

July 1, 2014

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 13E-5 (2014)
COUNTY EXECUTIVE

WHEREAS, the East Robinson and North French Roads Reconstruction Project in the Town of Amherst, Erie County, PIN 5755.43 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program; and

WHEREAS, the County of Erie advanced the project's construction phase via Comm. Nos. 8E-11 (2013) and 8E-12 (2013) both adopted on May 9, 2013; and

WHEREAS, the County of Erie desires to accept Marchiselli funds for the construction phase of the project, PIN 5755.43 through a Supplemental Marchiselli Agreement with NYSDOT that increases the Project Agreement by \$294,275 and related project budget in Fund 420, B.12001, 2012 East Robinson and North French Roads Reconstruction; and

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 has been advertised, bid, and awarded to the responsible low bidder Accadia Site Contracting, Inc.; and

WHEREAS, the SAP project is currently estimated at \$14,165,575; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for change orders for Accadia Site Contracting, Inc. and Project Engineer Greenman – Pedersen, Inc. for work related to poor soil conditions and utility conflicts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie 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 share of the cost of the preliminary engineering (Scoping and Design I-VI), and construction phase of the project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12001 - 2012 East Robinson North French Roads Reconstruction, Fund Center 123, Fund 420, be increased by the anticipated State revenue in the amount of \$294,275 as follows:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
405160	NYS Marchiselli	\$1,399,000	\$294,275	\$1,693,275
414000	Federal Aid	10,072,300	0	10,072,300
475000	Gen Oblig Bond Proc	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>
TOTAL REVENUES		<u>\$13,871,300</u>	<u>\$294,275</u>	<u>\$14,165,575</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$13,871,300</u>	<u>\$294,275</u>	<u>\$14,165,575</u>
TOTAL APPROPRIATIONS		<u>\$13,871,300</u>	<u>\$294,275</u>	<u>\$14,165,575</u>

; and be it further

RESOLVED, the estimated total sum of the construction phase of the project, \$14,165,575 is hereby appropriated from B.12001 – 2012 East Robinson North French Roads Reconstruction and made available to cover the cost of participation in the construction 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 construction phase exceeds the amount appropriated, \$14,165,575 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction Phase exceeds \$14,165,575, 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; and be it further

RESOLVED, should additional Federal Aid become available for this project, Erie County Legislative approval would be requested to enter into a new supplemental agreement with New York State Department of Transportation and the project budget adjusted accordingly; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to approve change orders for the East Robinson and North French Roads Project PIN 5755.43 for the responsible low bidder Accadia Site Contracting, Inc. and Project Engineer Greenman – Pedersen, Inc.; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to 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)

2. COMM. 13E-6 (2014)

COUNTY EXECUTIVE

WHEREAS, the Savage Road Bridge over Dry Creek Reconstruction Project in the Town of Sardinia, Erie County, PIN 5757.30 (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; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN 5757.30; and

WHEREAS, the County of Erie advanced the Project’s Construction Phase via Comm. 8E-9 (2013) and Comm. 8E-10 (2013) both adopted on May 9, 2013; and

WHEREAS, the County of Erie desires to accept Federal and Marchiselli funds for the Construction phase of the Project, PIN 5757.30 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by \$254,250 and related project budget in Fund 420, B.12003, 2012 Savage Road Bridge over Dry Creek Reconstruction; and

WHEREAS, the Savage Road Bridge over Dry Creek Reconstruction Project PIN 5757.30 has been advertised, bid, awarded to the responsible low bidder D&H Excavating, Inc., and work is now complete; and

WHEREAS, the project is currently estimated at \$1,202,250; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for Change Orders for D&H Excavating, Inc. and Project Engineer, Wendel for work related to poor soil conditions, utility conflicts, and extra time needed for the contractor to finish work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Savage Road Bridge over Dry Creek Reconstruction 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 phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12003 - 2012 Savage Road Bridge over Dry Creek Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$254,250 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$0	\$158,250	\$158,250
414000	Federal Aid	748,000	96,000	844,000
475000	Gen Oblig Bond Proc	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL REVENUES		<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>
TOTAL APPROPRIATIONS		<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,202,250 is hereby appropriated from B.12003 – 2012 Savage Road Bridge over Dry Creek

