

July 14, 2011

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-6 (2011)
NFTA: "Minutes of Meeting Held 4/25/2011 & 5/23/2011"
(5-0)
 - b. COMM. 14M-7 (2011)
NFTA: "Copy of Public Authorities Reporting Information System Report"
(5-0)
 - c. COMM. 15M-1 (2011)
NFTA: "Copy of Audited Financial Statements for Fiscal Year Ended 3/31/2011"
(5-0)
2. COMM. 14E-9 (2011)
COUNTY EXECUTIVE
WHEREAS, it is desired to reconstruct approximately 1,000 linear feet of Vermont Street, Site 9, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire a single parcel by permanent easement, a portion of real property in the vicinity of the Project;

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such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the permanent easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject section of Vermont Street (CR 226); and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sums of \$9,981.86 from the 2008 FEMA Road Right of Way account, SAP B.00204 and \$10,000.00 from the 2010 Vermont Street Right of Way account, SAP B.21024 be made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Property for the purpose of reconstructing and improving the aforementioned Vermont Street Site 9; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement, which acquisition is necessary for the Vermont Street Site 9 reconstruction project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portion of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; 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 also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

3. **COMM. 15E-2 (2011)**
COUNTY EXECUTIVE AS AMENDED

WHEREAS, there is a need for Culvert Inspection and Inventory Services performed by firms specializing in the provision of such services; and

WHEREAS, after careful review of each firm's capabilities by the Department of Public Works, Wendel Duchscherer was selected having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Wendel Duchscherer to provide Culvert Inspection and Inventory Services for Emery Park as a pilot project at a cost not to exceed \$18,000; and be it further

RESOLVED, that funds in the amount of \$18,000. Be allocated from SAP Account A.21010.4 – 2010 Countywide Parks Improvements

RESOLVED, that three (3) 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, the Office of the Comptroller and the Commissioner of Parks, Recreation and Forestry.
(5-0)

4. **COMM. 15E-3 (2011)**
COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for Reconstruction of Lake Avenue Bridge over Smokes Creek (BR 200-3), Town of Orchard Park, Erie County, NYS PIN 5758.40, BIN 3327560 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment 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 Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) of the Project: PIN 5758.40; and

WHEREAS, the total Project is currently estimated at \$225,000.00 and the County is required to commit the non-Federal share for the Project in the amount of \$45,000.00, which is available from Project Fund B.20935, 2009 Lake Avenue Bridge Design. Should 15% New York State funds become available, the local share will be \$11,250.00; and

WHEREAS, your honorable body has previously authorized Greenman Pedersen, Inc. as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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 (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the budget for Project Fund B.20935, 2009 Lake Avenue Bridge Design, fund center 123, fund 420, be increased by the anticipated 80% Federal aid and 15% NYS aid in the amounts of \$180,000.00 and \$33,750.00 respectively as follows:

REVENUES		CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$180,000	\$180,000
405160	NYS Marchiselli	\$ 0	\$ 33,750	\$ 33,750
475000	Gen Oblig Bond Proc	<u>\$77,000</u>	<u>\$ 0</u>	<u>\$ 77,000</u>
TOTAL REVENUES		<u>\$77,000</u>	<u>\$213,750</u>	<u>\$290,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$77,000</u>	<u>\$213,750</u>	<u>\$290,750</u>
TOTAL APPROPRIATIONS		<u>\$77,000</u>	<u>\$213,750</u>	<u>\$290,750</u>

and be it further

RESOLVED, that the estimated total sum of Project phase, \$225,000.00 is hereby appropriated from B.20935, 2009 Lake Avenue Bridge Design and made available to cover the cost of participation in the above phase of the Project; 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 Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 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 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 County Executive be authorized to execute a negotiated Contract in an amount not to exceed the allowable Project design amount between the County of Erie and Greenman Pedersen, Inc. as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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 ten (10) 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 two 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.
(5-0)

5. COMM. 15E-4 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for reconstruction of Goodrich Road Bridge over Ransom Creek (BR 216-2), Town of Clarence, NYSDOT PIN 5759.90 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment 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 Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) phase of the Project: PIN 5759.90; and

WHEREAS, the Preliminary Engineering Phase of the Project is currently estimated at \$225,000.00 and the County is required to commit the non-federal share for the Project of which \$45,000.00 is the local share; and

WHEREAS, your honorable body has previously authorized C & S Engineers as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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 (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the estimated total sum of the Project's Preliminary Engineering phase, \$225,000.00 is hereby appropriated and available to cover the cost of participation in the program from B.00151, 2006 Unanticipated Federal Road & Bridge Design Program, which includes anticipated federal revenue; and be it further

