

July 18, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 13

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

1.

RESOLVED, the following item is hereby tabled:

a.

COMM. 15E-30 (2019)
COUNTY EXECUTIVE: “Authorization of Short Term Detour for NYS DoT – Maple Rd. – Amherst”
(6-0)

2.

RESOLVED, the following items are hereby received and filed:

a.

COMM. 15M-2 (2019)
NFTA: “2018-19 NFTA-Metro Annual Performance Report”
(Chair’s Ruling)

b.

COMM. 15M-3 (2019)
NFTA: “Board Minutes from Meeting Held 5/23/19”
(Chair’s Ruling)

c.

COMM. 15M-5 (2019)
NYSDEC: “Invitation for Public Comment on Draft Investigation Work Plan - 19 Doat St. & 9 Landsdale Pl., Buffalo”
(Chair’s Ruling)

3.

COMM. 15E-12 (2019)
COUNTY EXECUTIVE
WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound re-use of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned in part by the Buffalo and Erie County Industrial Land Development Corporation (ILDC), Tecumseh Redevelopment Inc. and Welded Tube USA Realty, LLC; and

WHEREAS, Tecumseh Redevelopment Inc., Welded Tube, the ILDC, the City of Lackawanna, South Buffalo Railway, and Erie County continue to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, a phased approach to redevelopment of the site included building a new waterline, removal and relocation of railroad tracks, and construction of a new road known as the Dona Street extension; and

WHEREAS, the first two phases have been completed and the Dona Street extension is now underway; and

WHEREAS, in order to properly service the site, the design of the Dona Street extension includes the creation of a new at-grade railway crossing; and

WHEREAS, the County of Erie has coordinated the railroad crossing design with South Buffalo Railway who has accepted the design.

NOW, THEREFORE, BE IT

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

RESOLVED, that in accordance with New York State Railroad Law section 90, the County of Erie seeks approval and coordination of the proposed at-grade railroad crossing from the New York State Department of Transportation; and be it further

RESOLVED, that the County Executive be authorized to execute all necessary agreements or certifications on behalf of the County of Erie with the New York State Department of Transportation and/or South Buffalo Railway in connection with the advancement or approval of the project; 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 Department of Environment and Planning, Office of the County Executive, Office of the County Attorney, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

4. COMM. 15E-14 (2019)
COUNTY EXECUTIVE
WHEREAS, the hydronic heating mechanical joint pipe gaskets in the DNA lab at the Public Safety Campus exhibit deformation and degradation, resulting in a higher risk for leaks in this critical area; and

WHEREAS, complete rebuild and replacement of the pipe gaskets, fittings and various control valves will reduce the risk of water leaks in the DNA lab; and

WHEREAS, the County of Erie received bids for the Public Safety Campus – 5th Floor DNA Lab HVAC Piping Improvements project on June 7, 2019; and

WHEREAS, the Erie County Department of Public Works is recommending award of a 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 Public Safety Campus – 5th Floor DNA Lab HVAC Piping Improvements project for an amount not to exceed as follows:

<u>Mechanical Construction Work</u>		
<u>MLP Plumbing & Mechanical, Inc.</u>	<u>Base Bid:</u>	<u>\$ 121,500</u>
Total Award of Mechanical Construction Contract:		\$ 121,500

Total Award of all Construction Contracts: \$ 121,500

and be it further

RESOLVED, that the sum of \$13,500 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 all the above from Capital Project accounts as follows:

A.18006 – 2018 Countywide Mechanical, Electrical, Plumbing, & Misc. Improvements	Fund 410	Funds Center 122	\$ 135,000
Total Payment not to Exceed:			\$ 135,000

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.
(6-0)

5. COMM. 15E-18 (2019)
COUNTY EXECUTIVE
WHEREAS, the Legislature authorized an engineering services agreement with Clark Patterson Lee (CPL) for the reconstruction of East West Road (CR 363) via Comm. 16E-29 (2017); and

