

March 22, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-5 (2018)
COMMISSIONER OF PUBLIC WORKS “Written Complaint Regarding Condition of Hopkins Rd., Town of Amherst”
(Chair’s ruling)
 - b. COMM. 6M-2 (2018)
VISIT BUFFALO NIAGARA “4th Quarter Reports for 2017”
(Chair’s ruling)
2. COMM. 6E-3 (2018)
COUNTY EXECUTIVE
WHEREAS, the resurfacing of McKinley Parkway (CR-204) from US Rt. 20 to Willet Road, PIN 5761.75, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the federal and non-Federal shares of the estimated \$200,000 cost of the subject Project phases; and

WHEREAS, of the \$200,000 estimated cost of the subject Project phases Federal funding in the amount of \$160,000 and NYS Marchiselli funding in the amount of \$30,000 are available leaving Erie County responsible for the remaining non-Federal share of \$10,000; and

WHEREAS, funding for the Erie County share of the cost of the subject Project phases is available in Fund 420, Funds Center 123, Project B.18053 in the Adopted 2018 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of McKinley Parkway between US Route 20 and Willet Road, PIN 5761.75, (the Project); 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 Preliminary Engineering (Design I-VI) and Right-of-Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$200,000; and be it further

RESOLVED, that the funding for the Project is available in Fund Center 123, Fund 420, Project B.18053 in the Adopted 2018 Capital Budget; and be it further

RESOLVED, that Project B.18053 is so established to accept Federal revenue in the amount of \$160,000 and NYS Marchiselli revenue in the amount of \$30,000; 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 costs of the Project’s Preliminary Engineering (Design I-VI) and ROW Incidentals phases exceeds the amount appropriated, 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 pending availability of funding the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State 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 as identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the Erie County Comptroller is authorized to pay for the 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 six (6) certified copies of this Resolution be forwarded 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 one (1) certified copy of this Resolution be forwarded to each of the Department of Public Works, Office of the Commissioner Office of the

County Executive, the Division of Budget and Management, the Office of the County Attorney and the Office of the Comptroller.
(5-0)

3. **COMM. 6E-4 (2018)**
COUNTY EXECUTIVE

WHEREAS, the resurfacing of Armor Duells Road (CR-44) from Abbott Road to Duerr Road, PIN 5762.25, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the federal and non-Federal shares of the estimated \$360,000 cost of the subject Project phases; and

WHEREAS, of the \$360,000 estimated cost of the subject Project phases federal funding in the amount of \$288,000 and NYS funding in the amount of \$72,000 are available; and

WHEREAS, funding for the Erie County share of the cost of the subject Project phases is available in Fund 420, Funds Center 123, Project B.18054 in the Adopted 2018 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of Armor Duells Road between Abbott Road and Duerr Road, PIN 5762.25, (the Project); 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 Preliminary Engineering (Design I-VI) and Right-of-Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$360,000; and be it further

RESOLVED, that the funding for the Project is available in Funds Center 123, Fund 420, Project B.18054 in the Adopted 2018 Capital Budget; and be it further

RESOLVED, that Project B.18054 is so established to accept Federal revenue in the amount of \$288,000 and NYS revenue in the amount of \$72,000; 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 costs of the Project's Preliminary Engineering (Design I-VI) and

ROW Incidentals phases exceeds the amount appropriated, 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 pending availability of funding the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State 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 as identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the Erie County Comptroller is authorized to pay for the 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 six (6) certified copies of this Resolution be forwarded 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 one (1) certified copy of this Resolution be forwarded to each of the Department of Public Works, Office of the Commissioner Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney and the Office of the Comptroller.
(5-0)

4. **COMM. 6E-6 (2018)**
COUNTY EXECUTIVE

WHEREAS, Kenmore Avenue is jointly owned by the City of Buffalo ("City") and the County of Erie ("County") with the dividing line being the center of the road; and

WHEREAS, reconstruction of Kenmore Avenue from Klauder Avenue to Main Street was recently completed under Federal Aid project PIN 5757.18 (the "Project") with the City of Buffalo being the lead agency; and

