

May 1, 2012

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 7M-2 (2012)
NFTA: "Minutes from Meeting Held 2/27/2012"
(6-0)

2. COMM. 6E-10 (2012)
COUNTY EXECUTIVE

WHEREAS, A Project for Reconstruction of Seneca Street Bridge (BR 215-RR1) Over Norfolk Southern Railroad, Town of West Seneca, Erie County, NYS PIN 5755.25; BIN 3362080 (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, a Supplemental Agreement with New York State Department of Transportation increases the Project Design by \$55,000.00 and Right of Way phases by \$ \$6,000.00 from the previous agreement, and includes Construction phase at an estimated cost of \$ 4,000,000.00; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the Federal and State share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals and Right of Way Acquisition increase, and total Construction & Inspection of the Project, PIN 5755.25; and

WHEREAS, the County of Erie is required to commit the payment of the Local share for the Project in the amount of \$268,250.00; and

WHEREAS, your honorable body has previously authorized Greenman Pederson, Inc. formerly Abate Associates Engineers & Surveyors, P.C. 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), Right of Way Incidentals and Right of Way Acquisition, Construction and Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that in addition to the previous Project agreement appropriations authorized via County Resolution Comm. 6D-16 adopted on April 29, 1999 and 8E-36 on May, 19. 2005, the budget for the Project Preliminary Engineering (Scoping & Design I-VI) be increased by \$51,050.00 for anticipated federal and State revenue, and the local share of \$3,950.00 be appropriated from Erie County bond proceeds in Project Fund B.20916– 2009 Seneca Bridge Design as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$0	\$7,050	\$7,050
414000	Federal Aid	\$0	\$44,000	\$44,000
475000	Gen Oblig Bond Proc	\$8,000	\$0	\$8,000
TOTAL REVENUES		\$8,000	\$ 51,050	\$59,050
APPROPRIATIONS				
516020	Pro Ser Cnt & Fee Capital Projects	\$8,000	\$51,050	\$59,050
	Capital Projects Expense	\$8,000	\$51,050	\$59,050
TOTAL APPROPRIATIONS		\$8,000	\$51,050	\$59,050

and be it further

RESOLVED, that the budget for the Project right of Way Phases be increased by \$5,700.00 for anticipated federal and State revenue, and the local share of \$300.00 be appropriated from Erie County bond proceeds in Project Fund B.00216 – 2008 Seneca Street Bridge Right of Way as follows:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$0	\$4,800	\$4,800
405160	NYS Marchiselli	\$0	\$900	\$900
475000	Gen Oblig Bond Proc	\$2,500	\$0	\$2,500
TOTAL REVENUES		\$2,500	\$5,700	\$8,200
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$2,500	\$5,700	\$8,200
TOTAL APPROPRIATIONS		\$2,500	\$5,700	\$8,200

and be it further

RESOLVED, that the budget for Construction & Inspection Phases be increased by \$3,736,000.00 for anticipated federal and State revenue, and the local share of \$264,000.00 be appropriated from Erie County bond proceeds in Project Fund from B.00205 – 2008 Various Federal Aid Bridge Construction Projects as follows:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$0	\$3,200,000	\$3,200,000
405160	NYS Marchiselli	\$0	\$536,000	\$536,000
475000	Gen Oblig Bond Proc	\$346,750	\$0	\$346,750
TOTAL REVENUES		\$346,750	\$3,736,000	\$4,082,750
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$346,750	\$3,736,000	\$4,082,750

TOTAL APPROPRIATIONS \$346,750 \$3,736,000 \$4,082,750

and be it further

RESOLVED, should additional Federal or State revenue be made available for this project, the project budgets shall be adjusted accordingly; 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) Right of Way Incidentals and Right of Way Acquisition phases phase \$4,553,000.00 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 Change Order in an amount not to exceed the allowable Project design and Right of Way amount between the County of Erie and Greenman-Pedersen, Inc. formerly Abate Associates Engineers & Surveyors, P.C. 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 (2) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

3. COMM. 6E-11 (2012)

COUNTY EXECUTIVE

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 (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 (Design I-VI) phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the previous Project Agreement's Preliminary Engineering (Design I-VI) phase by \$75,000.00 to the new agreement amount of \$225,000.00; and

WHEREAS, the additional local share is available from Project Fund B.00151, 2006 Unanticipated Federal Aid Road & Bridge Program in the amount of \$14,500.00 , and in order to enter into the agreement the budget needs to be increased by the increased revenue amount of \$60,500.00; 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 budget be increased by \$75,000.00 which includes Federal and State revenue in the amount of \$60,500.00, and the additional local share required of \$14,500.00 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 should additional Federal or State revenue become available for the Project, the Project budget will be adjusted accordingly; 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 \$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 therefor 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; 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 of the Office of the Comptroller.
(6-0)

4. COMM. 6E-12 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2011-2012 snowmobile season in the amount not to exceed \$180,950.00; and

