

July 18, 2024

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

1. COMM. 13E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute a change order for additional construction to the Construction Agreement for the Reconstruction/Slope Stabilization of Back Creek Road (CR438) (the "Agreement"), authorized by COMM. 3E-17 on February 16, 2023 with Union Concrete and Construction Corp.; and

WHEREAS, additional remediation work is required to stabilize the slope along creek on Back Creek Road; and

WHEREAS, the total cost of the change order shall not exceed \$75,492.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a change order to the existing Agreement with UCC in the amount not to exceed \$75,492; and be it further

RESOLVED, the change order budget, in the not to exceed amount of \$75,492.95, is available in Fund 420, Funds Center 123, Capital Project B.19050 – 2019 Capital Overlay Program; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) 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.
(4-0)

2. COMM.13E-15 (2024)
COUNTY EXECUTIVE

WHEREAS, the Ellicott Creek Streambank Stabilization Project adjacent to North Forest Road (CR 294) near Stahl Road, in the Town of Amherst, HMPG Project 4480-0049 (the "Project") was awarded a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMPG) grant; and

WHEREAS, the streambank of Ellicott Creek in this location needs to be stabilized to prevent further loss of embankment material supporting North Forest Road (CR 294); and

WHEREAS, the County of Erie desires to advance the Project by entering into an agreement with New York State Division of Homeland Security and Emergency Services (NYS DHSES); and

WHEREAS, only expenses after the full execution of the agreement with the NYS DHSES can be reimbursed; and

WHEREAS, the total grant awarded for the Engineering Design, Right of Way incidental and acquisition, Construction, and Construction Inspection and Administration phases is \$1,600,000, which is comprised of a Federal share of \$1,080,000, and a Local share of \$520,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves participation in the Ellicott Creek Streambank Stabilization Project adjacent to North Forest Road (CR 294) near Stahl Road, in the Town of Amherst, HMPG Project 4480-0049 (the "Project"); and be it further

RESOLVED that authorization is hereby given for the County Executive or Deputy County Executive to execute the Agreement with the NYS DHSES; 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 Project or portions thereof in the amount of \$1,600,000; and be it further

RESOLVED, that authorization is hereby given for the County of Erie to accept the federal reimbursement revenue that is available as administered by the New York State Division of Homeland Security and Emergency Services (NYS DHSES); 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 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 Division of Homeland Security and Emergency Services 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 for the County Executive or Deputy County Executive of the County of Erie to execute all necessary Agreements, certifications or reimbursement requests for Federal, State aid and any other funding source on behalf of the County of Erie with the New York State Division of Homeland Security and Emergency Services in connection with the advancement or approval of the Project identified in the Contract for Grants; 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 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 Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(4-0)

3. COMM. 13E-16 (2024)

COUNTY EXECUTIVE

WHEREAS, this project is part of a larger upcoming roof replacement project at the Bell Sports Center and the mechanical scope is bidded ahead of the roof replacement scope to allow for the anticipated long equipment delivery lead time; and

WHEREAS, this project is part of a larger multi-phased Power Distribution/Wiring and Mechanical upgrade project as capital funds are secured and become available, and is consistent with JMZ Architect's Masterplan and the Sports field conceptual Masterplan; and

WHEREAS, the two existing air-handling units serving the gymnasium at the Bell Sports Center are original to the 1958 building and have far exceeded their useful lives and to reduce maintenance costs associated with temporary "stop-gap" measures to keep the building functioning, a full equipment replacement is warranted; and

WHEREAS, the County of Erie received bids for the SUNY Erie Erie Community College North Campus Bell Sports Center Gymnasium Mechanical Equipment Replacement project on Tuesday, June 18, 2024; and

WHEREAS, the lowest responsible bidder for the Mechanical Construction Work is John W. Danforth Company; and

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

WHEREAS, the Department of Public Works (DPW) and Bell & Spina Architects Planners P.C. are recommending award of the contract to the lowest responsible bidder; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract with the lowest responsible bidder, John W. Danforth, for the SUNY Erie ECC North Campus Bell Sports Center Gymnasium Mechanical Equipment Replacement project for an amount not to exceed as follows:

<u>Mechanical Construction Work</u>		
John W. Danforth	Base Bid:	\$ 746,000.00
	Add Alternate M-01	\$ 123,000.00
Total Award of Mechanical Construction Contract:		\$ 869,000.00

and be it further

RESOLVED, that authorization is hereby given for \$31,000.00 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 authorization is hereby given for the Comptroller's Office to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.17005	2017 ECC Code Compliance (College wide)	\$ 273.68
E.18005	2018 ECC Code Compliance (College wide)	\$ 5,181.84
E.23050	2023 SUNY Erie Facility Master Plan – Phase 2	\$ 894,544.48
For a Total Amount Not to Exceed		\$ 900,000.00

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 County Executive's Office, Comptroller's Office, Division of Budget and Management, and to Erie Community College's Chief Administrative and Financial Officer.

(4-0)

4. COMM. 13E-17 (2024)
COUNTY EXECUTIVE

WHEREAS, the Town of Amherst ("Town") is undertaking a federal aid funded Pedestrian and Bicycle Improvements project on Casey Road (CR 295), a county road in the Town of Amherst from Paradise Road to Transit Road, hereinafter referred to as the ("Project"); and

WHEREAS, Erie County (“County”) desires to improve the structure and riding surface of Casey Road, through milling and resurfacing the two 11’ wide travel lanes as a Betterment within the Town’s Project; and

WHEREAS, the County needs to enter into an inter-municipal agreement with the Town of Amherst, to incorporate the betterment into the project; and

WHEREAS, the County agrees to be responsible for the construction costs of the Betterment, including related cost overruns and will maintain ownership and maintenance responsibility of the roadway after completion of construction; and

WHEREAS, the cost of the Betterment is estimated not to exceed \$350,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the inclusion of Pedestrian and Bicycle Improvements on Casey Road in the Town of Amherst; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to execute an inter-municipal agreement with the Town of Amherst to undertake the above mentioned betterment project; and be it further

RESOLVED, that authorization is hereby given to allocate Betterment costs not exceed \$350,000, available in Fund Center 123, Fund 420, B.21150 – 2021 Capital Overlay; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to execute any necessary change orders, amendments and agreements necessitated by the betterment; 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 Division of Budget and Management.

(4-0)

TIMOTHY J. MEYERS
ACTING CHAIR