

June 1, 2023

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT.

1. COMM. 11E-18 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Clarence Highway Maintenance Building has structural issues and is deemed unsafe for occupancy; and

WHEREAS, it is prudent and cost effective to construct a new building to provide services and comply with all current safety, OSHA, and building code requirements; and

WHEREAS, a new facility is to be constructed within the Clarence Maintenance District at 125 Cemetery Road, Lancaster NY; and

WHEREAS, the Department of Public Works and The Liro Group are recommending award of contracts to the lowest responsible bidders for the General, Mechanical, Electrical, and Plumbing construction received on April 6, 2023; and

WHEREAS, The Liro Group has the necessary expertise and manpower to provide professional construction administration and monitoring services for the project; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.1 under the State Environmental Quality Review Act (SEQR) requires local governments when they directly undertake, fund or approve an action to evaluate whether said actions will have a significant impact on the environment; and

WHEREAS, Erie County acting through the Department of Environment and Planning has reviewed the action under the aforementioned SEQR regulations and has made the determination that the action is classified as an Unlisted action under 6 NYCRR Part 617.4 (b)(6) and 617.2(al); and

WHEREAS, Erie County acting through the Department of Environment and Planning reviewed the action in accordance with SEQR and made the determination that the action will have little to no impact on the environment; and

WHEREAS, authorization is required for the County Executive to issue contracts with the lowest responsible bidders for the Erie County – New Lancaster Highway Maintenance Facility project; and

WHEREAS, authorization is required for the County Executive to enter into an Agreement amendment with The Liro Group for providing professional construction administration and monitoring services for the Erie County - New Highway Maintenance Facility project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work

Javen Construction	Base Bid:	\$ 5,527,000.00
	Alt GC-1:	\$ 569,000.00
Total Award of General Construction Contract:		\$ 6,096,000.00

Mechanical Construction Work

Greater Niagara Mechanical	Base Bid:	\$ 863,135.00
	Alt MC-1:	\$ 141,025.00
Total Award of Mechanical Construction Contract:		\$ 1,004,160.00

Electrical Construction Work

Frey Electric Construction	Base Bid:	\$ 505,650.00
	Alt EC-1:	\$ 34,000.00
Total Award of Electrical Construction Contract:		\$ 539,650.00

Plumbing Construction Work

MLP Plumbing and Mechanical, Inc.	Base Bid:	\$ 575,000.00
	Alt PC-1:	\$ 46,900.00
Total Award of Plumbing Construction Contract:		\$ 621,900.00

and be it further

RESOLVED, that authorization is hereby given for sum of \$588,290 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 is authorization is hereby given for the County Executive to enter into an Agreement amendment with The Liro Group for providing professional construction administration and monitoring services for the Erie County - New Lancaster Highway Maintenance Facility for an amount not to exceed \$350,000.00, including design contingency; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office to make payment from the following capital project in Funds Center 122, Fund 410:

A.18011 – 2018-Highway maintenance Facility	\$ 364,197.56
A.20001 – 2020 Harlem Road / Lancaster	\$ 2,500,000.00
<u>A.21165 – 2021 Harlem Highway</u>	<u>\$ 6,335,802.44</u>
Total Amount Not to Exceed	\$ 9,200,000.00

and be it further

RESOLVED, that Erie County hereby determines that the proposed Erie County - New Highway Maintenance Facility project is an Unlisted action in accordance with 6 NYCRR Section 617.7 (c) and will have little to no impact on the environment and the action and is therefore not subject to further review under 6 NYCRR Part 617; 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, the Comptroller's Office, the Division of Budget and Management, and the Department of Environment and Planning. (5-0)

2. COMM. 11E-19 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Sewers pumping station located at the corner of Zoeller Rd and Walden Avenue sits adjacent to the Erie County Home; and

WHEREAS, the Zoeller Rd Pumping station receives electrical power from a distribution panel in the Erie County Home; and

WHEREAS, Erie County is seeking the sale of the Erie County Home; and

WHEREAS, the Zoeller Road Pumping Station will not be part of the sale of the Erie County Home and will be maintained Erie County Division of Sewerage Management requiring the Zoeller Rd Pumping station utilities to be separated from the Erie County Home through execution of the scope of work on this Construction Project; and

WHEREAS, Erie County requested bids to install a new electric service and the associated backup power equipment; and