WHEREAS, the sum of \$5,000.00 is budgeted as a state revenue for snowmobile development in the 2012 Budget of the Division of Parks; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$180,950.00 as pertains to snowmobile trail maintenance performed during the 2011-2012 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$175,630.00 for the purpose of snowmobile trail maintenance on club trails during the 2011-2012 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$19,250.00
Eden Trail Blazers Inc.	\$11,370.00
Grand Island Snowmobile Club Inc.	\$ 5,600.00
Hamburg Snowmobile Club Inc.	\$18,990.00
Holland Sno-Rascals Inc.	\$20,680.00
Marilla Sno-Mob Inc.	\$15,830.00
Northern Erie Snowseekers Inc.	\$23,670.00
Pioneer Sno-Surfers Inc.	\$ 9,640.00
Southern Tier Snowdrifters Inc.	\$21,310.00
WNY Snowmobile Club of Boston Inc.	<u>\$29,290.00</u>
	\$175,630.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$175,630.00, an increase in appropriations in the amount of \$175,630.00, in the Division of Parks, fund 110, cost center 1641010, account 516020 contractual, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.

(6-0)

5. COMM. 8E-14 (2012)
COUNTY EXECUTIVE

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) has received a Regional Sustainability Planning Grant from the United States Department of Housing and Urban Development in the amount of \$2,133,205; and

WHEREAS, the grant will allow preparation of a Regional Sustainability Development Plan for Erie and Niagara Counties; and

WHEREAS, an important element of the planning process will be to expand and improve the focus of the Framework for Regional Growth prepared for Erie and Niagara Counties in 2006; and

WHEREAS, Erie County benefits from the Agreement by obtaining important updates to the Framework for Regional Growth which serves as the County's primary planning document, and

WHEREAS, said updates will focus on housing, transportation, and agriculture/food access; and

WHEREAS, an organizational element of the grant program is the formation of a Consortium of government units, agencies, and stakeholders to advise the Greater Buffalo- Niagara Regional Transportation Council and NFTA on grant matters; and

WHEREAS, the Erie County Department of Environment and Planning will provide \$116,388.00 of in-kind staff services to the three year effort; and

WHEREAS, said services are itemized as follows:

1. Deputy Commissioner	\$74,337
2. Director of GIS Services	\$11,761
3. Planner	\$12,647
4. Coordinator, Pollution Prevention Program	\$11,761
5. Director of Business Assistance	<u>\$5,882</u>
TOTAL	\$116,388

and

WHEREAS, formal establishment of said Consortium requires execution of a Sustainable Communities Grant Agreement by all members.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a Sustainable Communities Grant Agreement with any and all organizations, agencies, and municipalities comprising the Sustainable Communities Grant Consortium; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

(6-0)

6. COMM. 8E-15 (2012)

COUNTY EXECUTIVE

WHEREAS, Benderson Development Company, LLC, property owner at 348 Langner Road, West Seneca, New York, wishes to purchase a portion of highway right-of-way deemed no longer necessary by the Erie County Lands Advisory Review Committee (ARC); and

WHEREAS, Benderson Development Company, LLC, being the adjacent property owner to the existing right-of-way will compensate the County of Erie for the agreed upon price of \$17,500 for 0.196+ acre at the time of filing in the Erie County Clerk’s Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein for Ridge Road (CR 137) and Langner Road (CR 458), in the Town of West Seneca

PARCELS	OWNER	AREA	VALUE
1 & 2	County of Erie	0.196± acres	\$17,500

and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

7. COMM. 8E-25 (2012)

COUNTY EXECUTIVE

WHEREAS, the Seneca Street Bridge Reconstruction Project PIN 5755.25 was advertised and bid on Thursday, March 8, 2012; and

WHEREAS, this project for the reconstruction of the Seneca Street Bridge Reconstruction PIN 5755.25 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00205 – 2008 Various Federal Aid Bridge Construction Projects in the amount of \$4,000,000; 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 Seneca Street Bridge Reconstruction Project it will be necessary for the County to execute the construction contract with the lowest responsible bidder, Union Concrete & Construction Corp., a construction inspection and services contract with Norfolk Southern Railroad Corporation and project engineers Greenman-Pedersen, Inc. and establish a construction contingency

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Seneca Street Reconstruction Project PIN 5755.25 between the County of Erie and Union Concrete & Construction Corp., the lowest responsible bidder, in the amount of \$2,735,475.95, execute construction inspection and service agreements between the County of Erie and Norfolk Southern Railroad Corp and project engineers Greenman-Pedersen Inc. not to exceed \$934,524.05, and establish a construction contingency in an amount not to exceed \$330,000; and be it further

RESOLVED, that the funds for the Seneca Street Reconstruction Project be allocated from fund B.00205 – 2008 Various Federal Aid Bridge Construction Projects in the amount of \$4,000,000; and be it further

RESOLVED, that the County Executive 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 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.

(6-0)

THOMAS A. LOUGHRAN
CHAIR