



February 17, 2021

Supervisor Shaw and
Honorable Town Board
Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

**SUBJECT: LETTER PROPOSAL CONTRACT
LOCAL WATERFRONT REVITALIZATION PROGRAM UPDATE**

Dear Supervisor Shaw and Honorable Town Board

It is our understanding that the Town of Hamburg has entered into a contract with the State of New York to complete a LWRP Update. Wendel, as your Town Planner, can complete this project for you and Mark Melewski has confirmed this with the NYSDOS. Wendel will work with EECG and WWS Planning to complete this work. Wendel and WWS Planning (a certified WBE) completed your previous LWRP and have completed many LWRPs in NYS. Mark Melewski (EECG) also adds his expertise in Waterfront projects, grants management and public outreach. Wendel is pleased to submit this contract for professional services associated with preparing an Amendment to the Local Waterfront Revitalization Program for the Town of Hamburg. This agreement is by and between Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel) and the Town of Hamburg.

A. SCOPE OF WORK

The following scope of services is based on your contract with NYS and our knowledge of LWRP's and the Town of Hamburg. It represents the professional services that will be provided by Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel), along with our subconsultants, WWS Planning and Environmental Education and Conservation Global (EECG).

The task numbers in parentheses refer to the tasks as stated in the contract between the Town and the New York State Department of State. Wendel shall comply with the applicable terms and conditions contained in the Agreement between the Town of Hamburg and the Department of State (Contract #T1001645). In the event of a conflict between this agreement and the State assistance agreements, the terms of the State assistance agreements shall control.

This scope of services assumes that the Town will establish a Project Advisory Committee (PAC) to work with Wendel on this project. The PAC will be actively involved with reviewing materials, assisting with public input and providing direction for the Local Waterfront Revitalization Program (LWRP) planning effort. We are assuming that the PAC will be the existing Waterfront Advisory Committee.

TASK A (Task 6): Project Advisory Committee Meetings

In consultation with the Department, the Town of Hamburg shall hold a project meeting (the Town's second meeting) with Wendel and the Project Advisory Committee to review project requirements, site conditions, and roles and responsibilities; identify new information needs and next steps; and transfer any information to the consultant(s) which would assist in completion of the project.

The Project Advisory Committee shall meet regularly over the course of the project to guide project development and review findings and documents. The Project Consulting Team will meet with the Committee a total of (six?) time over the course of this effort. Following each meeting with the Project Consulting Team, Wendel shall prepare and distribute a brief meeting summary including attendees, main topics discussed, decisions agreed upon by committee, and action items.

Deliverable: *Project Advisory Committee meetings. Written meeting summary of each meeting*

TASK B (Task 7): Preparation of Community Outreach Process and Plan

Wendel will work with the Town, the Project Advisory Committee, and other partners as appropriate, to prepare a method and process to encourage community participation in development and implementation of the LWRP. The outreach plan shall identify key individuals, organizations, and entities to be involved, and shall identify the visioning process and the roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of public meetings and other public engagement activities such as social media, workshops, charrettes, etc. All public meetings will be advertised in the community through press releases, announcements, individual mailings, digital media, municipal website postings, and any other appropriate means. Meetings and public engagement shall be scheduled in a manner that maximizes attendance and participation from all interested community members. The Contractor and/or its consultant(s) may utilize the Department's Office for New Americans and their Community Navigators to encourage participation from populations who are frequently underrepresented in this process, including immigrants, refugees, and minorities. A summary of each public outreach session will be made available in written form and through other appropriate means, such as website or social media.

The outreach plan shall be submitted to the Town for review and approval.

Deliverable: *Wendel team will prepare a Community Outreach Plan, in consultation with the Town and the PAC for submittal to DOS for approval.*

TASK C (Task 8): Draft Section I – Waterfront Revitalization Area Boundary

Throughout the early stages of the planning process, Wendel will work with the Town and the PAC to review the current Waterfront Revitalization Area (WRA), suggest revisions, and incorporate 18 Mile Creek (outside of the Village of Hamburg's boundaries). Upon agreement on the boundary, the Town will provide a description of the WRA boundary in narrative form and Wendel will provide GIS services to depict the boundary on maps. It is assumed that an amendment to the existing boundary will be required, therefore, Wendel will provide a written justification for the proposed change. Public support for the WRA will be vetted at the first public meeting.