WHEREAS, via Comm. 13E-5 (July 16, 2015) the County's participation in the project was approved and authorization to enter into an inter-municipal agreement (IMA) with the City of Buffalo for the Project granted; and

WHEREAS, right-of-way (ROW) was required on both the Buffalo and Erie County sides of Kenmore Avenue; and

WHEREAS, Comm. 13E-5 (July 16, 2015) approved funding the acquisition of needed ROW and authorized \$9,000 from Fund 420, Funds Center 123, SAP Project No. B.15002, 2015 Federal Aid Projects ROW Buffalo/Tonawanda for that purpose; and

WHEREAS, actual Project ROW costs are approximately \$15,000 requiring authorization of an additional \$6,000 for ROW which is available from Fund 420, Funds Center 123, SAP Project No. B.15002, 2015 Federal Aid Projects ROW Buffalo/Tonawanda; and

WHEREAS, expenditure of approved ROW funds will take place according to the payment procedures set forth in the IMA between the County and the City of Buffalo, with payments being made to the City of Buffalo as lead agency; and

WHEREAS, it was more efficient and cost-effective for NYSDOT to acquire the needed ROW on behalf of both the City and County and transfer it to the respective municipalities upon completion of the project; and

WHEREAS, NYSDOT is now ready to transfer to Erie County its share of the ROW acquired; and

WHEREAS, the list of properties to be transferred is attached hereto as Schedule A; and

WHEREAS, NYSDOT requires a resolution from the County agreeing to accept ownership of all property or rights therein acquired as ROW by NYSDOT on its behalf; and

WHEREAS, the County desires to have jurisdiction over all of its rightfully assigned ROW.

NOW, THEREFORE, BE IT

RESOLVED, that \$6,000 is appropriated from Fund 420, Funds Center 123, SAP Project No. B.15002, 2015 Federal Aid Projects ROW Buffalo/Tonawanda and made available for Project ROW costs; and be it further

RESOLVED, that the Erie County Legislature hereby approves the transfer of the ROW acquired by NYSDOT for the Project on the County's behalf to the County; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to accept ownership of the property so transferred; and be it further

RESOLVED, that the County Attorney is authorized to file the deeds with the County Clerk and to provide NYSDOT with the details of said filings; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.
(5-0)

5. COMM. 6E-7 (2018)

COUNTY EXECUTIVE

WHEREAS, the portion of Burdick Road along Tonawanda Creek between Rapids Road and Tonawanda Creek Road has experienced embankment and roadway failure resulting in the road being reduced to one lane in the subject area; and

WHEREAS, the County desires to address the problems in the subject portion of Burdick Road (the Project); and

WHEREAS, Project design was started but was put on hold for several years due to lack of funding; and

WHEREAS, funding has now become available to complete Project design; and

WHEREAS, it is anticipated that the project will require acquisition of Right-of-Way (ROW) in fee, permanent easement, temporary easement or any other vehicle approved by the County Attorney; and

WHEREAS, your Honorable Body has previously approved the Project and the retention of Greenman-Pedersen, Inc. (GPI) as the consultant via Comm. 11E-10 (June 16, 2011); and

WHEREAS, to complete Project design and provide for acquisition of the necessary ROW it is necessary to amend GPI's original contract in the estimated amount of \$171,000 which is available from Fund 420, Fund Center 123, SAP Project No. B.16011.2, 2016 Road Design (\$140,000) and Fund 420, Fund Center 123, SAP Project No. B.16012.1, 2016 Road Slides ROW (\$31,000); and

WHEREAS, it is also desired to update the contract completion date of GPI's contract to December 31, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie hereby approves the subject project, including the acquisition of any needed ROW; and be it further

RESOLVED, that the County Executive be authorized to execute a contract amendment with GPI in a not to exceed amount of \$171,000 which is hereby appropriated from Fund 420, Funds Center 123 SAP Project No. B.16011.2, 2016 Road Design (\$140,000) and Fund 420, Funds Center 123, SAP Project No. B.16012.1, 2016 Road Slides ROW (\$31,000) and made available for the design and ROW acquisition engineering services required; and be it further

RESOLVED, that the contract amendment extend the completion date of GPI's contract to December 31, 2019; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.
(5-0)