RESOLVED, should the Department of Public Works receive any State revenue for the Project, the budget will be adjusted decreasing the local share required; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated contract in an amount not to exceed the estimated Project Preliminary Engineering phase amount between the County of Erie and C & S Engineers as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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 Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and Content), with the New York State Department of Transportation in connection with the advancement or approval of the Project 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 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 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)

6. COMM. 15E-5 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for the reconstruction of BR 225-1, Savage Road Bridge over Dry Creek, in the Town of Sardinia, Erie County, P.I.N. 5757.30, BIN 3328500 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) phase of the Project via Comm. 8E-10, adopted on April 28, 2011; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the previous Project Agreement's Preliminary Engineering (Scoping & Design I-VI) phase by \$75,000.00 in the new agreement amount of \$225,000.00; and

WHEREAS, the local share is available from Project Fund B.00151, 2006 Unanticipated Federal Aid Road & Bridge Program in the amount of \$3,750.00, and in order to enter into the agreement the budget needs to be increased by the anticipated revenue of \$71,250.00; and

WHEREAS, a change order for engineering design services for the above noted Project between the County of Erie and the engineering firm of Wendel Duchscherer Architects & Engineers, PC of Amherst, New York is necessary for the design of the reconstruction of the bridge.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject 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) Phase of the Project or portions thereof; and be it further

RESOLVED, that the project's supplemental increase of \$75,000.00 of which the local share required is \$3,750.00 is hereby appropriated from B.00151, 2006 Unanticipated Federal Aid Road &

Bridge Program and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) Phase 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 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 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 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 County Executive be authorized to execute a change order in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, New York for the design of the reconstruction of Savage Road Bridge over Dry Creek, contingent upon execution of the agreement with the NYSDOT; 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 ten (10) 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 two 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.
(5-0)

7. COMM. 15E-6 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for Reconstruction of Abbott Road Bridge over Neumann Creek (BR 28-3), Town of Orchard Park, Erie County, NYS PIN 5758.74, BIN 3327370 (the Project) is eligible for

funding under Title 23 U.S. Code, as amended, that calls for the appointment 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 Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) Phase of the Project: PIN 5758.74; and

WHEREAS, the total Project is currently estimated at \$225,000.00 and the County is required to commit the non-Federal share for the Project in the amount of \$45,000.00, which is available from Project Fund B.20932, 2009 Abbott Road Bridge Design. Should 15% New York State funds become available, the local share will be \$11,250.00; and

WHEREAS, your honorable body has previously authorized TVGA Consultants as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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 (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the budget for Project Fund B.20932, 2009 Abbott Road Bridge Design, fund center 123, fund 420, be increased by the anticipated 80% Federal aid and 15% NYS aid in the amounts of \$180,000.00 and \$33,750.00 respectively as follows:

REVENUES		CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$180,000	\$180,000
405160	NYS Marchiselli	\$ 0	\$ 33,750	\$ 33,750
475000	Gen Oblig Bond Proc	<u>\$80,000</u>	<u>\$ 0</u>	<u>\$ 80,000</u>
TOTAL REVENUES		<u>\$80,000</u>	<u>\$213,750</u>	<u>\$293,750</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$80,000</u>	<u>\$213,750</u>	<u>\$293,750</u>
TOTAL APPROPRIATIONS		<u>\$80,000</u>	<u>\$213,750</u>	<u>\$293,750</u>

and be it further

RESOLVED, that the estimated total sum of Project phase, \$225,000.00 is hereby appropriated from B.20932, 2009 Abbott Road Bridge Design and made available to cover the cost of participation in the above phase of the Project; 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 Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 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 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 County Executive be authorized to execute a negotiated Contract in an amount not to exceed the allowable Project design amount between the County of Erie and TVGA Consultants as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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 ten (10) 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 two 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.
(5-0)

8. COMM. 15E-7 (2011)
COUNTY EXECUTIVE AS AMEDNED
WHEREAS, the Harris Hill Intersections Reconstruction Project 5756.47 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the Harris Hill Intersections Reconstruction Project 5756.47 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.20926 – 2009 Harris Hill Intersections Reconstruction in the amount of \$2,500,000.00; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the Harris Hill Intersections Reconstruction Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with project engineers Hatch Mott McDonald for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Harris Hill Intersections Reconstruction Project 5756.47 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Hatch Mott McDonald in an amount not to exceed \$2,500,000.00, contingent upon execution of the agreement with the NYSDOT; and be it further

RESOLVED, that the funds for the Harris Hill Intersections Reconstruction be allocated from fund B.20936 in an amount not to exceed \$2,500,000.00; 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 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 be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Harris Hill Intersections Reconstruction Project 5756.47; 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, 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)

9. COMM. 15E-8 (2011)

COUNTY EXECUTIVE AS AMEDNED

WHEREAS, the reconstruction of Harris Hill Road (CR 276) at Wehrle Drive (CR 275) and Pleasantview Drive (CR 161) PIN 5756.47 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5756.47 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$2,500,00.00 (\$125,000.00 required local share from existing General Obligation Bond Proceeds).

