



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 1, 2016

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

**RE: Locally Administered Federal Aid Project
NYSDOT Supplemental Agreement No. 1
Replacement of Salt Road Bridges over Beeman Creek
BR 560-2 (BIN 3326800) & BR 560-4 (BIN 3326810)
PIN 5759.91 - Project No. FA560-2-4-16
Town of Clarence, County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a Supplemental Agreement with the New York State Department of Transportation for continued participation in the Replacement of Salt Road Bridges over Beeman Creek Federal Aid Project

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,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/br/dab

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
RE: Locally Administered Federal Aid Project
NYSDOT Supplemental Agreement No. 1
Replacement of Salt Road Bridges over Beeman Creek
BR 560-2 (BIN 3326800) & BR 560-4 (BIN 3326810)
PIN 5759.91- Project No. FA560-2-4-16
Town of Clarence, County of Erie
Date: June 1, 2016

SUMMARY

This resolution is seeking authorization for the County Executive to execute a supplemental agreement with the New York State Department of Transportation for continued participation in the Replacement of Salt Road Bridges over Beeman Creek federal aid project. This action includes authorization for Erie County to advance the Federal and New York State share of the project, accept Marchiselli funds for the design and Right of Way (ROW) phase of the project, and participate in the Construction phase of the project.

FISCAL IMPLICATIONS

The supplemental agreement with NYSDOT adjusts the funding for design, ROW and construction to reflect actual and projected costs. Cost are split 80% federal and 20% State. **There is no local (i.e. County) share.** The County must in the first instance pay 100% of project costs and then apply to NYSDOT for reimbursement.

The estimated total cost of the project is \$1,859,000 and will be available with adjustments for anticipated Federal and State revenue in accordance with the Supplemental Agreement from:

- B.13008, 2013 Salt Rd Bridges ,De/ROW\$ 224,000 (\$179,200 federal/\$ \$44,800 NYS)
- B.14004, 2014 Salt Rd Bridges, ROW \$ 35,000 (\$28,000 federal/\$7,000 NYS)
- B.15003, 2015 Salt Rd Bridges, Constr. \$1,600,000 (\$1,280,000 federal/\$320,000NYS)

REASONS FOR RECOMMENDATION

The supplemental agreement with NYSDOT brings federal and local project funding in line with actual and projected project costs and allows the project to be completed.

BACKGROUND INFORMATION

The supplemental agreement with NYSDOT brings the funding in the County's contract with NYSDOT in line with actual and projected costs and allows execution of agreements with Watts Architecture & Engineering (Consultant), the Contractor determined to be the successful low bidder, various utilities, the acquisition of needed right-of-way, the acquisition of required permits, and establishment of a project contingency.

CONSEQUENCES OF NEGATIVE ACTION

The project will not go forward and the opportunity to replace two deteriorated 1930's era bridges with 100% state and federal funding will be jeopardized.

STEPS FOLLOWING APPROVAL

The supplemental agreement with NYSDOT will be executed by the County and returned to NYSDOT for full execution. Budget, as stated in the resolution, will be adjusted for anticipated federal and state revenue in accordance with the Supplemental Agreement.

COMPTROLLER'S OFFICE REVIEW

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



~~GREGORY GACH~~ Stefan I. Mychajliw
~~Deputy Comptroller~~
Comptroller's Office

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

Re: Federal-Aid Highway Local Project
NYSDOT Supplemental Agreement No. 1
Replacement of Salt Road Bridges over Beeman Creek
BR 560-2 (BIN 3326800) & BR 560-4 (BIN 3326810)
PIN 5759.91- Project No. FA560-2-4-16
Town of Clarence, County of Erie

WHEREAS, the Salt Road Bridge Replacement Project PIN 5759.91 (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, New York State funding is available that will cover the 20% Non-Federal share resulting in no net cost to the County; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design and Right of Way Incidentals phases via Legislative Communication 19E-10 dated November 21, 2013; and

WHEREAS, the NYSDOT Supplemental Agreement is in the total amount of \$1,859,000, an increase of \$1,623,000 over the County's existing Project Agreement with NYSDOT; and

WHEREAS, the County of Erie is required to advance 100% of the project costs and then apply for reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Replacement of Salt Road Bridges over Beeman Creek Federal Aid 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 cost of the Preliminary Engineering (Scoping & Design Phases I-VI), Right of Way Incidentals, Right of Way Acquisition and Construction phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Budget for Preliminary Design Engineering and Right of Way Incidentals, Fund 420, BA 123, Project B.13008, 2013 Salt Road Bridge Design/ROW Incidentals, be adjusted by the amount of anticipated Federal and New York State revenue in accordance with the Supplemental Agreement as follows:

