

September 14, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

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

a. COMM. 16M-7 (2023)
NFTA: “2023 NFTA Metro Annual Performance Report”
(Chair’s Ruling)

b. COMM. 16M-9 (2023)
VBN PRESIDENT & CEO: “2023 Second Quarter Reports”
(Chair’s Ruling)

2. COMM. 16E-29 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through planning, preparedness, training in Erie County during actual or potential disaster events; and

WHEREAS, The Western New York Law Enforcement Helpline is the chosen vendor after a request for public proposals was issued; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact with the Western New York Law Enforcement Helpline group to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services General 110 fund in Account 516080 – Life and Safety Contracts; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorize the County Executive to enter into contract with the Western New York Law Enforcement Helpline Group in an amount not to exceed \$95,950 to provide first responder support services; and be it further

RESOLVED, that sufficient funds exist within the Department of Homeland Security & Emergency Services’ 2023 General Fund Budget (Fund 110, Funds Center 16700) Account 516080 – Life and Safety Contracts; and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office, Comptroller’s Office, Department of Homeland Security and Emergency Services, Department of Law, and Division of Budget and Management.
(5-0)

3. COMM. 16E-31 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works – Highway Division wishes to enter a Memorandum of Understanding (MOU) with the Niagara Frontier Transportation Authority (NFTA). NFTA, serves as the Administrative Host Agency for GBNRTC and was awarded a grant from the “Safe Streets and Roads for All” Grant Program (“Grant”) through the Federal Highway Administration (“FHWA”); and

WHEREAS, Erie County is a member agency of GBNRTC and will directly benefit from this grant; and

WHEREAS, the Grant’s scope of the work will provide GBNRTC the ability to develop a Roadway Safety Action Plan for all roadways in Erie and Niagara Counties. The completed Roadway Safety Action Plan will in turn make all roadway owners in Erie County eligible for implementation funds in future rounds of “Safe Streets and Roads for All” funding opportunities; and

WHEREAS, the grant administered by GBNRTC has a non-federal share requirement in the amount of \$25,000 for participating member agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Memorandum of Understanding between the County of Erie and Niagara Frontier Transportation Authority (NFTA) to participate in the “Safe Streets and Roads for All” Grant Program; and be it further

RESOLVED, that authorization is hereby given for \$25,000 in funding for Erie County’s portion of non-federal local share, in accordance with the MOU, to be made available in Fund 420, Fund Center 123, Capital Project B.21150.1 – 2021 Capital Overlay Program; and be it further

RESOLVED, the Clerk of the Legislature is directed to send three (3) certified copies of this resolution to the Department of Public Works; Commissioner's Office and sends one certified copy of the resolution to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management and the Department of Law.

(5-0)

4. COMM. 16E-32 (2023)
COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional engineering services and right of way services to the Professional Services Agreement for the Trevett Road (CR420) Slope and Slide Remediation (the "Agreement"), authorized by COMM. 5E-13 on March 21, 2019 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.; and

WHEREAS, the total cost of the amendment shall not exceed \$61,798.00 and funds are available in Fund 420, Funds Center 123, Capital Projects B.1601-12016 Road Design, B.16012- 2016 Road Slides Right of Way and B.17014- 2107 Road Slide Designs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the Professional Services Agreement with Bergman Associates for the Trevett Road Slope and Slide Remediation Project in an amount not to exceed \$61,798.00; and be it further

RESOLVED, that sufficient funding for this contract amendment is available in Fund 420, Funds Center 123, as follows:

B.16011 2016 Road Design (Countywide)	\$19,500.00
B.16012 2016 Road Slides R.O.W. (Countywide)	\$23,382.00
B.17014 2017 Road Slide Designs Countywide	<u>\$18,916.00</u>
	\$61,798.00

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, Division of Highways, and one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

5. COMM. 16E-33 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's Office Special Operations Division entered into an informal agreement with the Erie County Department of Parks, Recreation & Forestry in 2019 that permitted the Sheriff's Department to occupy and utilize a building in Emery Park, referred to as the "Sheriff's Storage Building" as a headquarters for their ATV/Snowmobile Unit; and

