

March 12, 2020

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 4E-5 (2020)

**LORIGO:** "Letter Requesting Additional Information Concerning Convention Center Study"  
(Chair's Ruling)

b. COMM. 4D-2 (2020)

**DEPT. OF ENVIRONMENT & PLANNING:** "Convention Center Architectural & Engineering Assessment Report"  
(Chair's Ruling)

c. COMM. 5M-1 (2020)

**NYS DOT:** "Petition Ordering Public At-Grade Rail Crossing at Extension of Dona St., Lackawanna"  
(Chair's Ruling)

d. COMM. 5M-5 (2020)

**KENILWORTH FIRE DISTRICT NO. 2:** "Letter Regarding Concerns with NFTA Metro Rail Extension Project"  
(Chair's Ruling)

2. COMM. 5E-9 (2020)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the existing Ethernet cabling at the Jesse E. Nash Health clinic is well beyond it's useful life is in need of modernization; and

WHEREAS, the County of Erie received bids for the Jesse E. Nash IT upgrade project on January 21, 2020; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Platinum Communication Services LLC; and

WHEREAS, the Department of Public Works 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 Jesse E. Nash Health Center IT upgrade project for an amount not to exceed as follows:

General Construction Work

Platinum Communication Services LLC	Base Bid:	\$	47,000
	Alternate No. 1	\$	7,160

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Total Award of General Construction Contract:		\$	54,160
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and be it further

RESOLVED, that the sum of \$5,416 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 Division of Budget and Management is hereby authorized to transfer \$18,860 within the Health Department's Health Division's 2019 General Fund Budget as follows:

DEPARTMENT OF HEALTH, HEALTH DIVISION  
FUND 110, FUNDS CENTER 12700

APPROPRIATIONS	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
516020 Professional Svcs Contracts & Fees	\$961,358	\$ (18,860)	\$942,498
570050 Interfund Transfer Capital	<u>\$ 0</u>	<u>\$ 18,860</u>	<u>\$ 18,860</u>
TOTAL APPROPRIATION	<u>\$961,358</u>	<u>\$ 0</u>	<u>\$961,358</u>

and be it further

RESOLVED, that the budget in capital project A.00342 – 2008 Medical/Health Information System, Fund 410, Funds Center 127, be adjusted to reflect the increase of \$18,860 above as Interfund revenue subsidy for IT upgrade work as follows:

REVENUES	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
475000 General Obligation Bond Proceeds	\$900,000	\$ 0	\$900,000
486000 Interfund Revenue Subsidy	<u>\$ 0</u>	<u>\$ 18,860</u>	<u>\$ 18,860</u>
<b>TOTAL REVENUE</b>	<u>\$900,000</u>	<u>\$ 18,860</u>	<u>\$918,860</u>
<b>APPROPRIATIONS</b>			
Capital Projects Capital Project Exp.	\$900,000	\$ 18,860	\$918,860

and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the approved, as amended 2008 capital budget, Fund 410, Funds Center 127, follows:

A.00342 – 2008 Medical Health Information System	\$59,576
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and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer; 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 Department of Health, Commissioner’s Office.

(6-0)

3. **COMM. 5E-10 (2020)**  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie previously entered into an Agreement with Architectural Resources P.C. to provide professional architecture and engineering services for the Erie Community College City Campus 2018 Various ADA Upgrades and Ellicott Street Building Elevator Modernization project (COMM. 14E-15 on July 26, 2018); and

WHEREAS, additional A/E base fee is required to complete the design and construction administration services for the various ADA upgrade work identified on the Voluntary Compliance Plan issued by the New York State Education Department as a result of an on-site Civil Rights Compliance Review; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization to enter in an Agreement Amendment with Architectural Resources P.C. to increase their A/E base fee for the Erie Community College City Campus 2018 Various ADA Upgrades and Ellicott Street Building Elevator Modernization project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment with Architectural Resources P.C. to increase their A/E base fee for a total amount of \$47,492 for the Erie Community College City Campus 2018 Various ADA Upgrades and Ellicott Street Building Elevator Modernization project; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from the previously approved, as adopted capital budgets in Fund 480, Funds Center 122 as follows:

E.14006 – 2014 ECC Code Compliance Collegewide	\$25,683.62
<u>E.17005 – Erie Community College Code Compliance (Collegewide)</u>	<u>\$21,808.38</u>
Total Amount Not to Exceed	\$47,492.00

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, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

(6-0)

4. **COMM. 5E-14 (2020)**  
**COUNTY EXECUTIVE**

WHEREAS, a project for the replacement of Hillcroft Drive Bridge over Eighteen Mile Creek, BIN 3327840, PIN 5761.69, (the “Project”) is eligible for Federal funding under Title 23, U.S. Code, as amended; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communication 14E-37 dated June 26, 2018; and

