

May 4, 2017

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 8E-4 (2017)
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 (the "Project") is eligible for funding under Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); 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 via Legislative Communication 8E-5 dated May 12, 2016 in the amount of \$110,000 (\$11,000 in local share); and

WHEREAS, the New York State Department of Transportation has agreed to increase the Project scope and allowance as well as anticipated federal and New York State Marchiselli funds via a Supplemental Agreement No. 1 in the amount of an additional \$115,000, a total of \$225,000, for the Project's Preliminary Engineering and Right of Way Incidental phases; and

WHEREAS, the Supplemental Agreement No. 1 increases Erie County's local share from \$11,000 to \$15,000 of which the difference of \$4,000 is available from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123; and

WHEREAS, the firm of Clark Patterson Lee, after a public RFQ process, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the safety improvements of the above noted Genesee Road (CR 49/409), Route 240 (CR 27/198) and Sibley Road (CR 432) intersection required.

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 and Design I-VI) and Right of Way Incidentals phases of the Project or portions thereof in the amount of \$225,000; and be it further

RESOLVED, that the Project SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123, be increased by the anticipated Federal (\$103,500) and New York State Marchiselli (\$7,500) revenue as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 7,500	\$ 7,500
414000	Federal Aid	\$ 153,000	\$ 103,500	\$ 256,500
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$ 400,000</u>
TOTAL REVENUES		<u>\$ 553,000</u>	<u>\$ 111,000</u>	<u>\$ 664,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 553,000</u>	<u>\$ 111,000</u>	<u>\$ 664,000</u>
TOTAL APPROPRIATIONS		<u>\$ 553,000</u>	<u>\$ 111,000</u>	<u>\$ 664,000</u>

; and be it further

RESOLVED, that the estimated total sum for design engineering of the noted Project phases, \$225,000 is hereby appropriated from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED that the County Executive be authorized to execute the Supplemental Agreement No. 1 with the NYSDOT and a negotiated Contract between the County of Erie and Clark Patterson Lee as Project Design Engineers in an amount not to exceed \$225,000; 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) and Right of Way Incidentals phases exceeds the amount appropriated above, 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, should the Supplemental Agreement receive additional NYS Marchiselli reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; 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 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 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 six (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; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0)

2. COMM. 8E-5 (2017)

COUNTY EXECUTIVE

WHEREAS, the replacement of the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 is needed due to structural deficiencies; and

WHEREAS, the replacement of Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77, (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 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance 80% of the reimbursable Federal share and payment of the 20% Non-Federal share of the costs of

the Preliminary Engineering (Scoping & Design I-IV) and Right of Way Incidentals phases of the Project; and

WHEREAS, the design phases I - IV and incidental right of way phase of the Project, PIN 5761.77, is currently estimated at \$115,000 and the County is required to pay the estimated local share for the Project in the amount of \$23,000 which is available in Project B.15019, Fund Center 123, Fund 420, 2015 Capital Road Overlay Program; and

WHEREAS, this new project requires a new capital project, established in the amount of \$92,000 in Fund Center 123, Fund 420;

WHEREAS, an amendment to contract document no. 10-961-PW with project designers Foit Albert & Associates of Buffalo, New York will have to be negotiated for the tasks in the Project agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 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 design engineering (Design I-IV) and right-of-way incidentals, phases of the Project or portions thereof in the amount of \$115,000; and be it further

RESOLVED, that the Erie County Office of Budget and Finance establish a new capital project B.17xxx in the amount of \$92,000 in Fund Center 123, Fund 420 as shown below

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$ 92,000	\$92,000
TOTAL REVENUES		<u>\$ 0</u>	<u>\$ 92,000</u>	<u>\$92,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 0</u>	<u>\$ 92,000</u>	<u>\$92,000</u>

TOTAL APPROPRIATIONS \$0 \$ 92,000 \$92,000

; and be it further

RESOLVED, that the local share required in the amount of \$23,000 be utilized from Project B.15019, 2015 Capital Overlay Program, fund center 123, fund 420; 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 costs of the Project's design phases I-IV, and right of way incidentals phases exceeds the amount appropriated, \$115,000, 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 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 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 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 of the County of Erie is hereby authorized to execute the necessary Amendment to Erie County Contract Document No. 10-961-PW with Foit Albert & Associates in connection with the advancement of the Project identified in the State/Local Agreement; 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 six (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; and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller. (5-0)