Draft Section I shall be submitted to the Department for review and approval.

Deliverable: *Wendel will prepare Draft Section I of the LWRP, describing the WRA boundary in narrative form. Wendel will produce the map of the WRA for inclusion in Section I.*

TASK D (Task 9): Draft Section II – Inventory and Analysis

The Wendel team will review the inventory section of the existing Hamburg LWRP and draft an update that describes existing natural and built resources and conditions within the Waterfront Revitalization Area, including surface waters and any relevant underwater lands.

The focus of this section will be analyzing the Strengths, Weaknesses, Opportunities, and Threats (SWOT) facing the Town's WRA. Wendel shall inventory, describe and map existing natural and built resources and conditions within the waterfront revitalization area (which includes surface waters and underwater lands).

Section II will provide a thorough analysis of waterfront issues, opportunities, and constraints to economic development and resource protection needs. This section will provide an assessment of the vulnerable resources and potential risks associated with storms, flooding, and the effects of climate change. The inventory and analysis must be broad enough to ensure consideration of important waterfront resources, problems and opportunities and detailed enough to support development of a specific and realistic LWRP.

Topics to be addressed, commensurate with the local conditions, should be addressed in the Inventory and Analysis Checklist, including:

- Community Profile
- Existing Land and Water Uses and Public Access
- Natural Resources
- Flooding and Erosion (Risk and Resiliency)
- Historic and Cultural Resources
- Harbor Management Issues
- Existing Authorities of Federal, State, Regional, and Local Agencies that have Jurisdiction in the Waterfront Revitalization Area (if applicable)
- Summary of existing Plans, Projects and Initiatives that effect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, community resiliency plans.

The inventory and analysis, along with public input garnered in Task 10, will help inform the proposed land and water uses, and proposed projects. We will meet with the PAC (Meeting #2) to discuss the inventory and prepare for the Public Information meeting.

Draft Section II shall be submitted to the Department for review and approval.

Deliverable: *Wendel will prepare Draft Section II that will include Inventory and Analysis with accompanying maps to depict Hamburg's waterfront area resources, issues, and opportunities. Electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department. Wendel will also provide a meeting summary for the PAC meeting*

TASK E (Task 10): First Public Informational Meeting

Following completion of the initial drafts of Section I - Waterfront Revitalization Area Boundary and Section II - Inventory and Analysis, Wendel will facilitate Public Outreach (methodology may change due to COVID restrictions) to obtain early community input. Wendel will coordinate logistical details and assist the Town in notifying the public. The meeting will address the draft WRA boundary, general waterfront issues and opportunities, and the inventory and analysis of existing conditions.

Deliverable: *Wendel will lead the meeting and prepare a written summary of the meeting.*

TASK F (Task 11): Draft Section III – Local Waterfront Revitalization Policies

- A. The Wendel team will review Section III of the existing Hamburg LWRP to determine whether policy updates and additions are needed to reflect current conditions. Where revisions to existing policies are warranted, Wendel will provide local standards and measures for determining consistency with the policies. The results of the Inventory and Analysis (Task 9) will be used to assess whether new local sub-policies are needed to address local conditions and concerns. We will meet with the PAC (Meeting #3) to discuss the proposed policies.

Deliverable: *Draft Section III - Local Waterfront Revitalization Policies with comments or notes*

- B. Should the Town propose revisions, a conference call with DOS staff will be required. Once the municipality has reviewed DOS response, they can accept the final changes and submit finished Draft Section III - Local Waterfront Revitalization Policies.

Deliverable: *Draft Section III - Local Waterfront Revitalization Policies*

- C. Review existing local land use laws/ regulations/ ordinances for ability to implement the LWRP and identify any amendments or new laws necessary.

Deliverable: *List of laws identified that need to be drafted or amended to implement the LWRP.*

TASK G (Task 12): Draft Section IV – Proposed Land and Water Uses and Proposed Projects

The Wendel team will review Section IV of the Hamburg LWRP to analyze the land and water uses and projects recommended in the current document, and determine which projects remain relevant. Wendel will work with the Town and the PAC to recommend new projects and uses to enhance the waterfront, stimulate the tourism economy, and promote community revitalization. Prior tasks and public outreach will help us evaluate and prioritize desired water and land uses, and projects. Wendel will draft narrative descriptions of the projects and will map the recommended projects and uses, as appropriate. We will meet with the PAC (Meeting #4) to discuss the proposed uses and projects, and to plan for the second public informational meeting.