WHEREAS, Clark Patterson Lee’s engineering agreement needs to be amended to include extra engineering services related to the reduction of construction scope and the rebidding of the construction project; and

WHEREAS, there are funds available in Capital Projects B.16002 – 2016 Preservation of Roads – Design and B.17003 – 2017 Preservation of Roads – Design, Fund 420, Funds Center 123 in the total amount of \$87,000 for these services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute an amendment to Clark Patterson Lee’s existing contract for design of East West Road (CR 363) in the amount of \$87000; and be it further

RESOLVED, that the funding for these services are available in the following Capital Projects in Fund 420, Funds Center 123:

B.16002 2016 Preservation of Roads – Design	\$67,087
<u>B.17003 2017 Preservation of Roads – Design</u>	<u>\$19,913</u>
Total cost of the Amendment	\$87,000

and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Public Works, William E. Geary, Jr.; and Assistant County Attorney Kristen M. Walder.
(6-0)

6. COMM. 15E-21 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized an engineering services agreement with DiDonato Associates Engineering and Architecture, P.C. for the reconstruction of North/South Main St. (CR 009) via Comm. 6E-20 (2018); and

WHEREAS, DiDonato Associates engineering agreement needs to be amended to include extra engineering services related to the reduction of construction scope, the rebidding of the construction project, and the upgrading of storm sewers; and

WHEREAS, there are funds available in Capital Project B.17003 – 2017 Preservation of Roads, Design, Fund 420, Funds Center 123 to pay for these engineering services in the amount of \$88,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute an amendment to DiDonato Associates existing contract for design of North/South Main St. (CR 009) in the amount of \$88,000; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the amended design contract from Capital Project B.17003 – 2017 Preservation of Roads, Design, Fund 420, Funds Center 123 in the amount of \$88,000; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Public Works, William E. Geary, Jr.; and Assistant County Attorney Kristen M. Walder.
(6-0)

7. COMM. 15E-23 (2019)
COUNTY EXECUTIVE

WHEREAS, the controls, software, and equipment supporting elevator cars No. 1 through No. 9 and No. 13 are becoming obsolete and are in need of modernization; and

WHEREAS, maintenance and repairs are becoming more frequent as well as more costly as time progresses due to the outdated controls, equipment, and software of the existing elevators; and

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

WHEREAS, Architectural Resources 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 with Architectural Resources for providing professional design services for an elevator modernization project located in the Rath Building utilizing the New York State Office of General Services (OGS) professional service Term Contract Number SC722.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to issue an Agreement Architectural Resources for providing professional design services for the elevator modernization project at the Rath Building for an amount not to exceed \$160,000, including design contingency; and be it further

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

A.19008 – Rath Building Improvements	\$ 160,000
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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. 15E-24 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works desires to engage the services of an Electrical Engineer in order to comply with the requirements of electrical code and provide advisement on various County projects; and

WHEREAS, it has been determined that the best way to achieve the electrical code compliance is through the use of term contracts for On-Call Electrical Engineering services; and

WHEREAS, to address the anticipated scope of services required it has been determined that it was appropriate to award two term contracts; and

WHEREAS, the Department of Public Works advertised for Electrical Engineering firms and received proposals on May 15, 2019; and

WHEREAS, a review of proposals evaluated each firm’s expertise, experience, and manpower to provide the required services; and

WHEREAS, the Department of Public Works is recommending award of the three (3) year term contract with the possibility of two (2) one (1) year extensions to Buffalo Engineering, P.C. and M/E Engineering via the County’s consultant selection process to provide the required services; and

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a three (3) year Term Agreement contract with the possibility of two (2) one (1) year extensions with the Buffalo Engineering, P.C. and M/E Engineering for the Erie County – On-Call Electrical Engineering Consultant for an amount not to exceed a total of \$250,000; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for services from Capital Project A.18004 – Code and Environmental Compliance, Funds Center 122, Fund 410 for a total amount not to exceed \$250,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office and 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)

9. COMM. 15E-26 (2019)
 COUNTY EXECUTIVE
 WHEREAS, the Department of Public Works received no bids for the project bid previously, and must be re-bid; and