3. COMM. 8E-6 (2017)

COUNTY EXECUTIVE

WHEREAS, the Cedar Street CR261 Bridge over Ledge Creek, BIN 3326580, needs to be replaced due to structural deficiencies; and

WHEREAS, the replacement of Cedar Street CR261 Bridge over Ledge Creek, BIN 3326580, PIN 5761.78, (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 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance 80% of the reimbursable Federal share and payment of the 20% Non-Federal share of the costs of the preliminary design engineering (Scoping & Design I-IV) and right of way incidentals phases of the Project; and

WHEREAS, the design phases I - IV and incidental right of way phase of the Project, PIN 5761.78, is currently estimated at \$130,000 and the County is required to pay the estimated local share for the Project in the amount of \$26,000 which is available in Project B.15019, Fund Center 123, Fund 420, 2015 Capital Road Overlay Program; and

WHEREAS, this new project requires a new capital project, established in the amount of \$104,000.00 in Fund Center 123, Fund 420, for the anticipated federal revenue.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the replacement of Cedar Street CR261 Bridge over Ledge Creek, BIN 3326580, PIN 5761.78; 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 design engineering (I-IV) and right-of-way incidentals, phases of the Project or portions thereof in the amount of \$130,000; and be it further

RESOLVED, that the Erie County Office of the Comptroller establish a new capital project B.17xxx in the amount of \$104,000 in Fund Center 123, Fund 420

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$ 104,000	\$ 104,000
		<u>\$ 0</u>	<u>\$ 104,000</u>	<u>\$ 104,000</u>

TOTAL REVENUES

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$ 0</u>	<u>\$ 104,000</u>	<u>\$ 104,000</u>
TOTAL APPROPRIATIONS		<u>\$0</u>	<u>\$ 104,000</u>	<u>\$ 104,000</u>

; and be it further

RESOLVED, that the local share required in the amount of \$26,000 be utilized from Project B.15019, 2015 Capital Overlay Program, fund center 123, fund 420; 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 costs of the Project's design phases I-IV, and right of way incidentals phases exceeds the amount appropriated, \$130,000, 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 Federal 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 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 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 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 six (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; and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller. (5-0)

4. COMM. 8E-7 (2017)
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of Colvin Boulevard (CR 118) and Brighton Road (CR 196) Intersection, Town of Tonawanda, PIN 5760.97 (the "Project") is eligible for

funding under Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); 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 via Legislative Communication 8E-6 dated May 12, 2016 in the amount of \$60,000 (\$6,000 in local share); and

WHEREAS, the New York State Department of Transportation has agreed to increase the Project scope and allowance as well as anticipated federal and New York State Marchiselli funds via a Supplemental Agreement No. 1 in the amount of an additional \$60,000, a total of \$120,000, for the Project's Preliminary Engineering and Right of Way Incidentals phases; and

WHEREAS, the Supplemental Agreement No. 1 increases Erie County's local share from \$6,000 to \$6,600 of which the difference of \$600.00 is available from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123; and

WHEREAS, the firm of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC, after a public RFQ process, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the safety improvements of the above noted Colvin Boulevard (CR 118) and Brighton Road (CR 196) intersection required.

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 and Design I-VI) and Right of Way Incidentals phases of the Project or portions thereof in the amount of \$120,000; and be it further

RESOLVED, that the Project SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123, be increased by the anticipated Federal (\$54,000) and New York State Marchiselli (\$5,400) revenue as follows:

REVENUES	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description		

405160	NYS Marchiselli	\$ 0	\$ 5,400	\$ 5,400
414000	Federal Aid	\$ 153,000	\$ 54,000	\$ 207,000
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$ 400,000</u>
TOTAL REVENUES		<u>\$ 553,000</u>	<u>\$ 59,400</u>	<u>\$ 612,400</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 553,000</u>	<u>\$ 59,400</u>	<u>\$ 612,400</u>
TOTAL APPROPRIATIONS		<u>\$ 553,000</u>	<u>\$ 59,400</u>	<u>\$ 612,400</u>

; and be it further

RESOLVED, that the estimated total sum for design engineering of the noted Project phases, \$120,000 is hereby appropriated from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED that the County Executive be authorized to execute the Supplemental Agreement No. 1 with the NYSDOT and a negotiated Contract between the County of Erie and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC as Project Design Engineers in an amount not to exceed \$120,000; 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) and Right of Way Incidentals phases exceeds the amount appropriated above, 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, should the Supplemental Agreement receive additional NYS Marchiselli reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; 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 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 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 six (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; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0)

