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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

March 4, 2011

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

**RE: FEMA DR-1857-NY
Project on New Oregon Road (CR 446)
PW 813
Town of Eden**

Honorable Members:

The storms of August 2009 severely damaged the transportation infrastructure of southern Erie County and resulted in federally declared disaster DR-1857-NY. New Oregon Road was among the roads damaged by the storms. One of the large projects identified by the New York State Office of Emergency Management and FEMA on New Oregon Road is PW 813. The accompanying resolution permits the County to negotiate and enter into a contract with the consulting firm Greenman-Pedersen, Inc. 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
Project on New Oregon Road (CR 446)
PW 813
Town of Eden
Date: March 4, 2011

SUMMARY

PW 813 was one of the large projects identified by FEMA on New Oregon Road. The project involves 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 12.5% as Erie County's local share. Erie County must pay in the first instance 100% of approved project costs and then apply for reimbursement. Erie County is currently negotiating with FEMA regarding the scope of approved project costs. A not to exceed amount of \$200,000.00 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 firm.

REASONS FOR RECOMMENDATION

PW 813 is located on New Oregon Road between Knapp Road and Clarksburg Road. The roadway embankment at this location continues to degrade causing the roadway to crack and settle, impacting public mobility and safety. Proceeding with the project noted will restore the road and provide increased mobility for local residents and the traveling public.

BACKGROUND INFORMATION

The storms of August 2009 significantly damaged much of the transportation infrastructure in southern Erie County. Several sites on New Oregon Road were damaged and 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

This site requires reconstruction as the roadway and embankment are progressively degrading. Depending on the outcome of negotiations with FEMA funding assistance up to 87.5% of the total approved cost of the project may be available from FEMA and SOEM. The opportunity to address a site on New Oregon Road that is susceptible to storm damage and to have access to

some level of funding assistance will be lost along with the opportunity to improve the safety of the traveling public.

STEPS FOLLOWING APPROVAL

Contracts will be negotiated and executed with the selected consulting firm 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.

⊗ ⊗ *There will be sufficient appropriations for the proposed action once reimbursements are received from state/federal Aid. There is no cash available in the project.*

Lorne H. Steinhart

LORNE H. STEINHART
Associate Deputy Comptroller
Comptroller's Office

GJS/BR/ls

File Copy (DPW.3.4.11-2.New Oregon Road Reconstruction.docx)

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

RE: FEMA DR-1857-NY
Project on New Oregon Road (CR 446)
PW 813
Town of Eden

WHEREAS, the transportation infrastructure of Southern Erie County was significantly damaged by the storms of early August 2009; and

WHEREAS, Federal Disaster DR-1857-NY was declared for parts of Erie County as a result of the August storms 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 by FEMA and eligible for reimbursement was PW 813 (Project) on New Oregon Road in the Town of Eden; 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; and

WHEREAS, it is desired to construct the Project during the 2011 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Project and engineering firm Greenman-Pedersen, Inc. for an aggregate amount not to exceed \$200,000.00; and be it further

RESOLVED, that funds in the amount of \$200,000.00 be allocated from SAP Account B.20921; WBS element B.20921.1.2 - 2009 FEMA 1857-NY Projects for the Project; 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

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 \$ 10,000,000.00

TOTAL PROJECT APPROPRIATIONS \$ 10,000,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 7,507,164.61

TOTAL COMMITMENTS \$ 199,171.24

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 2,293,664.15

LESS: CONTRACT AMOUNT: 200,000.00

NET AVAILABLE APPROPRIATIONS \$ 2,093,664.15

COMMENTS: State/Federal Aid reimbursable.

REQUEST APPROVED: Lorne H. Steinhart

REQUEST DENIED: _____

DATE: 3/4/2011

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

Commitment Item	Original Budge	Adjustments	Current Budget	Commitment	Actuals
405150 State Aid - SEMO		1,150,000.00-	1,150,000.00-		512,727.75-
412540 Federal Aid FEMA		7,000,000.00-	7,000,000.00-		3,075,290.62-
414020 Misc Federal Aid		600,000.00-	600,000.00-		
420499 OthLocal Source Rev					
486000 Interfnd Rev Subsidy		1,250,000.00-	1,250,000.00-		1,250,000.00-
* Revenue		10,000,000.00-	10,000,000.00-		4,838,018.37-
506200 Maintenance & Repair					11,340.53
506400 Highway Supplies					1,003,730.57
516020 Pro Ser Cnt And Fees				199,171.24	6,490,359.51
911200 ID Comptroller's Srv					1,734.00
CAPITALPROJECTS Capital Project Exp		10,000,000.00	10,000,000.00		
* Expense		10,000,000.00	10,000,000.00	199,171.24	7,507,164.61
** Commitment Item				199,171.24	2,669,146.24

