

May 30, 2024

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

1. COMM. 10E-15 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the Bridge Replacement of Goodrich Road (CR 216) over Ransom Creek, BIN 3326400, BR 216-02, Town of Clarence, PIN 5764.12 (the “Project”) is eligible for funding under CFR Title 23 U.S. Code, as amended, that calls for the appropriation of the costs of such program to be borne at the ratio of 80% Federal funds, 15% State Funds, and 5% Local funds; and

WHEREAS, the bridge needs to be replaced due to structural deficiencies; and

WHEREAS, the County of Erie desires to advance the Project by entering into an agreement with NYSDOT and making a financial commitment to advance 80% of the reimbursable Federal share, 15% of the reimbursable State share, and payment of the 5% Local share of the costs of the design engineering (Scoping & Design phases I-VI); and

WHEREAS, the total cost of the engineering design and right of way incidentals including contingency is \$380,000, which is comprised of a Federal share of \$263,200, a State Marchiselli share of \$49,350, and a Local share of \$67,450 available in Capital Project B.19054 – 2019 Federal Aid Bridge Preservation Design, Fund 420, Funds Center 123; and

WHEREAS, using the Federal Aid RFQ process, the firm of Mott MacDonald NY, Inc. (Mott MacDonald), was selected as having the necessary expertise, experience, and manpower to provide the County of Erie with project engineering services for the replacement of the above noted bridge.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves participation in the Bridge Replacement of Goodrich Road (CR 216) over Ransom Creek, BIN 3326400, BR 216-02, Town of Clarence, PIN 5764.12; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contract with the new York State Department of Transportation; 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 Engineering Design (Scoping and Design I-VI) phases of the Project or portions thereof in the amount of \$380,000; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the federal and state revenue that is available as administered by the New York State Department of Transportation; and be it further

RESOLVED, that authorization is hereby given for Capital Project B.19054 – 2019 Federal Aid Bridge Preservation Design, Fund 420, Funds Center 123, be adjusted as follows:

REVENUES		CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
405160	NYS Marchiselli	\$ 0	\$ 49,350	\$ 49,350
414000	Federal Aid	\$ 0	\$263,200	\$263,200
486000	Interfund Rev Subsidy	<u>\$100,000</u>	<u>\$ 0</u>	<u>\$100,000</u>
TOTAL REVENUES		<u>\$100,000</u>	<u>\$312,550</u>	<u>\$412,550</u>
APPROPRIATIONS				
Capital Project Expense		<u>\$100,000</u>	<u>\$312,550</u>	<u>\$412,550</u>
TOTAL APPROPRIATIONS		<u>\$100,000</u>	<u>\$312,550</u>	<u>\$412,550</u>

and be it further

RESOLVED, that the estimated total Project cost of \$380,000 for Design Engineering is hereby appropriated from B.19054 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contract with the selected Project Engineers, Mott MacDonald NY, Inc. (Mott MacDonald) for engineering design and right of way incidental services in an amount not to exceed \$380,000; 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 cost of the Project’s Design Engineering (Scoping & Design I-VI) and Right of Way incidental phases exceeds the amount appropriated above, 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 should the Agreement receive additional federal or non-federal reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of the additional funds; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal, NYS Marchiselli aid and any other funding source 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 identified in the State/Local agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and all local share costs of 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 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 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 County Executive's Office, Comptroller's Office and Division of Budget and Management. (5-0)

2. COMM.10E-16 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has been awarded two Bridge NY Culvert projects, PIN 5765.00 – Milestrip Rd (CR93) over Delaware Creek and PIN 5765.01 - Milestrip Rd (CR93) over Muddy Creek, large culvert replacement projects located in the Town of Brant; and

WHEREAS, the two projects are eligible for reimbursement of qualified costs from the Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne by 100% of the Bridge NY funds; and

WHEREAS, the County of Erie will administer all phases, design, construction, and right of way for the projects; and

WHEREAS, agreements need to be executed with New York Dept. of Transportation for the projects enabling the disbursement of the funding from Bridge NY; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to 100% of the costs of the projects for Design Engineering (Scoping & Design Phase I-VI), Right of Way, and Construction phases for the Project; and

WHEREAS, in advancing the project the Department of Public Works desires to award a design contract to Watts AE, the engineering consultant selected for the project through the Federal Aid request for proposal process; and

WHEREAS, the funding for the projects is available in BA 123, Fund 420, SAP project B.23008, Federal Aid Bridge Preservation, including Project revenue of 100% state funds totaling \$1,818,900, with PIN 5765.00 receiving \$861,300 and PIN 5765.01 receiving \$957,600.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves projects PIN 5765.00 -Milestrip Rd. over Delaware Creek and PIN 5765.01 - Milestrip Rd. over Muddy Creek awarded to the County of Erie through the Bridge NY Program; and be it further

RESOLVED, the authorization is hereby given for the County Executive or Deputy County Executive to enter into an execute the state and local agreement for the projects with the New York State Department of Transportation; and be it further

