

March 28, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-10 (2019)
NYSDOT: "Discontinuance of Maintenance of Bridge Over Cattaraugus Creek"
(Chair's Ruling)
 - b. COMM. 6M-1 (2019)
VISIT BUFFALO NIAGARA: "Fourth Quarter Reports for 2018"
(Chair's Ruling)
 - c. COMM. 6M-2 (2019)
NFTA: "Minutes of NFTA Board Meeting Held on 2/28/19"
(Chair's Ruling)

2. COMM. 5E-14 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to lead and manage many initiatives that protect and preserve our natural water resources; and

WHEREAS, the Lake Erie Watershed Protection Alliance (LEWPA) has been appropriated funds through the New York State Environmental Protection Fund through New York State Department of Environmental Conservation (NYSDEC) to coordinate and implement projects to improve the quality of the watershed; and

WHEREAS, the Erie County Soil and Water Conservation District (ECSWCD) is the Treasurer for LEWPA and is authorized to enter into contracts on behalf of LEWPA; and

WHEREAS, Erie County and ECSWCD entered into a contract from September 1, 2017 through March 31, 2019 (SAP Grant #162LEWPA1718) authorized by COMM. 13E-19 (2017) to create a position to coordinate LEWPA; and

WHEREAS, the ECSWCD wishes to extend the term of the contract to March 31, 2021 to retain an existing Senior Environmental Compliance Specialist position and make budget adjustments that will allow for successful completion of the scope of work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with ECSWCD to extend the project until March 31, 2021; and be it further

RESOLVED, that the revenue from the Erie County Soil and Water Conservation District is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Lake Erie Watershed Protection Alliance Project
(Grant Period: 9/1/2017 – 3/31/2021)
SAP Grant #162LEWPA1718

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
409000	State Aid Revenue – New York State Department of Environmental Conservation	(\$102,400)	(\$162,400)	(\$264,800)
TOTAL REVENUE				(\$264,800)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Personnel Services	\$64,000	\$113,400	\$177,400
502000	Fringe Benefits	\$38,400	\$49,000	\$87,400
TOTAL APPROPRIATIONS		\$102,40	\$162,400	\$264,800

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with Federal and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(6-0)

3. **COMM. 6E-11 (2019)**
COUNTY EXECUTIVE

WHEREAS, the reconstruction of the Culvert CIN 122-01 on Amsdell Road CR 122 over Drainage Channel, NYS PIN 5762.23 (the "Project") was authorized by the legislature in COMM. 8E-11 (2017) and COMM. 2E-22 (2019); and

WHEREAS, the replacement of the culvert requires the County Executive to enter into construction phase agreements with Norfolk Southern Railroad and CSX Railroad; and

WHEREAS, these the total cost of agreements are estimated at \$250,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive of the County of Erie is hereby authorized to enter into Agreements with Norfolk Southern Railroad and CSX Railroad for construction phase services in reference to the reconstruction of the Culvert Amsdell Road CR 122 over Drainage Channel, NYS PIN 5762.23; and be it further

RESOLVED, that the County Executive be authorized to execute these agreements for preliminary services in the amount of \$105,000 for Norfolk Southern Railroad, \$130,000 for CSX, and a contingency of \$15,000 from Fund Center 123, Fund 420, Capital Project B.17017 – 2017 Rehabilitation of Flagged Bridges; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for these contracts; 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, and the Office of the Comptroller.

(6-0)

4. **COMM. 6E-12 (2019)**
COUNTY EXECUTIVE

WHEREAS, in order to begin the construction of the replacement of Pontiac Road Bridge over Big Sister Creek, BIN 3327820/BR 490-02 (the "Project"), in the Town of Evans, it will be necessary for the County to acquire the Right-of-Way (ROW) by easement and/or fee, such parcels as may become

necessary for construction, including a parcel, herein referred to as the "Subject Property," that is a portion of real property in the vicinity of the Project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 253.00-3-4	Evans

and

WHEREAS, the acquisition of the portion of the Subject Property is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the temporary easement required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that funding is available in the previously approved 2017 Capital Project B.17077, 2017 Replacement of Pontiac Road Bridge, Fund 420, Funds Center 123, in an amount not to exceed \$3,000 for all costs of ROW acquisitions; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Foit Albert Associates, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Foit Albert Associates, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Foit Albert Associates, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including Foit Albert Associates, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the County Attorney's Office.
(6-0)

5. COMM. 6E-13 (2019)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation and the New York State Office of Parks, Recreation, and Historic Preservation (State) intend to design and construct pedestrian and bicycle safety improvements on County owned roadways, Creek Side Drive (CR 521) and Tonawanda Creek Road (CR 2) as part of the Empire State Trail; and