WHEREAS, the Department of Public Works desires to advance the Construction and Construction Inspection phase of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYSDOT) in the total amount of \$1,405,000 of which \$469,000 is the required local share, for the construction and construction inspection phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, enter an into a construction phase engineering services agreement with Mott MacDonald, and establish a construction contingency for a total project construction phase allowance of \$1,600,000 of which \$936,000 is made up of Federal and State reimbursements and \$664,000 in local funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this Project in the total amount of \$1,405,000 of which \$469,000 is the required local share; 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 Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for Federal aid or State aid; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder in an amount not to exceed \$1,305,000, enter into a construction phase engineering services agreement with Mott MacDonald not to exceed \$220,000, and establish a construction contingency in an amount of \$75,000 for an estimated total project cost of \$1,600,000 of which \$936,000 is made up of Federal and State reimbursements and \$664,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal and State aid reimbursements for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT as well as any other additional funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$1,600,000 for the Construction, Construction Inspection Phase, and contingency for the Project is available in Fund 420, Funds Center 123, in the following Projects:

B.18015 – 2018 Federal Aid Bridge Project Construction	\$ 264,000
B.19010 – 2019 Hillcroft Drive Bridge Replacement	<u>\$ 1,336,000</u>
<b>TOTAL PROJECT</b>	<b>\$ 1,600,000</b>

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.19010 – 2019 Hillcroft Drive Bridge Replacement, Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
409000	State Aid	\$ 0	\$ 187,200	\$ 187,200
414000	Federal Aid	\$ 800,000	(\$ 51,200)	\$748,800
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$ 400,000</u>
<b>TOTAL REVENUES</b>		<b>\$ 1,200,000</b>	<b>\$ 136,000</b>	<b>\$1,336,000</b>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>				
	Capital Project Expense	\$ 400,000	\$ 936,000	\$1,336,000
	UNALLOCATED	<u>\$ 800,000</u>	<u>(\$ 800,000)</u>	<u>\$ 0</u>
<b>TOTAL</b>		<b>\$ 1,200,000</b>	<b>\$ 136,600</b>	<b>\$1,336,000</b>
<b>APPROPRIATIONS</b>				

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are necessary for this Project; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of the funding of Federal aid or State aid awarded to the County of Erie; 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 and construction inspection phases exceeds the amount appropriated, \$1,600,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT 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 state-aid on behalf of the County of Erie, with the NYSDOT 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 therefore 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 Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; 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, Division of Highways, 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)

5. COMM. 5E-15 (2020)

**COUNTY EXECUTIVE**

WHEREAS, the 2020 Bridge Joints and Overlays (7 Bridges) PIN 5762.04, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds, State (Marchiselli) funds, and a local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal and State reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$1,500,000 with \$1,045,000 in Federal and Marchiselli reimbursements and \$455,00 in local funds.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$1,500,000 of which \$1,045,000 is made up of Federal and Marchiselli reimbursements and \$455,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal and Marchiselli reimbursements from the NYSDOT Agreement, as well as any other additional funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$1,500,000 for the construction, and construction inspection phase for the Project is available in Fund 420, Funds Center 123, as follows:

B.15011 – 2015 Preservation of Bridges -	\$ 40,000
B.17012 – 2017 Federal Aid Bridge Preservation	\$ 655,000
<u>B.19012 - 2019 Federal Aid Bridge Preservation</u>	<u>\$ 805,000</u>
TOTAL Project Cost	\$1,500,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.17012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$780,000	(\$85,000)	\$695,000
405160	Marchiselli Aid	\$0	\$85,000	\$85,000
475000	Gen Oblig Bond Proc	<u>\$195,000</u>	<u>\$0</u>	<u>\$195,000</u>
<b>TOTAL REVENUES</b>		<u><b>\$975,000</b></u>	<u><b>\$0</b></u>	<u><b>\$975,000</b></u>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>	Capital Project Expense	\$435,000	\$540,000	\$975,000
<b>UNALLOCATED</b>	<u>Unallocated Capital</u>	<u>\$540,000</u>	<u>(\$540,000)</u>	<u>\$0</u>
<b>TOTAL APPROPRIATIONS</b>		<u><b>\$975,000</b></u>	<u><b>\$0</b></u>	<u><b>\$975,000</b></u>

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.19012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$533,325	(\$80,000)	\$453,325
405160	Marchiselli Aid	\$0	\$80,000	\$80,000
475000	Gen Oblig Bond Proc	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>
<b>TOTAL REVENUES</b>		<u><b>\$833,325</b></u>	<u><b>\$0</b></u>	<u><b>\$833,325</b></u>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>	Capital Project Expense	\$300,000	\$505,000	\$805,000
<b>UNALLOCATED</b>	<u>Unallocated Capital</u>	<u>\$533,325</u>	<u>(\$505,000)</u>	<u>\$28,325</u>
<b>TOTAL APPROPRIATIONS</b>		<u><b>\$833,325</b></u>	<u><b>\$0</b></u>	<u><b>\$833,325</b></u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal and/or State revenue that are made available for this 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 and construction inspection phases exceeds the amount appropriated, \$1,500,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT 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 on behalf of the County of Erie, with the NYSDOT 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 therefore 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 Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) each certified copies of this Resolution to the Department of Public Works, Division of Highways, 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)

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