WHEREAS, it is the desire of the Sheriff's Department to enter into a long-term formal agreement with the Department of Parks, Recreation & Forestry to occupy, utilize, and maintain the building for at least the next ten years; and

WHEREAS, the existing roof systems at the Emery Maintenance Facility and the Sheriff's Outbuilding at Emery Park have significantly deteriorated, and full roof system replacement, along with building enhancements are warranted to avoid any further damage to the integrity of the building; and

WHEREAS, your Honorable Body previously approved the funding for the design of this project per Comm. 22E-15 (2022); and

WHEREAS, the Erie County Department of Public Works received bids for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project on August 8, 2023; and

WHEREAS, the lowest responsible bidder for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project, in accordance with General Municipal Law, is Titan Roofing, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with the Architect of record for the project, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder for Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Titan Roofing, Inc.	Base Bid:	\$ 705,920.00
	Alternate 1	\$ 190,000.00
Total Award of Construction Contract:		\$ 895,920.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$203,080 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 give to the Comptroller's Office to make payment for the project from Fund 410, Funds Center 164, Project A.23075 – 2023 Emery Maint & Out Bldg Ext Improve - \$1,099,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward two (2) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, Department of Parks, Recreation & Forestry, and the Erie County Sheriff'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.
(5-0)

6. COMM. 16E-37 (2023)
COUNTY EXECUTIVE

WHEREAS, the County is interested in the fostering of business growth and job retention within the County; and

WHEREAS, the County is the owner of a short line railroad, namely, Rail Line 1246, running from South Buffalo to Gowanda and passing over several waterbodies and public roadways throughout its route (the "Hamburg Line"); and

WHEREAS, the County leases the Hamburg Line to the Erie County Industrial Development Agency (the "Organization"), and the Organization manages the lease with the Hamburg Line operator; and

WHEREAS, portions of the Hamburg Line consisting of five bridge structures need repairs and the County desires to rehabilitate such crossings; and

WHEREAS, multiple rail crossings of roads are also in need of repair; and

WHEREAS, the Organization has experience in contracting for construction projects on behalf of the County; and

WHEREAS, the County has allocated \$400,000 for rehabilitation of the Buffalo Southern Railroad (the "Buffalo Southern Railroad Capital Improvement Project") in its 2023 Capital Budget; and

WHEREAS, the source of the aforementioned funds is A.23062 (pay as you go).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts as necessary with the Erie County Industrial Development Agency and Buffalo Southern in amounts not to exceed \$400,000 from Capital Account A.23062 (pay as you go) to implement the Project; and be it further

RESOLVED, that authorization is hereby given to effectuate payments for the Buffalo Southern Railroad Capital Improvement Project with the Organization and its contractors in an amount not to exceed \$400,000 from A.23062 (pay as you go); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Erie County Executive's Office, Division of Budget and Management, Office of the Comptroller, Department of Environment and Planning, and the Department of Law.
(5-0)

7. COMM. 16E-44 (2023)

DISTRICT ATTORNEY

WHEREAS, the District Attorney's Office desires to secure the services of Prosecutors' Center for Excellence to aid our office in assessing our cyber security; and

WHEREAS, the District Attorney's Office seeks authorization to waive Section 19.08 of the Erie County Administrative Code due to impracticality; and

WHEREAS, there are sufficient funds in the 2023 appropriations of the District Attorney's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of performing an assessment of cyber security measures within the District Attorney's Office; and be it further

RESOLVED, that the County Executive is hereby authorized to engage Prosecutors' Center for Excellence for a cyber security assessment of the District Attorney's Office in an amount not to exceed \$2,000; and be it further

RESOLVED, the Erie County Legislature hereby authorizes the Division of Purchase to create all necessary documents to engage the services of Prosecutors' Center for Excellence; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive,
Erie County District Attorney, Erie County Division of Purchase, and the Erie County Comptroller.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR