

January 24, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

- 1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 19E-1 (2018)
RATH: “Letter to Public Works Commissioner Regarding Current Condition of Shisler Rd.”
(Chair’s ruling)

2. COMM. 2E-11 (2019)
COUNTY EXECUTIVE
WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

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

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2019 Action Plan at their session held on January 24, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2019 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

- 1. Erie County Consortium Community Development Program: \$ 3,036,059
- 2. Emergency Solutions Program: \$ 222,084
- 3. HOME Investment Partnership Program: \$ 899,449
- 4. Town of Hamburg Community Development Program: \$ 407,658

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above

programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

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

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

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(5-0)

- 3. COMM. 2E-12 (2019)
COUNTY EXECUTIVE
WHEREAS, construction of the Federal Aid Elmwood Avenue Pedestrian and Bicycle Improvements Project, Project No. TAP-119-17, PIN 5761.03 (the “Project”) along Elmwood Avenue has been completed; and

WHEREAS, DiDonato Associates is the consultant providing construction phase engineering services for the project; and

WHEREAS, additional construction phase engineering services were required as the duration of construction and the closeout process with the contractor exceeded the time provided for in DiDonato’s contract; and

WHEREAS, it is desired to close-out DiDonato’s contract for construction phase engineering services via a supplemental amendment to their existing contract in the amount of \$33,595; and

WHEREAS, this funding is available from Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a final supplemental amendment to DiDonato Associates current contract for the Project for the additional construction phase engineering services required in the amount of \$35,595; and be it further

RESOLVED, that funding is hereby authorized for these supplemental construction phase engineering services in Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and 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)

4. COMM. 2E-13 (2019)
COUNTY EXECUTIVE

WHEREAS, the structural members in the Sub-basement are coated with spray-applied asbestos containing fireproofing from the original construction; and

WHEREAS, years of moisture and salt from the parking deck above is causing the spray-applied fireproofing to de-bond from the structural members; and

WHEREAS, asbestos containing materials must be removed and structural members must be re-fireproofed to maintain fire-resistance rating; and

WHEREAS, Watts Architecture & Engineering has the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, authorization is required for the County Executive to issue an Agreement Amendment to Watts Architecture & Engineering for providing professional design and construction administration services for an asbestos abatement project located in the Rath Building – Sub-Basement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to issue an Agreement Amendment to Watt’s Architecture & Engineering, P.C. for providing professional design and construction administration services for the asbestos abatement project at the Rath Building – Sub-Basement Asbestos Abatement for an amount not to exceed \$108,200, including design contingency; and be further

RESOLVED, that the Comptroller’s Office be authorized to make payment from the following SAP projects in Funds Center 122, Fund 410:

A.17004-2017-Countywide Code & Environmental Compliance	\$ 95,006.45
A.18004-2018- Countywide Code & Environmental Compliance	\$ 13,193.55
Total Amount Not to Exceed	\$108,200.00

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)

5. COMM. 2E-21 (2019)
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); and

WHEREAS, the County of Erie previously advanced the Project Construction and Construction Inspection via Communication 14E-38 dated July 26, 2018; and

WHEREAS, the Construction and Construction Inspection phases of the Project, PIN 5760.99, are currently estimated at \$830,055 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, Book B, and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the received budget for this project is \$458,000 federal revenue, \$38,167 NYS Marchiselli revenue, and \$333,888 in bonds for the Local Share representing the balance of the \$830,055 project; and

WHEREAS, Nova Site Company, LLC, was 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 Division of Budget and Management is hereby authorized to accept Marchiselli and Federal Aid per the received Supplemental Agreement No. 2 with the NYSDOT, for the Genesee Road, Route 240, and Sibley Road (PIN 5760.99) and adjust the 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
REVENUES				
405160	Marchiselli Aid	\$28,500	\$38,167	\$66,667
414000	Federal Aid	\$1,165,800	(\$365,800)	\$800,000
475000	Gen Oblig Bond Proceeds	<u>\$633,888</u>	<u>\$0</u>	<u>\$633,888</u>
TOTAL REVENUES		<u>\$1,828,188</u>	<u>(\$327,633)</u>	<u>\$1,500,555</u>
APPROPRIATIONS				
CAPITAL PROJECTS				
	Capital Project Exp	\$1,004,388	\$496,167	\$1,500,555
UNALLOCATED		<u>\$823,800</u>	<u>(\$823,800)</u>	<u>\$0</u>
TOTAL APPROPRIATIONS		<u>\$1,828,188</u>	<u>(\$327,633)</u>	<u>\$1,500,555</u>

and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract between the County of Erie and Nova Site Company, LLC for construction services in an amount not to exceed \$524,880 and establish a Project Contingency in an amount not to exceed \$158,397.08 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, 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)

6. COMM. 2E-22 (2019)

COUNTY EXECUTIVE

WHEREAS, the Replacement of Amsdell Road Culvert (CIN 122-01) Project PIN 5762.23, the “Project”, is eligible for funding under the Bridge NY Grant Program; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the State share of the costs via Legislative Communication 8E-11 dated May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the advancement of the remaining New York State share of \$368,500 and committing a local share of \$391,500; and

WHEREAS, in order to advance the Construction phase of the Project to meet the BridgeNY schedule, it will be necessary for the County Executive to execute Agreements with the lowest responsible bidder, C&S Companies, Inc. as Project Designer for Engineering and Inspection services, various utilities, and establish a contingency for a total Project amount not to exceed \$760,000.

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 New York State’s \$368,500 share of the cost of the Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total cost of the construction, construction inspection, utilities, and contingency for the Project is \$760,000 and is hereby appropriated from Fund 420, Funds Center 123 as follows:

B.17075	2017 Culvert Amsdell Rd Cr 122 Over Drainage Channels	\$368,500
B.17017	2017 Rehabilitation of Flagged Bridges	\$391,500
Total Project Not to Exceed		\$760,000

and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with C&S Companies, Inc. for \$85,000, establish a contingency, and enter into utility agreements for a total project cost not to exceed \$760,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the New York States share of the costs of the Project's construction and construction inspection Phases exceeds the amount appropriated, 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 New York State funds on behalf of the County of Erie, (subject to the Erie County 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 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 one (1) certified copy of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

APRIL N.M. BASKIN
CHAIR