# COUNTY OF ERIE

**MARK C. POLONCARZ**
COUNTY EXECUTIVE

February 21, 2012

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**RE: August 2009 Storms**
**FEMA Disaster DR-1857-NY**
**FHWA Disaster 0902**
**2011 FEMA, FHWA and EWP Match**
**Road Reconstruction Design (Countywide)**

Dear Honorable Members:

Federally declared disasters FEMA DR-1857-NY and FHWA 0902 resulted from the storms of August 2009 which severely damaged the transportation infrastructure of southern Erie County. The actual and estimated engineering costs associated with the necessary repairs have increased beyond the amount initially authorized. The accompanying resolution establishes the budget and authorizes award of engineering under the original disaster declarations.

Should your honorable body require further information, I encourage you to contact John C. Loffredo, Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz. Esq.
Erie County Executive

MCP:dab
Enclosure

cc: John C. Loffredo, Department of Public Works

# MEMORANDUM

**To:** Honorable Members of the Erie County Legislature
**From:** Department of Public Works
**Re:** **August 2009 Storms**
**FEMA Disaster DR-1857-NY**
**FHWA Disaster 0902**
**2011 FEMA, FHWA and EWP Match**
**Road Reconstruction Design (Countywide)**
**Date:** February 7, 2012

## SUMMARY

Federally declared disasters FEMA DR-1857-NY and FHWA 0902 resulted from the storms of August 2009 which severely damaged the transportation infrastructure of southern Erie County. Multiple repair/reconstruction/replacement projects were generated by the storms many of which qualified for participation in one of the following: FEMA Public Assistance (PA) program, FHWA Emergency Relief (ER) program or the NRCS Emergency Watershed Protection program. The actual and estimated costs of these projects for design have increased as preliminary scoping and engineering progressed. The attached resolution authorizes budget adjustment for anticipated revenue and the purchase of engineering services under the original declaration.

## FISCAL IMPLICATIONS

For projects qualified for FEMA's PA program approved Project costs are eligible for reimbursement, 75% - FEMA; 12.5% - New York State Office of Emergency Management (NYSOEM); and 12.5% - Erie County. For projects qualified for FHWA's ER program approved project costs are eligible for reimbursement, 80% - FHWA (via NYSDOT) and 20% - Erie County. For project qualified for the NRCS Emergency Watershed Protection program approved project costs are eligible for reimbursement, 75% - NRCS and 25% - Erie County. Erie County must pay in the first instance 100% of approved project costs and then apply for reimbursement. This resolution authorizes budget adjustment in B.11023 2011 FEMA Road Design from $100,000 to $800,000 which includes anticipated revenue; and authorizes the purchase of engineering services under the original declaration.

## REASONS FOR RECOMMENDATION

Several of the PA, ER or EWP projects are in design and nearing construction, and slated for construction in 2012. The projects need to be completed in order to address existing storm damage and to continue to address the safety and mobility of the travelling public.

## BACKGROUND INFORMATION

The storms of August 2009 significantly damaged the transportation infrastructure of southern Erie County. As noted above a number of sites qualified for one of the PA, ER or EWP programs making available the funding assistance noted under Fiscal Implications.

## CONSEQUENCES OF NEGATIVE ACTION

The opportunity to address multiple sites on County Roads that are susceptible to storm damage and only have to bear a portion of the approved costs will be lost. Ongoing construction projects will have to be left partially completed and the affected roads will remain restricted or closed to through traffic.

## STEPS FOLLOWING APPROVAL

Contracts will be negotiated and executed with the approved engineering firms to provide the required engineering or construction engineering services.

## COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Lorne H. Steinhart

LORNE H. STEINHART 2/8/2012
Acting Comptroller
Comptroller's Office

- Cash in Project: $100,000
- Claims must be submitted in a timely manner to receive reimbursements from FEMA, FHWA + EWP.