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject 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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that Project Fund B.20926 - 2009 Harris Hill Intersections fund center 123, fund 420, be increased by the anticipated Federal and State Marchiselli revenue in the amount of \$2,375,000.00 as follows:

CURRENT INCREASE/ REVISED

REVENUES	BUDGET	DECREASE	BUDGET
Account	Description		
405160	NYS Marchiselli	\$ 0	\$ 375,000
410170	Federal Aid-Road	\$ 0	\$2,000,000
475000	Gen Oblig Bond Proc	<u>\$455,340</u>	<u>\$ 0</u>
TOTAL REVENUES		<u>\$455,340</u>	<u>\$2,375,000</u>
APPROPRIATIONS			
Capital Projects	Capital Project Exp	<u>\$455,340</u>	<u>\$2,375,000</u>
TOTAL APPROPRIATIONS		<u>\$455,340</u>	<u>\$2,375,000</u>

and be it further

RESOLVED, that the estimated total sum of the Construction Phase of the Project, \$2,500,000.00 is hereby appropriated from B.20926 – 2009 Harris Hill Intersections Reconstruction and made available to cover the cost of participation in the above phase of the Project; 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 Construction and Construction Inspection Phases exceeds the amount appropriated, \$2,500,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$2,500,000.00, 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 Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project 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 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 ten (10) 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 also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(5-0)

10. COMM. 15E-16 (2011)
COUNTY EXECUTIVE

WHEREAS, a number of landslides have occurred from 2009 to 2011 that have affected the roadways owned by Erie County; and

WHEREAS, it is important to begin an engineering design study as to the reasons for these slides and prevent future movement from further damaging the roadways; and

WHEREAS, Erie County has many roads that are in need of reconstruction; and

WHEREAS, it is to the County's advantage to reconstruct these roads to reduce maintenance and capital costs; and

WHEREAS, before construction can commence, these roads are in need of design and, once designed, are in need of construction inspection services; and

WHEREAS, funds exist in SAP Project number B.00028 (2001 Various Road Design, Non-Federal Aid) for work on these roadways; and

WHEREAS, the Department of Public Works desires to use these funds to begin design and construction inspection on various roadways.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into contracts, in amounts not to exceed, as follows:

COUNTY ROAD	ENGINEER	COST
Ketchum Road (CR 501) – Slide (and various other locations)	McMahon & Mann	\$154,231.68
Brighton Road (CR 196)	C&S Engineers	\$20,000.00
Eden Evans Center Road (CR 32)	DiDonato Associates	<u>\$80,000.00</u>
TOTAL OF ALL CONTRACTS		\$254,231.68

and be it further

RESOLVED, SAP Project B.00028, Various Road Design – Non-Federal Aid, will be utilized to perform the necessary study, design and construction inspection of roadways as listed above; 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)

11. COMM. 15E-17 (2011)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Burdick Road Bridge Project will be designed, advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, funding for design for this project is available in SAP B.11027- 2011 Preservation of Bridges and Culverts Design and the construction funding is available in SAP B.00191 – 2008 Preservation of Bridges, Culverts and Dams; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the Contract can be awarded to allow the design to be done, Project bid and awarded and the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Burdick Road Bridge, it will be necessary for the County to execute the design contract with Wendel Duchscherer, the construction contract with the responsible low bidder, establish a construction contingency and negotiate a change order with Wendel Duchscherer for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a Contract for the Reconstruction of Burdick Road Bridge Project Number BR 258-2-11, between the County of Erie and Wendel Duchscherer for design services, the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Wendel Duchscherer in an amount not to exceed \$122,900.00, for design, and \$500,000.00, for construction and inspection services, contingent upon authorization of the 2011 bond sale; and be it further

RESOLVED, that the funds for the Reconstruction of Burdick Road Bridge Project be allocated from SAP B.11027 - 2011 Preservation of Bridges and Culverts Design Project fund, for design, in an amount not to exceed \$122,900.00; and be it further

RESOLVED, that the funds for the Reconstruction of Burdick Road Bridge Project be allocated from SAP B.00191- 2008 Preservation of Bridges, Culverts and Dams Project fund, for Construction and inspection services, in an amount not to exceed \$500,000.00; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Reconstruction of Burdick Road Bridge, Project Number BR 258-2-11; 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, 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)

12. COMM. 15E-18 (2011)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Penora Street Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of Penora Street (CR 23) (the "Project") was authorized by this honorable body via Comm.24E-17 of December 16, 2010; and

