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# COUNTY OF ERIE

**CHRIS COLLINS**

COUNTY EXECUTIVE

January 3, 2011

The Honorable  
Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: FEMA DR-1857-NY  
Projects on Zoar Valley Road  
PWs: 644, 667, 751, 868 & 907  
Towns of Concord and Collins**

Honorable Members:

The storms of August 2009 resulted in federally declared disaster DR-1857-NY which severely damaged the transportation infrastructure of southern Erie County. Zoar Valley Road was particularly hard hit and had to be closed to through traffic. Five large projects were identified by FEMA – said projects being identified as project worksheet (PW) numbers 644, 667, 751, 868 and 907. The accompanying resolution permits the County to negotiate and enter into contracts with local consulting firms for the necessary engineering services.

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

Sincerely,

CHRIS COLLINS  
Erie County Executive

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works, Office of the Commissioner  
**Re:** FEMA DR-1857-NY  
Projects on Zoar Valley Road  
PWs: 644, 667, 751, 868 & 907  
Towns of Concord and Collins  
**Date:** January 3, 2011

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### **SUMMARY**

Five large projects on Zoar Valley Road were identified by FEMA as a result of the August 2009 storms. The projects all involve road reconstruction to address roadway and embankment damage and/or failure. The attached resolution empowers the County Executive to execute all necessary contracts to provide engineering services to complete the work.

### **FISCAL IMPLICATIONS**

Approved Project costs are eligible for reimbursement, 75% - FEMA; 12.5% - New York State Office of Emergency Management (SOEM); and Erie County's local share only 12.5%. Erie County must pay in the first instance 100% of approved project costs and then apply for reimbursement. A not to exceed amount of \$800,000.00 will be allocated from SAP account B.20921 - 2009 FEMA 1857-NY Projects to permit execution of contracts for the necessary engineering services through completion of construction with the selected firms.

### **REASONS FOR RECOMMENDATION**

Zoar Valley Road has been closed to through traffic since August 2009 impacting public mobility and safety. Proceeding with the projects noted will restore the road to through traffic and provide increased mobility for local residents and the traveling public.

### **BACKGROUND INFORMATION**

The storms of August 2009 significantly damaged five separate sites on Zoar Valley Road. All five were qualified by the New York State Office of Emergency Management (NYSOEM) and FEMA for participation in FEMA's Public Assistance program which, including NYSOEM's participation provides the funding assistance noted above under Fiscal Implications.

### **CONSEQUENCES OF NEGATIVE ACTION**

The opportunity to address five sites on Zoar Valley Road that are susceptible to storm damage and only have to bear 12.5% of approved costs will be lost and the road will remain closed to through traffic.

### **STEPS FOLLOWING APPROVAL**

Contracts will be negotiated and executed with the consulting firms selected to provide the required engineering services through completion of construction.

## COMPTROLLER'S OFFICE REVIEW

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

Ⓟ *Caution: ~~is~~ technically this may proceed; however, currently not all claims are filed and therefore reimbursements (for funding) received.*

*Lorne H. Steinhart*

LORNE H. STEINHART

Deputy Comptroller  
Comptroller's Office

GJS/BR/ls

File Copy (DPW.1.3.11-3.Zoar Valley Road.docx)

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

RE: FEMA DR-1857-NY  
Projects on Zoar Valley Road  
PWs: 644, 667, 751, 868 & 907  
Towns of Concord and Collins

WHEREAS, as a result of the storms of early August 2009 Federal Disaster DR-1857-NY was declared for parts of Erie County making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified and approved by FEMA were five on Zoar Valley Road in the Towns of Concord and Collins, respectively identified as FEMA PWs 644, 667, 751, 868 and 907 (the "Projects"); and

WHEREAS, it is desired to construct the Projects in the spring of 2011, and

WHEREAS, it is desired therefore to complete the design of the Projects over the winter in order to permit a spring letting; and

WHEREAS, the time required for negotiation and approval of the necessary engineering services contracts will delay the start of design to the extent that a spring letting will not be possible; and

WHEREAS, the following consultants from Erie County DPW – Highways' approved list have been selected for the PWs noted:

PW 644	Clark Patterson Lee
PW 667	Greenman Pedersen, Inc.
PW 751	Parsons
PW 868	TY-LIN
PW 907	Hatch Mott MacDonald

and

WHEREAS, it is desired for the selected consultants to begin work on the Projects while negotiations with the selected consultants are ongoing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Projects and firms noted for an aggregate amount not to exceed \$800,000.00; and be it further

RESOLVED, that funds in the amount of \$800,000.00 be allocated from SAP Account B.20921 - 2009 FEMA 1857-NY Projects for the Projects; 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.

