

May 31, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-3 (2018)
LORIGO "Letter to Commissioner of Environment and Planning Regarding FOIL Request"
(Chair's ruling)
 - b. COMM. 10D-5 (2018)
OFFICE OF THE COUNTY EXECUTIVE "Initiatives for a Smart Economy 2.0- 2018 Bi-annual Report #1"
(Chair's ruling)
 - c. COMM. 10M-3 (2018)
NFTA "Board Minutes - Meeting Held 3/22/18"
(Chair's ruling)

2. COMM. 10E-23 (2018)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works received bids for ADA Improvements at the Erie County Holding Center and Erie County Correctional Facility on April 10, 2018 and May 7, 2018; and

WHEREAS, the Erie County Department of Public Works is recommending award of the contract to the lowest responsible bidders; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Kideney Architects for providing Professional Architectural/Engineering Services on ADA Improvements at the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, During the course of design and bidding phases of the ADA Improvements project at the Erie County Holding Center and Erie County Correctional Facility, performed additional Professional Architectural/Engineering services required for the project; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firm of Kideney Architects for providing Professional Architectural/Engineering Services for the ADA Improvements at the Erie County Holding Center and Erie County Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the ADA Improvements project at the Erie County Holding Center and Erie County Correctional Facility as follows:

<u>General Construction</u>	
Willett Builders, Inc.	Base Bid \$ 490,000
<u>Plumbing Construction Work</u>	
MKS Plumbing Corp.	Base Bid \$ 97,000
<u>Electrical Construction Work</u>	
Weydman Electric, Inc.	Base Bid \$ 66,400
<u>Mechanical Construction Work</u>	
Greater Niagara Mechanical, Inc.	Base Bid \$29,600
Total award of construction contracts	\$ 683,000

and be it further

RESOLVED, that the sum of \$100,000 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works, to approve change orders for an amount not to exceed the balance of the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in such funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment with Kideney Architects for providing Architectural/Engineering Services, for an amount not to exceed \$12,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the Projects as follows:

A.15027 – 2015 Improvements to Holding Center and Correctional Facility ADA Countywide	\$ 749,200
A.17004 – 2017 Code and Environmental Compliance Countywide	\$ 45,800
for an amount not to exceed	\$ 795,000

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, Sheriff's Office, and the Office of the Comptroller.
(6-0)

3. COMM. 10E-25 (2018)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Public Works, Division of Highways, works closely with the Village of Springville; and

WHEREAS, it is cost effective for Erie County to work jointly with the Village of Springville; and

WHEREAS, an executed Inter-municipal Agreement between the Village of Springville and County of Erie should be in effect before such cooperative services are undertaken.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a no-cost Inter-municipal Agreement with the Village of Springville whereby the Division of Highways may exchange services with the Village of Springville; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of the Erie County Attorney, the Division of Budget, Management and Finance and the Office of the Comptroller.
(6-0)

4. COMM. 10E-26 (2018)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of tourism and the improvement of the waterfront; and

WHEREAS, the Erie Canal Harbor Development Corporation, a subsidiary of New York State Empire State Development owns the property and is currently constructing a Children's Museum on said property; and

WHEREAS, the subject property will be leased to Explore and More Children's Museum, which will manage the day to day operation of the structure as a Children's Museum; and

WHEREAS, Erie County desires to fund a portion of the construction of the Explore and More Children's Museum project in Canalside; and

WHEREAS, the Erie Canal Harbor Development Corporation has extensive experience in contracting

and managing construction projects; and

WHEREAS, the County of Erie has allocated \$175,000 for the construction of a 43,000 square foot Children's Museum at Canalside in the approved 2018 Budget in SAP Project A.18023.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the Erie Canal Harbor Development Corporation, a subsidiary of Empire State Development, Explore and More and any other municipal, state and federal agencies, in amounts not to exceed a total of \$175,000 for the purpose of construction of the Explore and More Children's Museum; and be it further

RESOLVED, that the source of these funds shall be \$175,000 available in the approved 2018 Erie County Capital Budget within SAP Project A.18023; and be it further

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

5. COMM. 10E-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 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 advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the Federal and non-Federal shares of the estimated \$400,000 cost of the subject Project phases; and

WHEREAS, the total estimated cost of these phases of the subject Project is \$400,000, the 80% Federal share is \$320,000 and the 20% non-Federal share is broken down into the 15% New York State (NYS) Marchiselli share of \$60,000, and the 5% Erie County share of \$20,000; and

WHEREAS, funding for this Project is available in the approved 2018 Consolidated Bond Resolution, Line 21. Project B.18007, Funds Center 123, Fund 420 for the estimated project total of \$400,000, including the acceptance of Federal revenue in the amount of \$320,000 and NYS Marchiselli funding in the amount of \$60,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of Maple Road between Hopkins Road and Transit Road (NY Route 78), PIN 5761.76, (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 and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that funding for this Project is available in the approved 2018 Consolidated Bond Resolution, Line 21, Project B.18007, Funds Center 123, Fund 420, including \$320,000 in Federal revenue – Account 414000, \$60,000 in NYS Marchiselli revenue – Account 405160, and \$20,000 in bond proceeds – Account 475000; 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 Preliminary Engineering (Design I-VI) and Right of Way incidentals phases exceeds the 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 (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 State aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project as 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 six (6) certified copies of this Resolution be forwarded 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 copy of this Resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney and the Office of the Comptroller.