WHEREAS, funding for this project was approved and is available in SAP B.21026 - 2010 Preservation of Roads for \$763,697.06 and in SAP B.11025 - 2011 Preservation of Roads for \$1,500,000.00, for a total amount available of \$2,263,697.06; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the Contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Penora Street, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Clark Patterson Lee for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the reconstruction of Penora Street Project Number CAP-CR23-11, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Clark Patterson Lee, in an amount not to exceed \$2,263,697.06, contingent upon authorization of the 2011 bond sale; and be it further

RESOLVED, that the funds for the reconstruction of Penora Street Project be allocated from the 2010 Preservation of Roads Project fund (B.21026) in an amount of \$763,697.06 and also from the 2011 Preservation of Roads Project fund (B.11025) in the amount of \$1,500,000.00, for a total, not to exceed, \$2,263,697.06; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the reconstruction of Penora Street, Project Number CAP-CR23-11; 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, 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)

13. COMM. 15E-23 (2011)
COUNTY EXECUTIVE

WHEREAS, on May 28, 2004 an Intermunicipal Exchange Agreement was entered into, by and among the State of New York, the State University of New York, the Frank Lloyd Wright Rowing

Boathouse Corporation and the County of Erie to facilitate construction of a new rowing boathouse in the City of Buffalo on the Niagara River in the immediate vicinity of the West Side Rowing Club; and

WHEREAS, pursuant to the Intermunicipal Exchange Agreement the County of Erie has provided the New York State – Division of Military and Naval Affairs (NYS DMNA) with a replacement parcel of land and constructed a motor vehicle storage facility; and

WHEREAS, the County of Erie purchased a parcel of land and made the improvements utilizing bond sale proceeds and by the terms of the agreement, the County is required to hold fee title of the premises and improvements until such time the bond debt is satisfied; and

WHEREAS, the NYS DMNA cannot occupy the premises and use the vehicle storage building unless the County of Erie and the State of New York enter into a Lease Agreement for the duration of the bond debt; and

WHEREAS, the State of New York is willing to lease the premises and improvement from the County of Erie in consideration of \$1.00 annual rent payment. All buildings and grounds maintenance shall be the sole responsibility of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a Lease Agreement with the State of New York for a term of approximately fifteen years, or until such time the municipal bond debt has been satisfied; and be it further

RESOLVED, that at the retirement of the municipal bond debt obligations with respect to this property, the County of Erie will transfer simple fee title of the premises and improvements to the State of New York pursuant to the Intermunicipal Exchange Agreement dated May 28, 2004; and be it further

RESOLVED, that the County Executive be authorized to execute the warranty deed and closing documents for conveyance of the premises to the State of New York; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Erie County Attorney, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

14. COMM. 15E-24 (2011)

COUNTY EXECUTIVE

WHEREAS, the reconstruction of Newton Road Bridge Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the replacement of the bridge on Newton Road, BR 110-2 (the “Project”) was authorized by this honorable body via Comm.12E-13 of July 9, 2009; and

WHEREAS, funding for this project was approved and is available in SAP B.11026 - 2011 Preservation of Bridges and Culverts Construction; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Newton Road Bridge, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Nussbaumer & Clarke, Inc. for design construction services and a contract must be negotiated with Foit-Albert Associates for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the reconstruction of Newton Road Bridge Project Number BR110-2-11, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Nussbaumer and Clarke, Inc. and Foit-Albert Associates in an amount not to exceed \$700,000.00; and be it further

RESOLVED, that the funds for the reconstruction of Newton Road Bridge Project be allocated from the 2011 Preservation of Bridges and Culverts Project fund (B.11026) in an amount, not to exceed \$700,000.00; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the reconstruction of Newton Road Bridge, Project Number BR 110-2-11; 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, 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)

14. COMM. 15E-26 (2011)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Rapids Road Bridge Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the replacement of the bridge on Rapids Road, BR 42-1A (the "Project") was authorized by this honorable body via Comm.12E-15 of July 9, 2009; and

WHEREAS, funding for this project was approved and is available in SAP B.11026- 2011 Preservation of Bridges and Culverts Construction; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the reconstruction of Newton Road Bridge, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Wm. Schutt Associates for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Reconstruction of Rapids Road Bridge Project Number BR 42-1A-11, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Wm. Schutt Associates in an amount not to exceed \$300,000.00; and be it further

RESOLVED, that the funds for the Reconstruction of Rapids Road Bridge Project be allocated from the 2011 Preservation of Bridges and Culverts Project fund (B.11026) in an amount, not to exceed \$300,000.00; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Reconstruction of Rapids Road Bridge, Project Number BR 42-1A-11; 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, 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)

TIMOTHY J. WHALEN
CHAIR