Deliverable: *Wendel will prepare a Draft Section IV for submittal to the DOS for approval and prepare a meeting summary of the PAC meeting. Mapping will be provided by Wendel*

TASK H (Task 13): Second Public Informational Meeting

Following completion of the initial draft of Section IV - Proposed Land and Water Uses and Proposed Projects Wendel will facilitate a second public meeting. The meeting will focus on introducing proposed projects and actions to the public to obtain their input, in order to develop a final list of proposed land and water uses and projects. We will also solicit input on potential techniques, such as zoning, that may be helpful for implementation.

Deliverable: *Wendel will lead the meeting and prepare a written summary of the meeting.*

TASK I (Task 14): Draft Section V – Techniques for Local Implementation of the Program

Wendel will review the existing laws and regulations needed for the implementation of program policies and projects, based on discussions with the PAC. We will identify public (local, state, or federal) and private actions required to implement projects in the Waterfront Revitalization Area, such as capital projects, policies, specific studies, technical assistance and/or enforcement. We will also provide an overview of the

management structure and financial resources required to implement projects implementation of the LWRP into their governmental activities. We will meet with the PAC (Meeting #5) to discuss recommendations for implementation.

Deliverable: *Wendel will prepare Draft Section V – Techniques for Local Implementation of the LWRP, and drafts of zoning or other local law updates for Town consideration as appropriate. Wendel will also review the local consistency review laws for each municipality and amend as necessary. Wendel will prepare a meeting summary of the PAC meeting.*

TASK J (Task 15): Draft Section VI – Federal and State Actions and Programs Likely to Affect Implementation of the LWRP

Wendel will work with the Town/PAC to review the list of Federal and State agencies and programs provided by DOS. Based on that review, we will develop a list specific to Hamburg of state and/or federal actions required to successfully implement the LWRP.

Deliverable: *Wendel will prepare Draft Section VI – Federal and State Actions and Programs Likely to Affect Implementation of the LWRP.*

TASK K (Task 16): Draft Section VII – Local Commitment and Consultation

Wendel will draft a written narrative that summarizes the efforts undertaken to coordinate the LWRP with adjoining municipalities and other agencies. It will also document the public outreach steps undertaken during the planning process to demonstrate community support and involvement. The section will also discuss the organizational structure to be set up to develop and implement the LWRP.

Deliverable: *Draft Section VII – Local Commitment and Consultation for submittal to the DOS for review and approval.*

TASK L (Task 17): Determination of Significance and Compliance with SEQRA

At this point, we will have developed a draft LWRP, compiled from Sections completed in prior tasks. Wendel will assist the Town with compliance with SEQR, completing Part 1 of the Full Environmental Assessment Form and preparing materials for Coordinated Review, including the list of Involved Agencies. Upon completion of the Coordinated Review, Wendel will assist the Town with completing Parts 2 and 3 of the FEAF and making a Determination of Significance. The intent of the LWRP will be to improve environmental conditions associated with the Town of Hamburg's waterfront, and this proposal assumes that the Town will be able to move forward with a Negative Declaration. We will assist the Town with appropriate filings and notifications in the Environmental Notice Bulletin. In the event that the Town determines that the project may have a positive impact on the environment, Wendel will assist with filing of the Positive Declaration. This scope of services does not include the preparation of a Generic Environmental Impact Statement.

Deliverable: *SEQR materials, including a Full Environmental Assessment Form and a determination of significance.*

TASK M (Task 18): Complete Draft LWRP

Wendel will compile all sections into a Draft LWRP and submit it to the Town of Hamburg for review. We will hold Meeting #6 with the Town and the PAC to review the Draft prior to submittal to the Department.

Wendel shall submit an electronic copy (Word format with each map as an individual pdf, as well as a GIS shapefile of the LWRP boundary in a format compatible with the Department's Geographic Information Gateway) and up to two (2) paper copies upon request of the complete Draft LWRP document, with integrated harbor management, including SEQR Negative Declaration materials and new or amended (existing) laws and regulations, incorporating comments provided on each component section, to the Department for approval. If revisions to the complete Draft LWRP are needed, based on Department review, Wendel shall make the required changes and resubmit the document to the Department for review.

All comments and requested revisions must be addressed to the satisfaction of the Department prior to advancing the document to 60-Day Review.