WHEREAS, said improvements will also be constructed along a County-maintained section of the Shoreline Trail in the City of Tonawanda; and

WHEREAS said improvements shall be designed and constructed in compliance with the Americans with Disabilities Act and with State funds; and

WHEREAS, Erie County shall be responsible for any and all maintenance of signs, striping, and improvements, to the roadway only, on the County roads named above; and

WHEREAS, Erie County continues to be responsible for the portion of the Shoreline Trail from Niawanda Park to Seymour Street in the City of Tonawanda; and

WHEREAS, the County of Erie does not own and is not responsible for maintenance of the multi-use path being constructed along Tonawanda Creek Road; and

WHEREAS, the agreements between the State and the County are necessary for the State to proceed with the design and construction of the pedestrian and bicycle safety improvements as part of the Empire State Trail.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute agreements between the County of Erie and the State of New York for the design and construction of pedestrian and bicycle safety improvements on the following County owned roadways: Creek Side Drive (CR 521), Tonawanda Creek Road (CR 2), and along a County maintained section of the Shoreline Trail, as part of the Empire State Trail; and be it further

RESOLVED, that the County Executive be authorized to sign the cover sheet of the construction plans; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send six (6) certified copies of the resolution to the Department of Public Works for the State of New York; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of the resolution to the County Executive, the County Attorney, and the Department of Public Works.
(6-0)

6. COMM. 6E-15 (2019)
COUNTY EXECUTIVE

WHEREAS, the existing roof system at 120/134 West Eagle Street has significantly deteriorated, and full roof system replacement is warranted to keep the building weather tight; and

WHEREAS, the Erie County Department of Public Works received bids for the 120/134 West Eagle Street Roof Replacement (Phase II) project on February 7, 2019; and

WHEREAS, the lowest responsible bidder for the 120/134 West Eagle Street Roof Replacement (Phase II) project is Elmer W. Davis, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with the Architect, 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 120/134 West Eagle Street Roof Replacement (Phase II) project for an amount not to exceed as follows:

General Construction Work

Elmer W. Davis, Inc.	Base Bid:	\$ 1,657,949
	Alt Bid #1:	\$ 80,000
Total Award of Construction Contract:		\$ 1,737,949

and be it further

RESOLVED, that the sum of \$309,834.73 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 the above from Fund 410, Funds Center 122, as follows:

A.12004 – 2012 Countywide Roof & Waterproofing	\$ 303,466.39
A.13005 – 2013 Countywide Roof & Waterproofing	\$ 276,575.50
A.15004 – 2015 Countywide Roof Replacement	\$ 174,066.12
A.16006 – 2016 Countywide Roof Replacement	\$ 276,615.72
A.17005 – 2017 Countywide Roof Replacement	\$ 517,060.00
A.18005 – 2018 Countywide Roof Replacement	<u>\$ 500,000.00</u>
Total Payment Not To Exceed:	\$2,047,783.73

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.
(6-0)

7. COMM. 6E-17 (2019)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25 (2019), the Erie County Legislature authorized award of Contract Nos. 57R-A (General), 57R-B (Heating and Ventilation), and 57R-D (Electrical) to STC Construction, Inc., Quackenbush Co., Inc., and CIR Electrical Construction Corporation, respectively; and

WHEREAS, Legislative Comm. 4E-25 (2019) authorized Contract Nos. 57R-A, 57R-B, and 57R-D to be funded through Erie County Sewer District No. 6 Capital Project C.00064; and

WHEREAS, it is now the recommendation of the Erie County Division of Sewerage Management that Contract Nos. 57R-A, 57R-B, and 57R-D be funded through Erie County Sewer District No. 6 Capital Project C.17601; and

WHEREAS, there is sufficient authorization within Capital Project C.17601 to fund the project cost.

NOW, THEREFORE, BE IT

RESOLVED, that Contract Nos. 57R-A (General), 57R-B (Heating and Ventilation) and 57R-D (Electrical) for the "Well Street and Wilmuth Avenue Pumping Station Electrical Upgrades" project be funded from Capital Project C.17601; and be it further

RESOLVED, that the County Comptroller is authorized and directed to reallocate \$1,088,400 designated in Erie County Sewer District No. 6 Capital Project C.00064 pursuant to Legislative Comm. 4E-25 (2019) for Contract Nos. 57R- A, 57R- B, and 57R- D, from Project C.00064 to Erie County Sewer District No. 6 Capital Project C.17601; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

**APRIL N.M. BASKIN
CHAIR**