

June 13, 2019

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-4 (2019)  
**COUNTY EXECUTIVE:** “Award of Construction Contract - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg”  
(Chair’s Ruling)
  - b. COMM. 11M-3 (2019)  
**NY FOUNDATION FOR FAIR CONTRACTING:** “Reconstruction of Lake Avenue Project”  
(Chair’s Ruling)
  - c. COMM. 12D-2 (2019)  
**DEPARTMENT OF PUBLIC WORKS:** “Letter to Legislature Regarding COMM. 8E-4 (2019)”  
(Chair’s Ruling)
  - d. COMM. 13D-1 (2019)  
**DEPARTMENT OF PUBLIC WORKS:** “Letter to Legislature Regarding COMM. 8E-4 (2019) - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg”  
(Chair’s Ruling)
  - e. COMM. 13M-2 (2019)  
**NYS DEC:** “Invitation for Public Comment - Draft Investigation Work Plan for 57-71 Tonawanda St., Buffalo”  
(Chair’s Ruling)
  - f. COMM. 13M-3 (2019)  
**NYS DEC:** “Remedy Proposed for Brownfield Site, 31 Tonawanda St., Buffalo”  
(Chair’s Ruling)
  - g. COMM. 13M-6 (2019)  
**NFTA:** “SEQR - Issuance of Scoping Document”  
(Chair’s Ruling)

2. COMM. 7E-17 (2019)  
**COUNTY EXECUTIVE AS AMENDED**

2019 CAPITAL OVERLAY CONTRACT B –  
CLEVELAND DRIVE AND KENSINGTON AVENUE

WHEREAS, the 2019 Capital Overlay Contract B roads: Cleveland Drive, from I-90 Ramp to City of Buffalo Line; and Kensington Avenue, from Harlem Road to Main Street are in poor condition; and

WHEREAS, the Department of Parks, Recreation, and Forestry identified a number of roads, pathways and parking lots throughout the Erie County Park System that were included in the Department of Public Works 2019 Capital Overlay Contract B; and

WHEREAS, bids were received and opened on May 24, 2019 for the 2019 Capital Overlay Contract B, Project Number CAP – 141.208 – 2019 in the Towns of Amherst and Cheektowaga, (the “Project”); and

WHEREAS, the Erie County Department of Public Works recommends the award of contract to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc., in the amount of \$1,492,053.25 for the Division of Highways portion of the Project; and

WHEREAS, it is necessary to establish a Construction Contingency of \$75,000.00 for the Division of Highways portion of the Project with authorization for the County Executive to execute related Change Orders; and

WHEREAS, the estimated total cost of the Division of Highways portion of the Project is \$1,567,053.25, and is available in Fund 420, Funds Center 123, Project B.19050.1.2 – 2019 Capital Overlay Program (Capital Bond Reso); and

WHEREAS, Erie County Department of Public Works recommends the award of contract to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc., in the amount of \$351,298.00 for the Department of Parks, Recreation, and Forestry’s portion of the Project; and

WHEREAS, it is necessary to establish a Construction Contingency of \$38,702 for the Department of Parks, Recreation, and Forestry’s portion of the Project with authorization for the County Executive to execute related Change Orders; and

WHEREAS, the estimated total cost of the Department of Parks, Recreation and Forestry portion of the Project is \$390,000.00 and is available in Fund 410, Funds Center 164 as follows:

Project A.16015 – 2016 Roads, Pathways, and Parking Lot Repairs	\$ 48,014.40
<u>Project A.17014 - 2017 Roads, Pathways, and Parking Lot Repairs</u>	<u>\$341,985.60</u>
Total	\$390,000.00

and

WHEREAS, it is desired to award the construction contract to Destro & Brothers Concrete Co. Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to award and execute a contract for Project Number CAP – 141.208 – 2019, to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc. in the amount of \$1,492,053.25 for the Division of Highways portion of the Project; and be it further

RESOLVED, that the County Executive be authorized to establish a Project Contingency in the amount of \$75,000.00 for the Division of Highways portion of the Project and execute Project related change orders, as necessary; and be it further