Following acceptance of the complete Draft LWRP document by the Department, the Town of Hamburg shall formally accept the Draft LWRP as complete and ready for public review and authorize its submission to the Department for review by potentially affected State, Federal, and local agencies - by resolution of the local municipal legislative body. Wendel shall also provide one (1) hard copy and one electronic copy (formatted in Microsoft Word) of the complete Draft LWRP document to the Department.

Upon receipt of the required number of copies of the Draft LWRP the Department shall initiate a 60-Day Review by State, Federal, and other local agencies concurrent with the SEQRA review (if applicable).

Deliverable: *(1) Draft LWRP acceptable to the Department; (2) GIS shapefile of the LWRP boundary in a format compatible with the Department's Geographic Information Gateway and (3) a resolution of the local municipal legislative body accepting the Draft LWRP as complete and ready to be submitted to DOS for review and initiation of the 60-Day review process.*

TASK N (Task 19): Third Public Information Meeting

Following completion of the Draft LWRP and in conjunction with 60-Day Review and compliance with SEQRA the Town (Wendel representatives may attend) shall conduct a public information meeting on the Draft Program.

Deliverable: *Public meeting held. Minutes of the public information meeting and identification of changes to be made to the Draft Program as a result of the public meeting submitted to the Department for review and approval.*

TASK O (Task 20): Final LWRP

Following the 60-Day Review period of the Draft LWRP the Department shall meet with the Town to discuss all 60-Day comments received, determine appropriate responses and revise the LWRP document to reflect each response. All supporting local laws proposed for adoption in conjunction with the adoption of the LWRP shall also be revised as necessary by Wendel to reflect 60-Day comments and responses, to the satisfaction of the Department.

Additionally, the Town shall also submit to the Department a schedule of adoption of the LWRP and any local laws necessary for implementation of the LWRP.

Deliverable: *An electronic copy and up to two (2) paper copies upon request of the Final LWRP and supporting local laws along with electronic data for all Geographic Information System-based*

mapping products submitted in either ArcGIS format, or similar product acceptable to the Department, and schedule of adoption

TASK P (Task 21, 22, 23): Reporting

Town is contracting separately for this task.

B. PROPOSAL FEE:

We trust the above scope of work meets the Town of Hamburg requirements. The fee for the project is a lump sum fee of **\$56,000** (with the understanding that the Town will pay an additional \$5,000 to EECG for grants management under separate contract and \$4,000 for in-kind services for Town personnel). This fee includes direct expenses, such as first-class mailing, mileage, and internal printing costs. It will be billed monthly on a percent complete basis.

These fees include direct expenses such as first-class mailing, local mileage and internal printing costs.

Fee Notes:

- 1) Expenses such as plotting costs, postage, telephone charges are included in the fee.
 - 2) Document reproduction for bidding and construction is not included in this fee and will be handled as a reimbursable expense.
 - 3) Should Wendel be required to perform additional services beyond those outlined above, Wendel shall be compensated on an hourly or fixed sum basis for a mutually agreed scope of services.
 - 4) Our fee and schedule proposal is valid for 60 days. If we do not receive a signed notice to proceed before that date, we reserve the right to re-evaluate our proposal.
-

C. PROPOSED SCHEDULE:

We anticipate an 18- month turn-around of deliverables upon receipt of this signed contract.

D. TERMS:

This proposal and the attached "Appendix A" (Professional Services Terms and Conditions) are intended to represent the entire contractual relationship. Please contact me if you have any questions. If this proposal and attached general conditions are acceptable to you, please indicate your acceptance by signing both originals and return one (1) executed original to our office.

Thank you for considering Wendel!

Respectfully Submitted,

Andrew C. Reilly, PE, AICP
Principal-in-Charge

Ellen L. Parker, MUP, AICP
Project Planner

Enc.

Should Wendel's proposal be accepted, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., a New York State licensed architecture and engineering firm that is part of a consolidated group of Wendel Companies, will contract to undertake the work. Our letterhead and plans will still prominently say "Wendel" and we will refer to ourselves as Wendel throughout the project.

ACCEPTANCE / AUTHORIZATION:

Accepted this _____ day of _____, 20_____

Print Name: _____

Signature: _____

Title: _____

RETURN TO:

Wendel
Attn: Amanda Stabell
375 Essjay Road, Suite 200
Williamsville, NY 14221