Reconstruction and made available to cover the cost of participation in the Construction and Construction Inspection 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 full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection phase exceeds the amount appropriated, \$1,202,250, 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 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 therefor 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 County Executive be authorized and is hereby directed to approve change orders for the Savage Road Bridge over Dry Creek Project PIN 5757.30 for the responsible low bidder D&H Excavating, Inc. and Project Engineer, Wendel; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to 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)

3. **COMM. 13E-7 (2014)**
COUNTY EXECUTIVE

WHEREAS, the County desires to continue the construction of a system of interconnected bicycle and pedestrian multi-use trails along Lake Erie to provide linkages between existing bicycle and pedestrian trails, residential neighborhoods, parks and recreation areas including Lake Erie, retail centers and employment centers; and

WHEREAS, the County desires to continue the construction of the Shoreline Trail – Bethlehem Steel Section from the Buffalo – Lackawanna border to Smokes Creek and the Lackawanna First Ward neighborhoods; and

WHEREAS, the County desires to provide this type of facility to residents at the lowest possible cost to the County and County taxpayers; and

WHEREAS, the County desires to apply for financial assistance from the New York State Department of Transportation's Transportation Alternatives Program (TAP); and

WHEREAS, the County commits to making a decision through its 2015 Capital Budget process on providing the required local matching funds to insure the timely implementation of the proposed project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the Department of Environment and Planning to prepare and submit an application for TAP funding in the amount of \$980,160; and be it further

RESOLVED, that prior to contract execution the County shall make available \$250,000 in matching funds to satisfy the requirements of the funding program; and be it further

RESOLVED, that the source of said match, if approved by the Erie County Legislature, shall be funds available within the 2015 Capital Budget for the Brownfield Redevelopment project; and be it further

RESOLVED, that the County Legislature authorizes the County Executive to sign all documents and agreements related to the Transportation Enhancement Program; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

4. **COMM. 13E-8 (2014)**
COUNTY EXECUTIVE

WHEREAS, in 2013 the County entered into a Lease Agreement with the Buffalo Bills and the Erie County Stadium Corporation, a wholly-owned subsidiary of the New York State Urban Development Corporation dba Empire State Development under which each party is required to make annual capital

improvement payments for physical upgrades at Ralph Wilson Stadium known as the Capital Improvement Allowance (“CIA”); and

WHEREAS, the County has already made its first year CIA payment, and the second year CIA payment totaling no more than \$1,750,000 must be paid into a special account by August 5, 2014 as per the 2013 Lease Agreement; and

WHEREAS, while the Division of Budget and Management has calculated the second year CIA payment number, the final number is subject to slight modification based on the Consumer Price Index in effect on July 31, 2014, which is after this Honorable Body recesses for the summer; and

WHEREAS, due to the provisions of the Affordable Care Act and the adopted New York State budget, both of which provide the County with Medicaid relief in 2014, the County has available a positive variance in the Medicaid-MMIS account to facilitate the CIA payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the second year Capital Improvement Allowance payment for Ralph Wilson Stadium totaling an amount not to exceed \$1,750,000, and authorizes the County Executive to establish a capital project in the Department of Public Works in Business Area, 122, Fund 410 for the second year Capital Improvements Allowance Projects, including the County, State and Buffalo Bills required shares in an amount not to exceed \$4,800,000 consisting of no more than \$1,750,000 – County, \$2,200,000- State, and \$850,000 Buffalo Bills shares; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized:

Fund 110- 2014 Budget	
Department of Social Services	Decrease
Acct. 525000 - Medicaid Local Share	\$1,750,000
Countywide Interfund Accounts	Increase
Acct. 570050 Interfund Transfers Capital	\$1,750,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the final budget for the second year Capital Improvement Allowance based on the contractual formula to be finalized in August 2014; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the Department of Public Works, Division of Budget and Management, Department of Law, Office of the County Executive, and Office of the Comptroller.