WHEREAS, the lowest responsible bidder, in accordance with General Municipal Law, for the Zoeller Road Pumping Station Electric project is CIR Electrical, 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 the Zoeller Road Pumping Station Electric project for an amount not to exceed as follows:

General Construction Work

CIR Electrical, Inc.	Base Bid:	\$ 241,866.00
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Total Award of Construction Contract:		\$ 241,866.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$25,000.00 to 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 deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office to make payment for the above from Fund 410, Funds Center 122, as follows:

A.19019 – Erie County Home Decommissioning -	\$175,752.16
A.16011 – 2016 Erie County Home Decommissioning -	\$ 11,281.72
A.18006 – 2018 Mechanical, Electrical and Plumbing -	\$ 32,682.75
A.11006 – 2011 Mechanical, Electrical and Plumbing -	\$ 937.50
A.19015 – 2019 Mechanical, Electrical and Plumbing -	\$ 11,448.00
A.20060 – 2020 Mechanical, Electrical and Plumbing -	\$ 3,414.67
A.21106 – 2021 Mechanical, Electrical and Plumbing -	\$ 31,349.20
Total Amount Not to Exceed:	\$266,866.00

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, the Comptroller’s Office, and the Division of Budget and Management.  
(5-0)

3. COMM. 11E-20 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at the Emery Park Amphitheater to re-invigorate the existing site; and

WHEREAS, the existing site has deteriorated over time and needs a rehabilitation and can pose a life safety hazard to the public if renovations are not completed; and

WHEREAS, the rehabilitation project includes a new asphalt parking lot, new ADA Accessible sidewalks and concrete pad for events and vendors, a new stone tier seating view area, and formalizing the driveway down to the Amphitheater Stage; and

WHEREAS, the Erie County Department of Public Works (DPW) received bids for the Parks Emery Amphitheater Rehabilitation Project on April 25, 2023; and

WHEREAS, the lowest responsible bidder is NW Contracting; and

WHEREAS, the DPW 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, NW Contracting, as follows for the Erie County Department of Parks, Recreation, and Forestry Emery Park Amphitheater Rehabilitation Project for an amount not to exceed as follows:

NW Contracting	
Base Bid	\$394,947
Alternate 1	\$30,000
Total Construction Contract Award	\$424,947

and be it further

RESOLVED, that the sum of \$45,000 be allocated to a Construction Contingency Fund with authorization 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 the Comptroller’s Office be authorized to make payment the above project including contingency from the following Capital Projects, as follows:

Fund	Fund Center	Capital Project	Description	Amount
410	122	A.21162	2021 Parks Mngd by DPW Exp Cap Program	\$266,816.00
410	122	A.22055	2022 WPA Era Rehab	\$159,369.00
410	164	A.23058	2023 Shelter Bldg. & Comfort Station Rehab	\$43,762.00
Total Not to Exceed				\$469,947.00

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, the Comptroller’s Office, the Division of Budget and Management, and the Department of Parks, Recreation & Forestry.  
(5-0)

4. COMM. 11E-21 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Rehabilitation of Bailey Avenue (CR 152) from Millersport Highway (NYS 263) to Sheridan Drive (NYS 324), Town of Amherst, PIN 5764.14 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

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

WHEREAS, the Department of Public Works (DPW) employed the Federal Aid RFQ process to determine necessary expertise, experience, and manpower for the Project; and

WHEREAS, DPW desires to enter into an engineering design services agreement with Erdman Anthony for \$583,000 and establish a project contingency of \$30,000 with the project total not to exceed \$613,000; and

WHEREAS, there are sufficient funds for the project in Fund 420, Funds Center 123, B.23005 – 2023 Federal Aid – Road Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to participate in the Rehabilitation of Bailey Avenue, PIN 5764.14; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter the County of Erie into an Agreement with NYSDOT; and be it further

RESOLVED, that the NYSDOT agreement, in the amount of \$1,000,000, provides for \$800,000 in Federal Aid, \$150,000 in Marchiselli state funds and \$ 50,000 in local County funds; and be it further

RESOLVED, that authorization is hereby given to adjust Fund 420, Funds Center 123, SAP Project B.23005, 2023 Federal Aid – Road Design as follows:

