

October 30, 2012

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18M-10 (2012)
NYSDOT: "Surplus Property - Proposed Disposal of NYSDOT - Controlled Land - Multiple Parcels"
(5-0)
 - b. COMM. 18M-13 (2012)
NYSDOT: "Surplus Property - Proposed Sale of NYSDOT Land to BTC Block 1/21, Inc. - Elm Street at NY Route 33/Expressway Off Ramp - City of Buffalo"
(5-0)

2. COMM. 18E-14 (2012)
COUNTY EXECUTIVE
WHEREAS, the Town of Hamburg ("Town") intends to create a Railroad Quiet Zone, on Rodgers Road, as per Federal Railroad Administration's (FRA) Train Horn Rule; and

WHEREAS, once construction is complete, Erie County plows will have difficulty plowing the road due to reduced road width at the railroad tracks; and

WHEREAS, the Town of Hamburg has indicated its willingness to assume ownership and maintenance of approximately two (2) centerline miles of Rodgers Road after Erie County has made agreed upon improvements to the road; and

WHEREAS, Town ownership of this section of Rodgers Road will relieve Erie County of plowing and maintenance responsibility; and

WHEREAS, A Memorandum of Understanding ("MOU") between the Town of Hamburg and the County will be necessary to allow the Town to proceed with design and construction of the Rodgers Road Quiet Zone Project, as well as assume ownership of this section of road.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized, and is hereby directed to execute a MOU between Erie County and the Town of Hamburg which shall include the agreed upon County improvements to Rodgers Road; and be it further

RESOLVED, that ownership of approximately two (2) centerline miles of Rodgers Road, as defined by the Commissioner of Public Works, shall be turned over to the Town of Hamburg as per the MOU; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the County Attorney; the Division of Budget and Management and the Department of Public Works.
(5-0)

3. COMM. 18E-17 (2012)
COUNTY EXECUTIVE

WHEREAS, the Intersection Improvement Project PIN 5758.22 (the Project), CR 269, Strickler Road at CR 282, County Road in the Town of Clarence, in Erie County 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 90% Federal funds and 10% 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 (Design I-VI) phase of the project, PIN 5758.22; and

WHEREAS, the preliminary engineering costs are \$45,000, and the County is required to provide the local share portion for the Project in the amount of \$4,500; and

WHEREAS, a contract must be negotiated with Bergmann Associates, of Buffalo, New York, for engineering design services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the intersection improvement project at Strickler Road and County Road; and be it further

RESOLVED, that the County Legislature hereby authorizes the County 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 shall be funded from SAP account B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program, fund center 123, fund 420, which includes the anticipated Federal revenue in the amount of \$40,500 and sufficient bond proceeds to meet the local share requirement of \$4,500; and be it further

RESOLVED, that the estimated total sum of the design phase of the Project, \$45,000 is hereby appropriated from B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program 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 projects' Preliminary Engineering (Design I-VI) phase exceeds \$45,000, the County Legislature shall 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County 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 eligible Project costs and all Project costs within appropriations therefor 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 project engineers Bergmann Associates of Buffalo, New York, to provide design services for the Intersection Improvement Project, Strickler Road at County Road; 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)

THOMAS A. LOUGHRAN
CHAIR