6. COMM. 6E-16 (2018)

COUNTY EXECUTIVE

WHEREAS, the resurfacing of Abbott Road (CR-04) from US Rt. 20 to Milestrip Road, PIN 5761.74, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the federal and non-Federal shares of the estimated \$200,000 cost of the subject Project phases; and

WHEREAS, of the \$200,000 estimated cost of the subject Project phases federal funding in the amount of \$160,000 and NYS Marchiselli funding in the amount of \$30,000 are available leaving Erie County responsible for the remaining non-federal share of \$10,000; and

WHEREAS, funding for the Erie County share of the cost of the subject Project phases is available in Fund 420, Funds Center 123, Project B.18052 in the Adopted 2018 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of Abbott Road between US Route 20 and Milestrip Road, PIN 5761.74, (the Project); 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 Preliminary Engineering (Design I-VI) and Right-of-Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$200,000; and be it further

RESOLVED, that the funding for the Project is available in Fund Center 123, Fund 420, Project B.18052 in the Adopted 2018 Capital Budget; and be it further

RESOLVED, that Project B.18052 is so established to accept federal revenue in the amount of \$160,000 and NYS Marchiselli revenue in the amount of \$30,000; 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 costs of the Project's Preliminary Engineering (Design I-VI) and ROW Incidentals phases exceeds the amount appropriated, 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 the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State 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 as identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the Erie County Comptroller is authorized to pay for the 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 six (6) certified copies of this Resolution be forwarded 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 one (1) certified copy of this Resolution be forwarded to each of the Department of Public Works, Office of the Commissioner Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney and the Office of the Comptroller.
(5-0)

7. COMM. 6E-17 (2018)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of the Culvert CIN 122-01 on Amsdell Road CR 122 over Drainage Structure, NYS PIN 5762.23 (the "Project") was authorized by the legislature in COMM 8E-11 (2017); and

WHEREAS, the County of Erie desires to advance the design for the Culvert Replacement of Amsdell Road over Drainage Structure, thus requiring the County Executive to enter into agreements with Norfolk Southern Railroad and CSX Railroad; and

WHEREAS, these agreements require the expenditure of approximately \$40,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive of the County of Erie is hereby authorized to enter into Agreements with Norfolk Southern Railroad and CSX Railroad for preliminary engineering services in reference to the reconstruction of the Culvert Amsdell Road CR 122 over Drainage Structure, NYS PIN 5762.23; and be it further

RESOLVED, that the County Executive be authorized to execute these agreements for preliminary services in the amount of \$18,000 each with a small contingency of \$4,000 from Fund Center 123, Fund 420, Capital Project B.17075 – 2017 Culvert Amsdell; and be it further

RESOLVED, that the Erie County comptroller be authorized to pay for these contracts; 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 one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

8. COMM. 6E-20 (2018)
COUNTY EXECUTIVE

WHEREAS, the North/South Main Street corridor is in need of improvements to address numerous roadway deficiencies along with a failing, aging drainage system; and

WHEREAS, over the years, the Department of Public Works (DPW) has been using spot patching as a repair measure; and

WHEREAS, Department of Public Works has determined that the best solution is to reconstruct the road and repave it; and

WHEREAS, before construction can commence, this road is in need of design; and

WHEREAS, it has been determined, through use of the County's RFP Selection Process, that DiDonato Associates Engineering and Architecture, P.C. has the necessary qualifications to provide the engineering design services for this project; and

WHEREAS, funds exist in SAP Project B.16002- Preservation of Roads – Design Program for such work on North/South Main Street; and

WHEREAS, the Department of Public Works desires to use these funds to begin the design work on this roadway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract for engineering design services for the Reconstruction of North/South Main Street (CR009), in the Town of Evans, Village of Angola, with DiDonato Associates Engineering and Architecture, P.C., for an amount not to exceed \$353,907; and be it further

RESOLVED, SAP Project B.16002 – 2016 Preservation of Roads - Design Program, will be utilized to perform the necessary study and design of North/South Main Street (CR 009), in the Town of Evans, Village of Angola; 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.
(5-0)

PATRICK B. BURKE
CHAIR