WHEREAS, the Department of Public Works will be receiving bids for the ECHC – Kitchen Floor Replacement & Kitchen/Laundry Domestic Hot Water Upgrades Re-bid project during the 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 hereby authorized to enter into a contract with the lowest responsible bidder, including a construction contingency for the ECHC – Kitchen Floor Replacement & Kitchen/Laundry Domestic Hot Water Upgrades Re-bid project in an amount not to exceed \$300,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; 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 the approved, as amended 2015, 2017, and 2018 Capital Budgets, Fund 410, Funds Center 122 as follows:

A.15028	2015 Sheriff Various Improvements to Holding Center and Correctional Facility	\$ 635.75
A.17026	2017 Improvements to Holding Center and Correctional Facility	\$ 203,061.92
A.18026	2018 Erie County Sheriff’s Department – Misc. Renovations	\$ 96,302.33
Total Payment not to Exceed:		\$ 300,000.00

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)

10. COMM. 15E-27 (2019)
 COUNTY EXECUTIVE
 WHEREAS, on behalf of the Federal Bureau of Investigation (FBI), the Erie County Sheriff’s Office has requested assistance from the Department of Public Works (DPW) to construct a gun cleaning room, separate from the training areas, within an existing building at the Erie County Firing Range to better control odors from gun cleaning solvents; and

WHEREAS, the FBI has offered to reimburse Erie County for the costs of materials required to construct the gun cleaning room; and

WHEREAS, the DPW Buildings and Grounds maintenance staff will provide the labor to construct the new gun cleaning room; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to accept the reimbursement from the FBI in an amount not to exceed \$17,000 and apply the reimbursement to GL Account 414010 – Federal Aid-Other, Funds Center 1222010, Fund 110.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements to accept the reimbursement from the FBI for the cost of materials required to construct the new gun cleaning room in an amount not to exceed \$17,000; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller’s Office to accept the reimbursement and allocate it into GL Account 414010 – Federal Aid-Other, Funds Center 1222010, Fund 110; and be it further

RESOLVED, the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with County funding requirements; 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 the Federal Bureau of Investigation and the Erie County Sheriff’s Office.
(6-0)

11. **COMM. 15E-28 (2019)**
 COUNTY EXECUTIVE
 WHEREAS, the Department of Public Works received higher-than-expected bids for the project bid previously; and

WHEREAS, the consultant recommends to re-bid the project; and

WHEREAS, the Department of Public Works will be receiving bids for the Erie County Health Lab – 2018 Building 17-AA & BB Roof Top Unit Replacements Re-Bid project during the 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 hereby authorized to enter into a contract with the lowest responsible bidder, including a construction contingency for Erie County Health Lab – 2018 Building 17-AA & BB Roof Top Unit Replacements Re-Bid project in an amount not to exceed \$550,000; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; 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 Fund 410, Funds Center 122, Capital Projects as follows:

A.18010 – 2018 Improvements to EC Health Department Building 17	\$ 100,000.00
A.18006 – 2018 Countywide Mechanical, Electrical, Plumbing, & Misc. Imp.	\$ 341,586.03
A.16026 – 2016 Improvements to Bldg 17	\$ 108,413.97
Total Payment not to Exceed:	\$ 550,000.00

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)

12. **COMM. 15E-29 (2019)**
 COUNTY EXECUTIVE
 WHEREAS, the Department of Purchasing sold by auction surplus turf removed from New Era Field; and

WHEREAS, the proceeds from such auction total \$4,551; and

WHEREAS, the Erie County Legislature has recommended that all proceeds from the auction go towards a program that provides athletic opportunities to children with disabilities; and

WHEREAS, Special Olympics New York, Inc. provides year-round sports training and athletic competition in a variety of Olympic-style sports for individuals with intellectual disabilities; and

WHEREAS, the Erie County Division of Purchase is seeking approval to donate all auction proceeds totaling \$4,551 to the Special Olympics of New York, Inc. in order to support their programming and athletes.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Division of Purchase is authorized to donate auction proceeds totaling \$4,551 to Special Olympics New York, Inc.; and be it further

