the costs of the Construction and Construction Inspection phases of the Project; and

WHEREAS, the Construction and Construction Inspection phases of the Project, PIN 5760.99, are currently estimated at \$1,113,888 and the County is required to pay the Local Share for the Project; and

WHEREAS, capital project B.18008 – 2018 Federal Aid Projects Intersection Construction – Genesee Road, Route 240, and Sibley Road (PIN 5760.99), Fund 420, Funds Center 123 was previously



approved in the 2018 Adopted Capital Budget and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the anticipated budget for this project is \$720,000 Federal revenue, \$60,000 NYS Marchiselli revenue, and \$333,888 in bonds for the Local Share representing the balance of the \$1,113,888 project; and

WHEREAS, the firm of Clark Patterson Lee, after having completed the Preliminary Design Phases of this project, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with construction inspection services for the safety improvements of the above noted Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432) intersection; and

WHEREAS, the Contractor will be selected as the lowest responsible bidder having the necessary expertise, experience, and manpower to provide the County of Erie with construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Safety Improvements at the Intersection of Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 Project; 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 Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept Marchiselli and Federal Aid per the approved Supplemental Agreement No. 2 with the NYSDOT, for the Genesee Road, Route 240, and Sibley Road (PIN 5760.99) and adjust the capital project budget in B.18008 – 2018 Federal Aid Projects Intersection Construction, in Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase/ (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$28,500	\$60,000	\$88,500
414000	Federal Aid	\$1,165,800	(\$60,000)	\$1,105,800
475000	Gen Oblig Bond Proceeds	<u>\$633,888</u>	<u>\$0</u>	<u>\$633,888</u>
<b>TOTAL REVENUES</b>		<u><b>\$1,828,188</b></u>	<u><b>(\$0)</b></u>	<u><b>\$1,828,188</b></u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	<b>Capital Project Exp</b>	<b>\$1,004,388</b>	<b>\$780,000</b>	<b>\$1,784,388</b>
<b>UNALLOCATED</b>		<u><b>\$823,800</b></u>	<u><b>(\$780,000)</b></u>	<u><b>\$43,800</b></u>
<b>TOTAL APPROPRIATIONS</b>		<u><b>\$1,828,188</b></u>	<u><b>(\$0)</b></u>	<u><b>\$1,828,188</b></u>

and be it further

RESOLVED, that the County Executive be authorized to execute the Supplemental Agreement No. 2 with the NYSDOT and a negotiated Contract between the County of Erie and Clark Patterson Lee for construction inspection services in an amount not to exceed \$146,777.92; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated Contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$790,000 and establish a Project Contingency in an amount not to exceed \$177,110.08 and execute any necessary Change Orders; 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 Construction and Construction Inspection 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, should the Supplemental Agreement receive additional NYS Marchiselli reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of 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 Aid 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; and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal and State 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 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 also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(5-0) Chair Savage not present for vote.

22. COMM. 14E-46 (2018) AS AMENDED  
COUNTY EXECUTIVE

WHEREAS, energy efficient modifications and various improvements to the Exhibit Hall will allow the Buffalo Niagara Convention Center (BNCC) to maintain its competitiveness as a destination, provide energy savings and preserve the building for a longer useful life; and

WHEREAS, based on the BNCC's calendar of events at the Exhibit Hall, the window of time for completion of the referenced project is extremely tight; they have requested that the improvement work be completed during the nearest available dates from December 15, 2018 through December 27, 2018; and

WHEREAS, the Department of Public Works plans to receive bids for the project during the month of August 2018, while the Legislature is on summer recess; and

WHEREAS, in order to meet the tight window for the completion of the project, authorization is needed to award a contract to the lowest responsible bidder in an amount not to exceed \$450,000, with an additional allowance of \$50,000 for a project contingency.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the energy efficient modifications and various improvements to the Exhibit Hall in an amount not to exceed \$450,000; and be it further

RESOLVED, that the sum of \$50,000 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the construction contingency fund; and be it further

RESOLVED, that change order reductions will result in these savings 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, as amended 2017 capital budget, Fund 410, Funds Center 122 as follows:

A.17003	2017 Buffalo Niagara Convention Center Rehabilitation	\$ 500,000
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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 copies to the Buffalo Niagara Convention Center to both Paul Murphy and their Financial Officer.  
(5-0) Chair Savage not present for vote.

**PATRICK B. BURKE**  
**CHAIR**