(6-0)

6. COMM. 10E-28 (2018)

COUNTY EXECUTIVE

WHEREAS, the design phase of Akron Falls Park- Retaining Wall Rehabilitation, (the "Project") was approved via Communication 13E-38 of July 27, 2017; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project; and

WHEREAS, bids were taken for the construction of Akron Falls Park- Retaining Wall Rehabilitation, on May 10, 2018, and the lowest responsible bidder was Horizon Masonry Restoration, in the amount of \$62, 900; and

WHEREAS, the Department of Public Works recommends the Project progress through the Construction phase to prevent any further deterioration of the Project site; and

WHEREAS, the Department of Parks, Recreation and Forestry seeks authorization for the County Executive to enter into agreements with low bidder Horizon Masonry Restoration, in the amount of \$56,900, design phase engineers CHA Consulting, Inc. for construction phase engineering and inspection services in the amount of \$5,000, and to establish a construction contingency in an amount not to exceed \$6,000.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to award and execute contracts between the County of Erie and Horizon Masonry Restoration, CHA Consulting, Inc., establish a Construction Contingency for the Akron Falls Park-Retaining Wall Rehabilitation in the total project amount of \$67,900; and be it further

RESOLVED, that spending in Fund 410 Project A.17012, 2017 County-wide Parks Improvements, Funds Center 164 be authorized in an amount not to exceed \$67,900; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, Horizon Masonry Restoration, enter an into a construction phase engineering services agreement with project designers CHA Consulting, Inc., and establish a construction contingency in an amount not to exceed \$67,900; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Parks, Recreation and Forestry, Office of the Commissioner, and also one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

7. COMM. 10E-31 (2018)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, there is a need to provide healthy dining opportunities for older adult residents of Erie County, especially in senior housing communities; and

WHEREAS, the Buffalo Municipal Housing Authority, desires to operate a dining site as part of the Department's Stay Fit Dining program to serve needful seniors in their community; and

WHEREAS, the Department of Senior Services recommends that a new Congregate Dining site, operating at the LBJ Apartments located on 167 West Humboldt Parkway, Buffalo, New York be added to the Stay Fit Dining Program to serve needful seniors; and

WHEREAS, the Department desires to contract with the site sponsor, the Buffalo Municipal Housing Authority, 35 Tower St., Buffalo, New York 14215, to begin serving meals after the effective date of this resolution; and

WHEREAS, that the County Executive is authorized to execute contracts for Senior Service Congregate Dining sites with sponsor agencies, which remain in effect until terminated by either the County or the agency (evergreen); and

WHEREAS, the Department has sufficient funds available to cover the clean-up and meal costs of the new dining site in the 163IIC-12018 grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with Buffalo Municipal Housing Authority to operate a Congregate Dining site located at the LBJ Apartments located on 167 West Humboldt Parkway, Buffalo, New York which shall remain in effect until terminated by either the county or the agency (evergreen); and be it further

RESOLVED, that clean-up costs of the new dining site be paid from the available aggregate appropriations Professional Services Contracts/Fees(account #516020) and meal costs from available funds in provider Meals on Wheel's for WNY (account #517697) all within the 163III-C-12018 grant; and be it further

RESOLVED, that the Congregate Dining site contract shall be subject to annual budgetary appropriation as approved by this Body; and be it further

RESOLVED, and if necessary the County Executive is hereby authorized to execute amendments to Senior Services agencies contracts to effectuate adjusted funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Department of Law and Department of Senior Services.

(6-0)

8. COMM. 10E-38 (2018)

COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of Colvin Boulevard (CR 118) and Brighton Road (CR 196) Intersection, Town of Tonawanda, PIN 5760.97 (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-6 dated May 12, 2016 and Communication 8E-7 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 5760.97, are currently estimated at \$670,500 and the County is required to pay the Local Share for the Project; and

WHEREAS, capital project B.18XXX – Federal Aid Projects Intersection Construction – Colvin Avenue and Brighton Road (PIN 5760.97), Fund 420, Funds Center 123 was previously approved in the 2018 Adopted Capital Budget, Book B, and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the anticipated budget for this project is \$342,000 federal revenue, \$28,500 NYS Marchiselli revenue, and \$300,000 in bonds for the Local Share representing the balance of the \$670,500 project; and

WHEREAS, the firm of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC, 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 Colvin Boulevard (CR 118) and Brighton Road (CR 196) intersection; and

WHEREAS, the construction company of Occhino Corporation has been 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 Colvin Boulevard (CR 118) and Brighton Road (CR 196) Intersection, Town of Tonawanda, PIN 5760.97 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 set up the Marchiselli Aid and Federal Aid budgets, per the approved Supplemental Agreement No. 2 with the NYSDOT, for the Colvin Avenue and Brighton Road (PIN 5760.97) portion of B.18XXX - Federal Aid Projects Intersection Construction, in Fund 420, Funds Center 123, as well as the \$633,888 in approved bond proceeds for B.18XXX, as follows:

Account	Description	Budget
REVENUES		
405160	Marchiselli Aid	\$28,500
414000	Federal Aid	\$342,000
475000	Gen Oblig Bond Proceeds	<u>\$633,888</u>
TOTAL REVENUES		<u>\$1,004,388</u>
APPROPRIATIONS		
Capital Projects	Capital Project Exp	<u>\$1,004,388</u>
TOTAL APPROPRIATIONS		<u>\$1,004,388</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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC for construction inspection services in an amount not to exceed \$100,000; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract between the County of Erie and Occhino Corporation for construction services in an amount not to exceed \$480,000 and establish a Project Contingency in an amount not to exceed \$90,500 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 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 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.
(6-0)

PATRICK B. BURKE
CHAIR