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
405160	NYS Marchiselli	\$ 0	\$ 150,000	\$ 150,000
414000	Federal Aid	\$4,000,000	\$(150,000)	\$ 3,850,000
475000	Gen. Oblig. Bond	\$1,750,000	\$ 0	\$ 1,750,000
TOTAL REVENUES		<u>\$ 5,750,000</u>	<u>\$ 0</u>	<u>\$ 5,750,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 5,750,000	\$(4,750,000)	\$ 1,000,000
UNALLOCATED	Unallocated Capital	<u>\$0</u>	<u>\$ 4,750,000</u>	<u>\$ 4,750,000</u>
TOTAL APPROPRIATIONS		<u>\$ 5,750,000</u>	<u>\$ 0</u>	<u>\$ 5,750,000</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive to execute and award an agreement with the selected project design engineers, Erdman Anthony, for engineering design services in the amount of \$583,000; and be it further

RESOLVED, that authorization is hereby given for the County Executive to establish a project

contingency in the amount of \$30,000 with a total project cost not to exceed \$613,000; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management 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 authorization is hereby given for 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 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 authorization is hereby given to accept all Federal and State reimbursements from the NYSDOT Agreement, as well as any other additional Federal or State funding which may be made available; 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 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 authorization is hereby given to the County Executive of the County of Erie to execute all necessary Agreements, certifications or reimbursement requests for Federal and NYS Marchiselli 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; and providing for the administration of the Project and the County’s first instance funding of Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, the authorization is hereby given to the County Executive to execute any necessary change orders, amendments, and agreements related to this Project; 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, the Comptroller's Office, and the Division of Budget and Management. (5-0)

5. COMM. 11E-22 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, it is necessary to rehabilitate Maryvale Drive (CR 194) from Beach Road to Cayuga Road, including pavement resurfacing and drainage replacement; and

WHEREAS, LaBella Associates, DPC (LaBella), was selected utilizing the County's request for proposal process as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the rehabilitation of the above noted project; and

WHEREAS, it is desired to execute a contract with LaBella for design engineering services in the amount of \$189,670 with a contingency in the amount of \$19,000; and

WHEREAS, the necessary funds for the design engineering phase contract and contingency are \$208,670, and are available in Fund 420, Funds Center 123, Capital Project B.22064 - 2022 Maryvale Drive Cheektowaga Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute and award an agreement with the selected Project Design Engineers, LaBella, for engineering design services in the amount of \$189,670 as part of the Rehabilitation of Maryvale Drive Project, CAP-194-23; and be it further

RESOLVED, that authorization is hereby given to establish a project contingency in the amount of \$19,000 with a project total not to exceed \$208,670; and be it further

RESOLVED, that sufficient funding for this Project is available for the project from Fund 420, Fund Center 123, as follows:

B.22064	2022 Maryvale Dr Cheektowaga Design	\$208,670
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and be it further

RESOLVED, the authorization is hereby given to the County Executive to execute any necessary change orders, amendments, and agreements; 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, the Comptroller's Office, and the Division of Budget and Management. (5-0)

6. COMM. 11E-23 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, Mt. Olive Senior Manor consists of the new construction of 65 units of permanent supportive senior affordable apartments for low income tenants at 703 East Delevan Avenue; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Mt. Olive Senior Manor Housing Development Fund Corporation and Mt. Olive Senior Manor LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Mt. Olive Senior Manor Housing Development Fund Corporation, Mt. Olive Senior Manor LLC and the City of Buffalo and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Division of Budget and Management; the Department of Real Property Tax Services; the Department of Environment and Planning; the Office of the County Comptroller; and the County Attorney's Office.

SCHEDULE A  
PILOT Payments

Year	Total	City	County
1	13,620.35	10,215.26	3,405.09
2	14,028.96	10,521.72	3,507.24
3	14,449.83	10,837.37	3,612.46
4	14,883.32	11,162.49	3,720.83
5	15,329.82	11,497.37	3,832.46
6	15,789.72	11,842.29	3,947.43
7	16,263.41	12,197.56	4,065.85
8	16,751.31	12,563.48	4,187.83
9	17,253.85	12,940.39	4,313.46
10	17,771.47	13,328.60	4,442.87
11	18,304.61	13,728.46	4,576.15
12	18,853.75	14,140.31	4,713.44
13	19,419.36	14,564.52	4,854.84
14	20,001.94	15,001.46	5,000.49
15	20,602.00	15,451.50	5,150.50

(5-0)

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