



ECLEG 43824117 AM10:41

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 24, 2017

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

**RE: BRIDGE NY Project Agreement with NYSDOT - Culvert Replacement
Warner Hill Road CR 390 over Tributary Cazenovia Creek
BIN 390-1A - Town of Wales - NYS PIN 5762.22**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the above-noted Project and also authorizing the County Executive to enter into an Agreement with the New York State Department of Transportation to pay the New York State share of the cost for design, construction and construction inspection for this 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, appearing to read "Mark C. Poloncarz", is written over a faint, larger version of the same signature.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:dms/dab

cc: Charles A. Sickler, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: BRIDGE NY Project Agreement with NYSDOT-Culvert Replacement
Warner Hill Road - CR 390 over Tributary Cazenovia Creek
BIN 390-1A - Town of Wales - NYS PIN 5762.22
Date: April 24, 2017

SUMMARY

Adopt a resolution authorizing the County of Erie to enter into an Agreement with the NYSDOT for the design, right of way, construction and construction inspection of the above-noted project.

FISCAL IMPLICATIONS

The total cost of this project is currently estimated at \$400,000 with no local share required. The entire amount of \$400,000 will be reimbursed through the Bridge NY local project agreement. The project amount of \$400,000 is 100% funded by New York State Department of Transportation. A new project fund in BA 123, Fund 420 will be established for anticipated state revenue in the amount of \$400,000.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works desires to advance the Project by entering into an Agreement for the design, construction and construction inspection phases of this project with the New York State Department of Transportation. The Project benefits from 100% reimbursement from New York State.

BACKGROUND INFORMATION

This project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with New York State funds.

CONSEQUENCES OF NEGATIVE ACTION

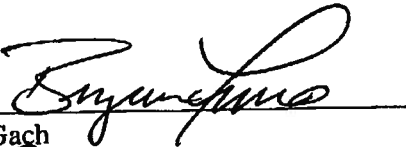
If the Agreement is not approved, the Culvert Replacement of Warner Hill Road over Tributary of Cazenovia Creek will continue to deteriorate and pose problems for the traveling public and adjacent transportation facilities. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Bridge NY projects.

STEPS FOLLOWING APPROVAL

The Office of the Comptroller will establish a new capital project fund for the anticipated state revenue in the amount of \$400,000 for the purposes of this project. The Highway Division will proceed with execution of agreements with the County Executive and the New York State Department of Transportation, and the project will proceed on schedule.

OFFICE REVIEW COMPTROLLER'S

The proposed legislation has been reviewed by the Office of the Comptroller and requires a project be created to accept monies from NYSDOT.



Gregory Gach
Deputy Comptroller
Comptroller's Office

NYS PIN 5762.22

BRYAN FIUME
Associate Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: BRIDGE NY Project Agreement with NYSDOT - Culvert Replacement
Warner Hill Road CR 390 over Tributary Cazenovia Creek
BIN 390-1A - Town of Wales - NYS PIN 5762.22

WHEREAS, the reconstruction of the Culvert Warner Hill Road over Tributary Cazenovia Creek, NYS PIN 5762.22 (the "Project") 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 100% of State funds, depending upon the Bridge NY Funding Program; and

WHEREAS, the County of Erie desires to advance the design, right of way, construction and construction inspection for Culvert Replacement of Warner Hill Road over Tributary of Cazenovia Creek Project, PIN 5762.22, through an Agreement with NYSODT for a total of \$ 400,000 with no required local share; and

WHEREAS, this new project requires a new capital project, established in the amount of \$400,000 in BA 123, Fund 420, for the anticipated State revenue.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the reconstruction of the Culvert Warner Hill Road over Tributary Cazenovia Creek, NYS PIN 5762.22; 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 New York State share of the cost of the Design, Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Office of Budget and Finance establish a new capital project in the amount of \$400,000 in BA 123, Fund 420, for the anticipated state revenue G/L Account 409000 available to cover the cost of participation in the above Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the States shares of the costs of the Project's design, right of way, construction, and construction inspection Phases exceeds the amount appropriated, \$ 400,000, 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 New York 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 Municipality's first instance funding of Project costs; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for the project, 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 (6) 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.

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

New York State Dept. of Transportation

CHA Consulting Engineers – Doc# 15-577-PW

2. AMOUNT OF CONTRACT

\$400,000

3. PROJECT NUMBER

SAP B.xxxxx= \$400,000

4. PROJECT TITLE

Culvert Replacement Warner Hill Road over Tributary
of Cazenovia Creek

Funding questions: Charles A. Sickler, PE at 8372

5. DEPARTMENT CONTACT

Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$ 400,000.00 (based on resolution)

7. PERFORMED BY



Date Sent to Comptroller's Office:

April 12, 2017

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