RESOLVED, the Division of Purchase will follow all pre-established guidelines of donating of County property; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Division of Purchase and the Erie County Department of Law.
(6-0)

13. COMM. 15E-36 (2019)
COUNTY EXECUTIVE

WHEREAS, per the Erie County Home and Infirmary transfer of ownership agreement, the County of Erie was responsible for removing underground storage tank (UST) #'s 100, 200, and 300, and ECMCC was responsible for removing UST #'s 400, 500, and 700; and

WHEREAS, the removal work is required to comply with the New York State Department of Environmental Conservation (NYSDEC) petroleum bulk storage closure requirements and the Erie County Home and Infirmary transfer of ownership agreement; and

WHEREAS, the County of Erie received bids for the Erie County Home – Fuel Tank Removals project on June 6, 2019; and

WHEREAS, the lowest responsible bidder, Empire State Mechanical Contractors, Inc., has provided sufficient evidence of an error and omission per General Municipal Law Section 103 (11), and has withdrawn their bid for the project; and

WHEREAS, the Erie County Department of Public Works, along with its consultant Wendel Architecture, Engineering, Surveying, & Landscaping Architecture, PC, are recommending award of a contract to the next lowest responsible bidder, Nature’s Way Environmental.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with Nature’s Way Environmental for the Erie County Home – Fuel Tank Removals project for an amount not to exceed as follows:

<u>General Construction Work</u>	
<u>Nature’s Way Environmental</u>	Base Bid: \$ 309,018
Total Award of General Construction Contract:	\$ 309,018
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Total Award of all Construction Contracts:	\$ 309,018

and be it further

RESOLVED, that the sum of \$30,982 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 all the above from the following Capital Project in the approved and adopted 2019 Capital Budget, Fund 410, Funds Center 122:

A.19019	2019 Erie County Home Decommissioning and Demolition	\$ 340,000
Total Payment not to Exceed:		\$ 340,000

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.
(6-0)

14. COMM. 15E-50 (2019)
COUNTY EXECUTIVE
WHEREAS, the GDZ Homes Project consists of 9-units of affordable housing project in the City of Buffalo located at 417 Massachusetts; and

WHEREAS, the project involves of rehabilitation and restoration of an existing vacant building; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for 417 Housing Development Fund Company, Inc. and Buffalo Neighborhood Stabilization Company, Inc. to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with 417 Housing Development Fund Company, Inc. and Buffalo Neighborhood Stabilization Company, Inc., the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; 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 Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

SCHEDULE A
GDZ HOMES PILOT

	PILOT	City	County
Year 1	\$ 2,363.00	\$ 1,772.25	\$ 590.75
Year 2	\$ 2,433.89	\$ 1,825.42	\$ 608.47
Year 3	\$ 2,506.91	\$ 1,880.18	\$ 626.73
Year 4	\$ 2,582.11	\$ 1,936.59	\$ 645.53
Year 5	\$ 2,659.58	\$ 1,994.68	\$ 664.89
Year 6	\$ 2,739.36	\$ 2,054.52	\$ 684.84
Year 7	\$ 2,821.55	\$ 2,116.16	\$ 705.39
Year 8	\$ 2,906.19	\$ 2,179.64	\$ 726.55
Year 9	\$ 2,993.38	\$ 2,245.03	\$ 748.34
Year 10	\$ 3,083.18	\$ 2,312.38	\$ 770.79
Year 11	\$ 3,175.67	\$ 2,381.76	\$ 793.92
Year 12	\$ 3,270.94	\$ 2,453.21	\$ 817.74
Year 13	\$ 3,369.07	\$ 2,526.80	\$ 842.27
Year 14	\$ 3,470.15	\$ 2,602.61	\$ 867.54
Year 15	\$ 3,574.25	\$ 2,680.69	\$ 893.56

HOWARD J. JOHNSON, JR.
CHAIR