RESOLVED, that authorization is hereby given for the County of Erie to pay in the first instance 100% of the state and local shares of the cost for all phases of the two projects, design, right-of-way and construction; and be it further

RESOLVED, that the Department of Public Works, Division of Highways, with the Division of Budget and Management are hereby authorized to adjust the budgets of B.23008, Federal Aid Bridge Preservation - Design, in Fund 420, Funds Center 123 for the projects as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$1,704,775	\$ 0	\$1,704,775
409000	Other State	\$ 0	\$1,818,900	\$1,818,900
475000	Gen. Oblig. Bond	<u>\$ 500,000</u>	<u>\$ 0</u>	<u>\$ 500,000</u>
TOTAL REVENUES		<u>\$2,204,775</u>	<u>\$1,818,900</u>	<u>\$4,023,675</u>
APPROPRIATIONS				
Capital Project Expense		<u>\$2,204,775</u>	<u>\$1,818,900</u>	<u>\$4,023,675</u>
TOTAL APPROPRIATIONS		<u>\$2,204,775</u>	<u>\$1,818,900</u>	<u>\$4,023,675</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into agreement with Watts AE, Inc. selected by the Federal Aid RFP process for the projects as listed:

Project	Engineering Firm	Design Contract (not to exceed)
PIN 5765.00	Watts AE, Inc.	\$160,000
PIN 5765.01	Watts AE, Inc.	\$160,000

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust the Project budget for any and all increases 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 all state and non-state shares of the costs of the projects, 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 authorization is hereby given for the County Executive or Deputy County Executive 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 New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County of Erie hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months in accordance with the Agreement; and be it further

RESOLVED, that the County of Erie hereby agrees that to be responsible for all costs of the Projects, including costs which exceed the amount of the reimbursement available from the Bridge NY funding awarded to the County; and be it further

RESOLVED, that the County of Erie will be responsible for all maintenance of the projects; 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 three (3) 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 (1) copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.

(5-0)

3. COMM. 10E-17 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) is currently in the process of restoring the Wendt Beach Mansion and Stables along with seeking a partner to operate and maintain both the Wendt Beach Mansion and Stables; and

WHEREAS, the existing capacity and condition of the existing sanitary sewer serving the Wendt Beach property needs repairs to support the restoration of the Mansion and Stables; and

WHEREAS, the number and frequency of seiche events, the intensity of general storms and blizzards have increased significantly over the last couple years. When these events occur, debris is trapped in front of the concrete culvert, which blocks the flow of water through the culvert and out to Lake Erie. The persistent stream bank erosion has led to the sewer line being unsupported between the culvert and the bank; and

WHEREAS, in conjunction with the design consultant, a project has been identified at the Wendt Beach Park to bury a portion of the existing sewer line under the creek and remove the culvert which will minimize the back up of debris/water which also creates excessive water on Shell Road and negatively impacts the residents; and

WHEREAS, execution of the proposed project to install a new sanitary sewer system at the facility will correct the existing erosion concerns as well as support the future restoration of the Mansion and Stables; and

WHEREAS, sufficient funding for this project is available through the re-appropriation of unexpended American Rescue Plan Act funds remaining after the completion of four (4) previously approved projects; and

WHEREAS, the Wendt Beach Park Sewer Line Replacement is eligible for American Recue Plan Act funding under the Revenue Replacement Expense Category 6.1 – Provision of Government Services; and

WHEREAS, the American Recue Plan Act requires all funds to be obligated for use by December 31, 2024 and fully expended by December 31, 2026; and

WHEREAS, if this project is not approved, there is a significant possibility that debris could sever the sewer line between the culvert and the bank discharging raw sewage directly into Lake Erie as the connection from the park to the Erie County Sewer on Shell Road would no longer be connected; and

WHEREAS, there are no additional resolution upload dates to get approval prior to legislative recess and therefore will not allow for the prompt award of the Wendt Beach park Sewer Replacement to allow the project to proceed in a timely manner; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) and its respective design consultants will review the scope of work for the Wendt Beach Sewer Replacement Project in detail to ensure all requirements of the project are met; and

WHEREAS, the Project will be advertised by the Department of Public Works on behalf of Parks to receive General Construction bids in accordance with General Municipal Law 103.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that \$427,774.73 in unexpended American Rescue Plan Act funding remaining at project close out within the Department of Environment and Planning's Capital Projects A.21169, A.21171, A.21173 and A.21174 (Fund 410, Funds Center 162) be re-appropriated into a new Department of Parks, Recreation & Forestry Capital Project for the Wendt Beach Park Sewer Line Replacement Project (Fund 410, Funds Center 164) as follows:

Project A.21169  
Agribusiness Park Water Tank Project  
Fund 410, Funds Center 162