(6-0)

5. COMM. 13E-9 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids for the Erie County Highway Facilities-2014- Clarence Roof Replacement project during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture & Planning and Watts Architecture and Engineering for providing Professional Design and Environmental Services on Erie County Projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firms of Advanced Architecture and Planning and Watts Architecture and Engineering for providing additional Professional Architectural/Engineering and Environmental Services for the design of additional roof replacements at other highway facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$600,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further;

RESOLVED, that the County Executive is hereby authorized to amend the Advanced Architecture and Planning Agreement for providing additional Professional Architectural/Engineering Services for the design of additional roof replacements at highway facilities for the amount not to exceed \$60,000.00, including design contingency; and be it further

RESOLVED, that the County Executive is hereby authorized to amend the Watts Architecture and Engineering Agreement for providing additional environmental services for the testing, surveying and designing for hazardous materials on projects for an amount not to exceed \$15,000.00, including design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.20918- 2009 Countywide Roof Replacement & Waterproofing; for a total amount not to exceed \$675,000.00; 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.
(6-0)

6. COMM. 13E-10 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids after the last legislative meeting before summer recess for the Buffalo & Erie County Botanical Gardens – 2014 Administration Building Pump Loop and South Park Avenue Force Main Tie-In project; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of a construction contract after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder, during the Legislative summer recess, so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$175,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP project accounts as follows:

A.00319 – 2008 Botanical Gardens Master Plan Reconstruction \$ 15,558.73

A.20902 – 2009 Botanical Gardens Master Plan Implementation and Rehabilitation	\$ 5,983.26
A.21003 – 2010 Botanical Gardens Master Plan Implementation and Rehabilitation	\$ 64,549.97
<u>A.13004 – 2013 Countywide Code and Environmental Compliance</u>	<u>\$ 88,908.04</u>
Total Payments Not To Exceed:	\$175,000.00

; 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, Chief Financial Officer and the Office of the Comptroller.
(6-0)

7. COMM. 13E-11 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids for the Clarence & Hamburg Highway Maintenance Facilities-2014-New Salt Storage Buildings during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$500,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further;

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.14003- 2014 Countywide Code and Environmental Compliance; for a total amount not to exceed \$500,000.00; 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.
(6-0)

8. COMM. 13E-12 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works received bids for the Old County Hall – 2014 – 4th Floor Wall and Ceiling Restoration project on May 30, 2014; and

WHEREAS, the lowest responsible bidder is E.B. Galaxy Construction, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidder; and

WHEREAS, unforeseen conditions require a Construction Contingency fund increase to the Old County Hall – Exterior Waterproofing and Improvements project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Old County Hall – 2014 – 4th Floor Wall and Ceiling Restoration project as follows:

General Construction Work

E. B Galaxy Construction, Inc.	Base Bid:	\$163,000.00
	Add Alt #1	\$37,000.00
	Add Alt #2	<u>\$4,500.00</u>
Total General Construction Contract		\$204,500.00

; and be further

RESOLVED, that the sum of \$30,000.00 be allocated to a Construction Contingency Fund for the Old County Hall – 2014 – 4th Floor Wall and Ceiling Restoration project 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 the County Executive is authorized to increase the current Construction Contingency fund for the Old County Hall – Exterior Waterproofing and Improvements project by \$130,000.00 from \$490,000.00 to \$620,000.00 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 SAP Projects:

A.00018 2000 Courthouse Renovation	\$38,408.96
A.00313 2007 Waterproofing and Rehab Old County Hall	\$115,000.00
A.11005 2011 Countywide Bldg and Facility Improvements	\$144,401.04
A.12003 2012 Countywide Code and Environment Compliance	<u>\$66,690.00</u>
Total:	\$364,500.00

; 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.
(6-0)

EDWARD A. RATH, III
CHAIR