PRELIMINARY DESIGN AND ROW INCIDENTALS
 PIN 5759.91.121

<u>REVENUES</u>		<u>CURRENT</u>	<u>INCREASE/</u>	<u>REVISED</u>
		<u>BUDGET</u>	<u>DECREASE</u>	<u>BUDGET</u>
Account	Description			
405160	Marchiselli Aid	\$ 0	\$ 44,800	\$ 44,800
414000	Federal Aid	\$ 188,800	\$ (9,600)	\$ 179,200
445070	Prem. on Oblig.	\$ 9,478	\$ 0	\$ 9,478
475000	Gen Oblig Bond Proc	\$ 60,522	\$ 0	\$ 60,522
<u>TOTAL REVENUES</u>		<u>\$ 258,800</u>	<u>\$ 35,200</u>	<u>\$ 294,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp.	\$ 258,000	\$ 35,200	\$ 294,000
<u>TOTAL</u> <u>APPROPRIATIONS</u>		<u>\$ 258,000</u>	<u>\$ 35,200</u>	<u>\$ 294,000</u>

; and be it further

RESOLVED, that the Project Budget for Right of Way, Fund 420, BA 123, Project B.14004 Salt Road Bridges Right of Way be adjusted by the amount of anticipated Federal and New York State revenue in accordance with the Supplemental Agreement as follows:

RIGHT OF WAY
 PIN 5759.91.221

<u>REVENUES</u>		<u>CURRENT</u>	<u>INCREASE/</u>	<u>REVISED</u>
		<u>BUDGET</u>	<u>DECREASE</u>	<u>BUDGET</u>
Account	Description			
405160	Marchiselli Aid	\$ 0	\$ 7,000	\$ 7,000
414000	Federal Aid	\$ 32,000	(\$ 4,000)	\$ 28,000
445070	Prem. on Oblig.	\$ 1,069	\$ 0	\$ 1,069
475000	Gen Oblig Bond Proc	\$ 6,931	\$ 0	\$ 6,931
<u>TOTAL REVENUES</u>		<u>\$ 40,000</u>	<u>\$ 3,000</u>	<u>\$ 43,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$ 40,000	\$ 3,000	\$ 43,000
<u>TOTAL APPROPRIATIONS</u>		<u>\$ 40,000</u>	<u>\$ 3,000</u>	<u>\$ 43,000</u>

; and be it further

RESOLVED, that the Project Budget for Construction, Fund 420, BA 123, Project B.15003 Salt Road Bridges Construction be adjusted by the amount of anticipated Federal and New York State revenue in accordance with the Supplemental Agreement as follows:

CONSTRUCTION
PIN 5759.91.321

<u>REVENUES</u>		<u>CURRENT BUDGET</u>	<u>INCREASE/ DECREASE</u>	<u>REVISED BUDGET</u>
Account	Description			
405160	Marchiselli Aid	0	\$ 320,000	\$ 320,000
414000	Federal Aid	\$1,600,000	(\$ 320,000)	\$1,280,000
475000	Gen Oblig Bond Proc	\$ 400,000	\$ 0	\$ 400,000
<u>TOTAL REVENUES</u>		<u>\$2,000,000</u>	<u>\$ 0</u>	<u>\$2,000,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$ 400,000	\$ 0	\$ 400,000
	Unallocated	\$1,600,000	\$ 0	\$1,600,000
<u>TOTAL APPROPRIATIONS</u>		<u>\$2,000,000</u>	<u>\$ 0</u>	<u>\$2,000,000</u>

; 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 Phases as described above exceed the amounts noted, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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 and State 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 County's first instance funding of Project costs; 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 six (6) certified copies of this Resolution be forwarded 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 one (1) certified copy of this Resolution be forwarded to each of: the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

TO: GREGORY GACH - COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME NYS Department of Transportation
2. AMOUNT OF CONTRACT Total Contract - \$1,859,000
3. PROJECT NUMBER B.13008, 2013 SRB Des/ROW \$ 224,000
B.14004, 2014 SRB ROW \$ 35,000
B.15003, 2015 SRB Const \$1,600,000
4. PROJECT TITLE Replacement of Salt Road Bridges over Beeman Creek, Town of Clarence, Erie County
5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 70,000.⁰⁰
7. PERFORMED BY *John R. Minibell*
- Date Sent to Comptroller's Office: May 17, 2016

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