REVENUES	BUDGET	CHANGE	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$1,200,000.00</u>	<u>(\$355,540.00)</u>	<u>\$844,460.00</u>
	<u>\$1,200,000.00</u>	<u>(\$355,540.00)</u>	<u>\$844,460.00</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$1,200,000.00</u>	<u>(\$355,540.00)</u>	<u>\$844,460.00</u>
TOTAL	<u>\$1,200,000.00</u>	<u>(\$355,540.00)</u>	<u>\$844,460.00</u>

Project A.21171  
Springville Central Ave Water Main Project  
Fund 410, Funds Center 162

REVENUES	BUDGET	CHANGE	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$485,275.00</u>	<u>(\$27,912.51)</u>	<u>\$475,362.49</u>
	<u>\$485,275.00</u>	<u>(\$27,912.51)</u>	<u>\$475,362.49</u>

APPROPRIATIONS

Capital Project Expense	<u>\$485,275.00</u>	<u>(\$27,912.51)</u>	<u>\$475,362.49</u>
TOTAL	<u>\$485,275.00</u>	<u>(\$27,912.51)</u>	<u>\$475,362.49</u>

Project A.21173  
Akron Skyline Drive Waterline Installation Project  
Fund 410, Funds Center 162

REVENUES	BUDGET	CHANGE	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$214,628.00</u>	<u>(\$41,335.00)</u>	<u>\$173,293.00</u>
	<u>\$214,628.00</u>	<u>(\$41,335.00)</u>	<u>\$173,293.00</u>

APPROPRIATIONS

Capital Project Expense	<u>\$214,628.00</u>	<u>(\$41,335.00)</u>	<u>\$173,293.00</u>
TOTAL	<u>\$214,628.00</u>	<u>(\$41,335.00)</u>	<u>\$173,293.00</u>

Project A.21174  
Tonawanda Water Sewer Replacement Project  
Fund 410, Funds Center 162

REVENUES	BUDGET	CHANGE	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$201,860.00</u>	<u>(\$2,987.22)</u>	<u>\$198,872.78</u>
	<u>\$201,860.00</u>	<u>(\$2,987.22)</u>	<u>\$198,872.78</u>

APPROPRIATIONS

Capital Project Expense	<u>\$201,860.00</u>	<u>(\$2,987.22)</u>	<u>\$198,872.78</u>
TOTAL	<u>\$201,860.00</u>	<u>(\$2,987.22)</u>	<u>\$198,872.78</u>

Project A.21XXX  
Wendt Beach Sewer Line Replacement Project  
Fund 410, Funds Center 164

REVENUES	BUDGET
486000 Interfund Revenue Subsidy	<u>\$427,774.73</u>
	<u>\$427,774.73</u>

APPROPRIATIONS

Capital Project Expense  
TOTAL

\$427,774.73  
\$427,774.73

and be it further

RESOLVED, that authorization is hereby given to the Comptroller’s Office to make payment for the above from the previously approved, as adopted capital projects in Fund 410, Funds Center 164 as follows:

<u>A.21XXX Wendt Beach Park Sewer Line Replacement Project</u>	\$ 427,774.73
Total not to exceed	\$ 427,774.73

and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contracts with the lowest responsible bidder for the Wendt Beach Parks Sewer Replacement Project for an amount not to exceed \$427,774.73; and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management, and Department of Parks, Recreation and Forestry. (5-0)

4. COMM. 10E-19 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the Commissioner of Public Works desires to engage the services for Special Inspections and Testing in order to comply with the requirements of building code on various County projects; and

WHEREAS, the existing agreement is at the end of its term, therefore the Department of Public Works solicited interested firms for a new contract via the Department’s standard RFP/RFP selection process; and

WHEREAS, the Department of Public Works advertised for Special Inspections and Testing firms and received proposals on February 29, 2024; and

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

WHEREAS, all unused funds from the previous Special Inspections On-Call contract per COMM. 3E-5 (2024) can be reallocated and encumbered for use on the current Special Inspections On-Call contract upon approval of this resolution; and

WHEREAS, the contract is intended to be utilized by the Department of Public Works as well as any other County Department for use on a construction project to conform to the Uniform Fire Prevention and Building Code of NY State; and

WHEREAS, the Department of Public Works is recommending award of the contracts to Atlantic Testing Laboratories to provide the required services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into an Agreement with Atlantic Testing Laboratories for the Erie County – On-Call Special Inspections and Tests for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that authorization is hereby given for Comptroller’s Office to make payment for services from capital project A.24004 – Preservation of County Building & Facilities BA122, Fund 410 for a total amount not to exceed \$75,000; and be it further

RESOLVED, that authorization is hereby given for the County Comptroller to make payments from the Sewer Operating Fund 220 (including BAs 181, 182, 183, and 186, GL Account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management in an amount not to exceed \$75,000; and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office and the Department of Environment and Planning, Division of Sewerage Management and one copy each to the County Executive’s Office, Comptroller’s Office and Division of Budget and Management. (5-0)

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