JCL/dab

File (FemaDisaster.2009Storms.2.8.12docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: **August 2009 Storms**
**FEMA Disaster DR-1857-NY**
**FHWA Disaster 0902**
**2011 FEMA, FHWA and EWP Match**
**Road Reconstruction Design (Countywide)**

WHEREAS, as a result of the storms of early August 2009 federal disasters FEMA DR-1857-NY and FHWA 0902 were declared for parts of Erie County making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance (PA) program, from the Federal Highway Administration (FHWA) Emergency Relief (ER) program and from the Natural Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) program; and

WHEREAS, under the PA, ER and EWP programs, approved costs are eligible for reimbursement from FEMA & NYSOEM; FHWA (via NYSDOT); and NRCS respectively with Erie County providing the remaining share; and

WHEREAS, the actual and estimated costs for completion of design and construction of several of these projects have increased beyond the initial authorization; and

WHEREAS, these projects are in design and scheduled for construction in 2012;

NOW, THEREFORE, BE IT

RESOLVED, that the 2011 Budget appropriation of $100,000.00 as Erie County share in B.11023 2011 FEMA, FHWA and EWP Match/Road Design Program (Countywide) be increased by anticipated revenue to $800,000.00 as follows:

| REVENUES | | CURRENT BUDGET | INCREASE/ DECREASE | REVISED BUDGET |
|---|---|---|---|---|
| Account | Description | | | |
| 405150 | State Aid SEMO | $ 0 | $100,000 | $ 100,000 |
| 412540 | Federal Aid FEMA | $ 0 | $600,000 | $600,000 |
| 414020 | Misc Federal Aid | $ 0 | $0 | $ 0 |
| 475000 | Gen Oblig Bond Proc | $100,000 | $ 0 | $100,000 |
| TOTAL REVENUES | | $100,000 | $700,000 | $800,000 |

APPROPRIATIONS

| | | | | |
|---|---|---|---|---|
| Capital Projects | Capital Project Exp | $100,000 | $700,000 | $800,000 |
| TOTAL APPROPRIATIONS | | $100,000 | $700,000 | $800,000 |

and be it further

RESOLVED, that the Department of Public Works be authorized to execute agreements and Change Orders not to exceed $800,000.00 under Erie County Disaster Declaration of August 9, 2009 ; FEMA DR-1857-NY and FHWA 0902 Disasters; and be it further

RESOLVED, that five certified copies of this resolution be sent 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.

**OFFICE OF THE COMPTROLLER REVIEW** **DATE:** 2/8/12

PROJECT TITLE: B.11023 2011 FEMA Projects/Rd Design

**1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES** ✓ **NO** _____

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

**2) PROJECT AVAILABLE APPROPRIATION**

| | | |
|---|---|---|
| TOTAL PROJECT REVENUES | $ | 100,000.00 |
| TOTAL PROJECT APPROPRIATIONS | $ | 100,000.00 |
| LESS: TOTAL EXPENDITURE TO DATE | $ | 0 |
| TOTAL COMMITMENTS | $ | 0 |
| AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST | $ | 100,000.00 |
| PLUS | | 700,000.00 |
| LESS: CONTRACT AMOUNT: | | 800,000.00 |
| NET AVAILABLE APPROPRIATIONS | $ | 0 |

**COMMENTS:** Cash in project: $100,000
Claims must be submitted in a timely manner to receive reimbursements from FEMA, FHWA & EWP.

REQUEST APPROVED: Lorne H. Steinhart

REQUEST DENIED: _____

DATE: February 8, 2012

TO: LORNE H. STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S RECEIVED
12 FEB -8 AM 11:32

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

| REQUESTING DEPARTMENT | COMPLETE ITEMS 1 THROUGH 5 |
|---|---|
| 1. CONTRACTOR'S NAME | various |
| 2. AMOUNT OF CONTRACT | $800,000. , not to exceed |
| 3. PROJECT NUMBER | B.11023 |
| 4. PROJECT TITLE | 2011 FEMA, FHWA and EWP Match/Road Design Program (Countywide) |
| 5. DEPARTMENT CONTACT | Funding questions: Charles A. Sickler, PE at 8372<br>Letter pickup: Diane Bukowski at 8301 |

| COMPTROLLER'S OFFICE | COMPLETE ITEMS 6 AND 7 |
|---|---|
| 6. AVAILABILITY OF FUNDS | $ 100,000 * |
| 7. PERFORMED BY | Jackie Pudzifer |
| Date Sent to Comptroller's Office: | February 8, 2012 |

* Claims must be submitted in a timely manner to receive reimbursements from FEMA, FHWA + EWP.

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