PROJECT TITLE: B.20921 2009 FEMA 1857 - NY Projects

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

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	\$ <u>10,000,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$ <u>10,000,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$ <u>7,216,520.38</u>
TOTAL COMMITMENTS	\$ <u>121,403.12</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$ <u>2,662,076.50</u>
LESS: CONTRACT AMOUNT:	<u>800,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$ <u>1,862,076.50</u>

COMMENTS: There is enough budgeted for the \$800,000 request, however, the funds for \$8,750,000 of the budget are all reimbursed from Federal/State Aid. There is currently an outstanding cash advance of \$3,411,015.37 and an AP for \$128,680.82 with only \$953,208.85 in AR's set up. There would be enough for the request once claims are filed and reimbursements are received.

REQUEST APPROVED: Lore H. Steinhart

REQUEST DENIED: \_\_\_\_\_

DATE: 1/5/2011

*ⓧ technically this may proceed; however, currently not all claims are filed and therefore reimbursements (for funding) received.*

Fund/Group 410..520  
 Funds Center \* (\* )  
 Funded Program B.20921 (2009 FEMA 1857-NY)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
405150 State Aid - SEMO		1,150,000.00-	1,150,000.00-		483,006.64-
412540 Federal Aid FEMA		7,000,000.00-	7,000,000.00-		2,897,026.40-
414020 Misc Federal Aid		600,000.00-	600,000.00-		
420499 OthLocal Source Rev					
486000 Interfnc Rev Subsidy		1,250,000.00-	1,250,000.00-		1,250,000.00-
* Revenue		10,000,000.00-	10,000,000.00-		4,630,033.04-
506200 Maintenance & Repair					11,340.53
506400 Highway Supplies					1,003,730.57
516020 Pro Ser Cnt And Fees				121,403.12	6,201,449.28
CAPITALPROJECTS Capital Project Exp		10,000,000.00	10,000,000.00		
* Expense		10,000,000.00	10,000,000.00	121,403.12	7,216,520.38
** Commitment Item				121,403.12	2,586,487.34

Fund(s): 400..599 Fiscal Year: 2011 Project(s): B.20921 2009 FEMA 1857-NY  
 Period: 1 to 16

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT				
121000 AR CONTROL - STATE CUSTOMERS	953,208.85			953,208.85
121002 AR CONTROL - LOCAL CUSTOMERS				
121005 AR CONTROL - ERIE EMPLOYEES				
130000 DUE FROM (DUE TO) OTHER FUNDS	3,411,015.37-			3,411,015.37-
131000 DUE FROM PRIMARY GOV'T				
200000 ACCOUNTS PAYABLE CONTROL ACCT	128,680.82-			128,680.82-
200200 GR/IR ACCOUNT				
200210 DISCOUNTS CLEARING				
205400 UNCLASSIFIED CASH RECEIPTS				
* Balance Sheet	2,586,487.34-			2,586,487.34-
405150 STATE EMERGENCY MGMT OFFICE (SEMO)	483,006.64-			483,006.64-
412540 F E M A	2,897,026.40-			2,897,026.40-
414020 MISCELLANEOUS FEDERAL AID				
420499 OTHER LOCAL SOURCE REVENUE				
486000 INTERFUND REVENUE SUBSIDY	1,250,000.00-			1,250,000.00-
* Revenues	4,630,033.04-			4,630,033.04-
506200 MAINTENANCE & REPAIR SUPPLIES	11,340.53			11,340.53
506400 HIGHWAY SUPPLIES	1,003,730.57			1,003,730.57
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	6,201,449.28			6,201,449.28
* Expenditures	7,216,520.38			7,216,520.38
** Total				

TO: LORNE H. STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S  
RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 55

11 JAN -3 AM 10:23

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Clark Patterson Lee; Greenman-Pedersen;  
Parsons; TY-LIN; Hatch Mott MacDonald
2. AMOUNT OF CONTRACT Total Not to Exceed \$800,000.00
3. PROJECT NUMBER B.20921
4. PROJECT TITLE 2009 FEMA 1857-NY Projects
5. DEPARTMENT CONTACT Funding questions; Charles A. Sickler, PE at 8372  
Letter pickup; Lynn Sacha at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ \* See comments, below
7. PERFORMED BY Markie Pulvizer
- Date Sent to Comptroller's Office: January 3, 2011

\* COMMENTS: There is enough budgeted for the \$800,000 request, however, the funds for \$8,750,000 of the budget are all reimbursed from Federal/State Aid. There is currently an outstanding cash advance of \$3,411,015.37 and an AP for \$128,680.82 with only \$953,208.85 in AR's set up. There would be enough for the request once claims are filed and reimbursements are received.

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