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	1,734.00-	948,480.47	946,746.47-	
121000 AR CONTROL - STATE CUSTOMERS	1,161,194.21		384,314.65-	776,879.56
121002 AR CONTROL - LOCAL CUSTOMERS				
121005 AR CONTROL - EREB EMPLOYEES				
130000 DUE FROM (DUE TO) OTHER FUNDS	3,411,015.37-	536,027.95		2,874,987.42-
131000 DUE FROM PRIMARY GOV'T				
200000 ACCOUNTS PAYABLE CONTROL ACCT	183,671.70-	410,718.52	233,616.52-	6,569.70-
200200 GR/IR ACCOUNT		233,616.52	233,919.35-	302.83-
200210 DISCOUNTS CLEARING				
205400 UNCLASSIFIED CASH RECEIPTS			564,165.85-	564,165.85-
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
* Balance Sheet	2,435,226.86-	2,128,843.46	2,362,762.84-	2,669,146.24-
405150 STATE EMERGENCY MGMT OFFICE (SEMO)	512,727.75-			512,727.75-
412540 F E M A	3,075,290.65-	0.03		3,075,290.62-
414020 MISCELLANEOUS FEDERAL AID				
420499 OTHER LOCAL SOURCE REVENUE				
486000 INTERFUND REVENUE SUBSIDY	1,250,000.00-			1,250,000.00-
* Revenues	4,838,018.40-	0.03		4,838,018.37-
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	6,256,440.16	233,919.35		6,490,359.51
690001 FICO Rec-Man Cst All	1,734.00			1,734.00
* Expenditures	7,273,245.26	233,919.35		7,507,164.61
** Total		2,362,762.84	2,362,762.84-	

B. 20921

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N. Y., NOVEMBER 19, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 22nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Nineteenth day of November, 2009 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, in the beginning of August 2009, significant rains and flooding occurred severely damaging the infrastructure owned by and within Erie County, Cattaraugus County and Chautauqua County; and

WHEREAS, due to the amount of devastation to both municipal owned facilities as well as loss to individuals, the President issued a Declaration of Disaster for both Public Assistance (PA) and Individual Assistance (IA); the preliminary damage assessment to Erie County owned facilities is \$10 million; and

WHEREAS, this Declaration opens the path for partial reimbursement from both State Emergency Management Office (SEMO) expected to be 12.5% of the damage and the Federal Emergency Management Agency (FEMA) expected to be at 75%; and

WHEREAS, due to the severity of damage, Federal Highway Administration (FHWA) funding is available for repairs on certain roadways expected to be at 80%.

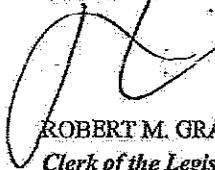
NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive to enter into contract and to accept any and all funds from the State and Federal governments related to this disaster; and be it further

RESOLVED, that the Erie County Legislature authorizes the County Executive to participate in the FHWA Emergency Response Program; and be it further

RESOLVED, the Erie County Legislature authorizes the establishment of a capital project combining the FEMA, SEMO, FHWA and local match fund, to be budgeted as follows:

ATTEST



ROBERT M. GRABBER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., NOVEMBER 19, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 22nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Nineteenth day of November, 2009 A.D., a Resolution was adopted, of which the following is a true copy:

Fund 210 Highways	
Expense	Decrease
506400 Highway Supplies	\$1,250,000.00
570000 Interfund Transfer	Increase
	\$1,250,000.00
Total	

Fund 420 - Storm Repairs	
Revenue	Increase
405150 State Aid - SEMO	\$1,150,000.00
412540 Federal Aid FBMA	\$7,000,000.00
414020 Misc Federal Aid (FHWA)	\$600,000.00
486000 Interfund Revenue Subsidy	<u>\$1,250,000.00</u>
Total	\$10,000,000.00

Expense	
Capital Projects	\$10,000,000.00
Net	

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.

REFERENCE: COMM. 20E-12 (2009)

ATTEST


ROBERT M. GRABBER

Clerk of the Legislature of Erie County

TO: LORNE H. STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S
RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 55

11 MAR -3 PM 12:20

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Greenman-Pedersen, Inc.
2. AMOUNT OF CONTRACT Total Not to Exceed \$200,000.00
3. PROJECT NUMBER B.20921.1.2
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 \$ No cash available in project.
State / Federal Aid reimbursable.
 7. PERFORMED BY Charlie Pilsner
- Date Sent to Comptroller's Office: March 3, 2011

[55 compt_10]