RESOLVED, that the total Project budget, in the amount of \$1,567,053.25, be made available for the Project in Fund 420, Funds Center 123, Project B.19050.1.2 – 2019 Capital Overlay Program (Capital Bond Reso); and be it further

RESOLVED, that the Erie County Executive is authorized to award and execute a contract to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc. in the amount of \$351,298.00 for the Department of Parks, Recreation, and Forestry portion of the Project for paving related to the Project; and be it further

RESOLVED, that the County Executive be authorized to establish a Project Contingency in the amount of \$38,702 for the Department of Parks, Recreation, and Forestry portion of the Project and execute Project related change orders, as necessary; and be it further

RESOLVED, that the Project budget, in the amount of 390,000.00, be made available for the Project in Fund 410, Funds Center 164 as follows:

Project A.16015 – 2016 Road, Pathways and Parking	\$ 48,014.40
Project A.17014 - 2017 Roads and Pathways	\$341,985.60
Total	\$390,000.00

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, Office of the Commissioner, Department of Parks, Recreation, and Forestry and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

INTER-MUNICIPAL AGREEMENT WITH NIAGARA COUNTY FOR TONAWANDA CREEK RD PAVEMENT REHAB; CAMPBELL BLVD TO ERIE CANAL

WHEREAS, COMM. 3E-15 (February 15, 2018) authorized execution of an Inter-Municipal Agreement between Erie and Niagara Counties for a federal aid highway rehabilitation and slide stabilization project for Tonawanda Creek Road in the Towns of Pendleton and Lockport in Niagara County and the Town of Clarence in Erie County (the “Project”); and

WHEREAS, the Town of Clarence site is for the remediation of the June 2014 slide on Tonawanda Creek Road (CR 559); and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, and calls for the apportionment of the costs of such project to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the non-federal portion of Project funds required are being provided by the State of New York therefore requiring no contribution of funds from either Niagara or Erie Counties; and

WHEREAS, the current Inter-Municipal Agreement only includes Design Phases I-IV (preliminary engineering) and Right of Way (ROW) Incidentals; and

WHEREAS, it is desired to amend the current Inter-Municipal Agreement to include Design Phases V & VI (detailed design), and the ROW Acquisition and Construction phases of the Project; and

WHEREAS, additional Legislative authorization will be needed should the cost of the Project phases noted exceed the available federal and non-federal funding requiring funding participation from Erie County for the Tonawanda Creek Road (CR 559) site in the Town of Clarence.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to execute an amendment to the current Inter-Municipal Agreement between Erie County and Niagara County, subject to approval by the County Attorney, to include therein Design Phases V & VI (detailed design), and the ROW Acquisition and Construction Phases of the Project; and be it further

RESOLVED, that should the cost of the Project phases noted exceed the available federal and non-federal funding requiring funding participation from Erie County for the Tonawanda Creek Road (CR 559) site in the Town of Clarence additional legislative authorization will be sought for such participation; 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)

3. COMM. 13E-13 (2019)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie received bids for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall on September 6, 2018 and the lowest responsible bidder for the Electrical Construction Work was Frey Electric Construction Co. (COMM. 14E-46 2018); and

WHEREAS, the Department of Public Works applied for and was awarded a National Grid Energy Initiative Rebate as a result of the implementation of the energy efficient lighting system (COMM. 4E-18 2019); and

WHEREAS, an additional energy-efficient lighting system to provide very low 0.5 to 4 foot-candles illumination levels with a warm color temperature and wide-distribution pattern on separate controls is required for corporate events in the Exhibit Hall; and

WHEREAS, the County Executive is requesting authorization to increase the Construction Contingency Fund for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project from \$50,000 to \$75,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the Construction Contingency Fund for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project from \$50,000 to \$75,000; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to the previously awarded lowest responsible bidder, Frey Electric Construction Co., to complete the additional work; 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 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     \$25,000

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, and the Office of the Comptroller, and one copy to Buffalo Niagara Convention Center to both Paul Murphy and their Financial Officer.  
(6-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**