

June 27, 2024

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 12

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 12M-1 (2024)  
**NFTA COUNSEL:** “NFTA – Notice of Proposed Rulemaking”  
(Chair’s Ruling)

2. COMM. 12E-15 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Homeland Security & Emergency Services, through NYS Department of Homeland Security and Emergency Services, has agreed to provide funding for training in emergency response; and

WHEREAS, the Department of Homeland Security & Emergency Services issued a Request for Proposal (RFP) in March of 2024 RFP #2024-025VF; and

WHEREAS, Safeware, Inc. responded to the RFP with a strong proposal; and

WHEREAS, Fiscal Year 2022 Hazardous Materials Emergency Preparedness Grant funding was accepted through legislative approval in July 2023 resolution COMM. 13E-15 (2023); and

WHEREAS, funding is available in Fiscal Year 2024 Operating Fund Budget, Fund 110, Funds Center 16700, Account – 516020 Professional Services Contracts and Fees to cover the costs incurred for this training; and

WHEREAS, the vendor will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to enter into contract with Safeware, Inc. in an amount not to exceed \$16,000 to conduct emergency response training to Hazardous Materials incidents; and be it further

RESOLVED, that sufficient funding exists to cover this expense in the 2024 Operating Fund Budget, Fund 110, Funds Center 16700, Account 516020 – Professional Services Contracts and Fees; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive’s Office, Comptroller’s Office, Department of Homeland Security and Emergency Services and Division of Budget and Management.  
(6-0)

3. COMM.12E-22 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, as Erie County (County) has determined that there is an ongoing need for the ability to access dam engineering services in an efficient and timely manner to be able to respond to problems, emergency situations and issues that are of such magnitude that the issuance of a request for proposals in that instance would neither be reasonable nor efficient, the County Department of Public Works (ECDPW) issued a Request for Proposals (RFP) for an On-Call Dam Engineering Services Term Agreement, received a proposal in accordance with County policy and upon evaluation of the proposal in accordance with the County selection process determined that Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. (Colliers) is qualified for an On-Call Dam Engineering Services Term Agreement; and

WHEREAS, it is desired to establish an initial On-Call Dam Engineering Services budget of \$203,300.00; and

WHEREAS, the Department of public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an On-Call Dam Engineering Services Agreement with Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. for an initial term of three years with the option of two one-year extensions in an amount not to exceed \$203,300; and be it further

RESOLVED, that sufficient funding is available for this on-call contract in Fund 420, Fund Center 123, as follows:

B.17023 2017 Prsrv of Dams Design - Countywide	\$103,300.00
B.19057 2019 Preservation of Dams - Design	\$100,000.00

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, and one copy each to the County Executive's Office, Comptroller's Office and the Division of Budget and Management.  
(6-0)

4. COMM. 12E-23 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional engineering design services to the Professional Design Engineering Services Agreement for the Lakeshore Road (CR111) Drainage Improvements and Road Rehabilitation (the "Agreement"), authorized by COMM. 9E-7 on May 26, 2022 with Wendel WD Architecture, Engineering, Surveying and Landscape Architect, PC; and

WHEREAS, the total cost of the amendment shall not exceed \$108,737.00 and funds are available in Fund 420, Funds Center 123, through Capital Project - B.19008 - 2019 Lakeshore Drain Rehab/Repl.; and

WHEREAS, the Department of Public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an amendment to the existing Agreement with Wendel WD Architecture, Engineering, Surveying and Landscape Architect, PC for design and engineering services related to the Lakeshore Road (CR111) Drainage Improvements and Road Rehabilitation Project in an amount not to exceed \$108,737.00; and be it further

RESOLVED, that sufficient funds are available for this amendment in Fund 420, Funds Center 123, Capital Project B.19008 - 2019 Lakeshore Drain Rehab/Replacement; 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, Division of Highways, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.  
(6-0)

5. COMM. 12E-24 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional construction period engineering design services to the Professional Design Engineering Services Agreement for the Back Creek Road (CR438) Slope and Slide Remediation (the "Agreement"), authorized by COMM. 12E-9 on June 22, 2023 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.; and

WHEREAS, the total cost of the amendment shall not exceed \$48,011.04 and funds are available in Fund 420, Funds Center 123, through Capital Project - B.21103 - 2021 Road Slides Const Back Creek; and

WHEREAS, the Department of Public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an amendment to the existing Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C for additional engineering design services in the amount not to exceed \$48,011.04; and be it further

RESOLVED, that sufficient funding for this amendment is available in Fund 420, Funds Center 123, Capital Project B.21103 - 2021 Road Slides Const Back Creek; 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, Division of Highways, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.  
(6-0)

6. COMM. 12E-25 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the design of the referenced Project (the "Project"), was authorized by your honorable body via Communication 12E-18 (2022), and to facilitate construction it is necessary for the County of Erie (the "County") to acquire by easement and/or fee, portions of parcels of real property in the vicinity of the project as follows:

<u>TAX MAP SBL NUMBER</u>	<u>Acquisition Type</u>	<u>TOWNSHIP</u>
SBL 311.00-2-27.12	FEE	Sardinia
SBL 311.00-2-27.2	FEE	Sardinia
SBL 311.00-2-27.2	TE (Temporary Easement)	Sardinia
SBL 311.00-3-40	FEE	Sardinia
SBL 311.00-3-5	FEE	Sardinia

and

WHEREAS, such portions of parcels necessary to be acquired by the County are herein referred to as the "Subject Properties"; and

WHEREAS, the acquisitions of the Subject Properties is expected to be de minimis in nature; and

WHEREAS, the estimated total cost of acquisitions of the Subject Properties is \$28,000; and

WHEREAS, it is necessary, for each Subject Property, for the County to establish the amount of just compensation, prepare offers of acquisition and to negotiate those offers with the owners of the Subject Properties for respective just compensation amounts; and

WHEREAS, it will be necessary to prepare and execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings; and

WHEREAS, the Department of public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Erie County to enter into all necessary contracts and agreements required for the acquisition of real property from the owners of the Subject Properties to facilitate the construction of the Project; and be it further

RESOLVED, the public interest will not be prejudiced by the construction of the Project due to the de minimis nature of the acquisitions of the Subject Properties; and be it further

RESOLVED, that a sum not to exceed \$28,000 from Fund 420, Fund Center 123, project B.17006 - 2017 Capital Right of Way (Countywide) be made available to cover all costs of ROW acquisitions; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Popli Architecture + Engineering & LS, DPC dba Popli Design Group, to act on behalf of the County in connection with the acquisition of the Subject Properties from their respective owners including the establishment and negotiation of offers which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the County Attorney shall prepare, and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, that authorization is hereby given for Erie County to commence eminent domain procedures should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives; and be it further

RESOLVED, that the Clerk of the Legislature forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.  
(6-0)

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