5. COMM. 8E-8 (2017)
COUNTY EXECUTIVE

WHEREAS, the Elmwood Avenue Pedestrian-Bicycle Improvements Project, PIN 5761.03 (the "Project") is eligible for funding under the Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie has agreed to act as sponsor of the Project at the request of the Village of Kenmore; and

WHEREAS, under the Transportation Alternatives Program the federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs borne 100% by the local sponsor; and

WHEREAS, the County of Erie desires to advance the construction phase of the Project; and

WHEREAS, the Village of Kenmore via an inter-municipal agreement, has agreed to reimburse the County of Erie for the entire local (non-federal) cost share, including 100% of any cost overruns up to a total project local share of \$225,000, including a \$50,000 100% local contribution; and

WHEREAS, NYSDOT supplemental agreement #1 authorized by COMM. 3E-7 (February 23, 2017) increased the total project local share to \$227,000 due to an unanticipated increase in overall project funding, an increase in local share of \$2,000; and

WHEREAS, the Village has provided a letter from the Mayor and a Village Board Resolution agreeing to reimburse the County for the additional \$2,000 in local share; and

WHEREAS, the additional \$2,000 will be added to the inter-municipal agreement by amendment; and

WHEREAS, the project was bid on March 2, 2017 and the low bidder was CATCO with a bid of \$705,825.70; and

WHEREAS, it is desired to award a contract for the construction of the project to CATCO; and

WHEREAS, it is desired to execute a contract with project engineers, DiDonato Associates for Additional Design Services in the amount of \$13,506.20 and for Construction Phase Services for the Project in the amount of \$83,806; and

WHEREAS, it is desired to establish a project contingency in the amount of \$15,368.30 for unanticipated costs or change orders.

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 Construction Phase of the Project or portions thereof; and be it further

RESOLVED, that the Other Local Source Revenue and the Capital Project Expense lines for Fund 420, BA 123, B.15077 Elmwood Pedestrian Bike Improvements, PIN 5761.03 each be increased by \$2,000 to reflect the additional \$2,000 local share pledged by the Village; and be it further

RESOLVED, that the County Executive be authorized to award and execute contracts for the Project with responsible low bidder, CATCO in the amount of \$705,825.70 which is hereby appropriated from Fund 420, BA123, SAP B.15077 2015 Elmwood Pedestrian Bike Improvements, PIN 5761.03 and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that the County Executive be authorized to execute a contract with DiDonato Associates for additional design services in the amount of \$13,506.20 which is hereby appropriated from Fund 420, BA 123, B.15077.1 Elmwood Pedestrian-Bike Improvements, PIN 5761.03 and construction phase services in the amount of \$83,806 which is hereby appropriated from Fund 420, BA 123, B.15077.2 2015 Elmwood Pedestrian Bike Improvements, PIN 5761.03 and made available to cover the cost of said services; and be it further

RESOLVED, that the County Executive be authorized to execute contingency agreements and change orders for the Project in the amount of \$15,368.30 which is hereby appropriated from Fund 420, BA 123, B.15077 2015 Elmwood Pedestrian Bike Improvements, PIN 5761.03 and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.
(5-0)

6. COMM. 8E-9 (2017)
COUNTY EXECUTIVE

WHEREAS, the replacement of Trevett Road CR420 Bridge over Clear Creek, BIN 3328340, PIN 5762.15, (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 95% Federal funds and 5% non-Federal funds, depending upon the Bridge NY Funding Program; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the 95% of reimbursable Federal share and payment of the 5% local share the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, the design phases I - VI and incidental right of way phase of the Project, PIN 5762.15, is currently estimated at \$190,000 and the County is required to pay the estimated local share for the Project in the amount of \$9,500 which is available from Project B.15019, BA 123, Fund 420, 2015 Capital Road Overlay Program; and

WHEREAS, this new project requires a new capital project, established in the amount of \$190,000 in BA 123, Fund 420.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the replacement of Trevett Rd. CR420 Bridge over Clear Creek, BIN 3328340, PIN 5762.15; 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) and right-of-way incidentals, phases of the Project or portions thereof in the amount of \$190,000; and be it further

RESOLVED, that the Erie County Office of Budget and Finance establish a new capital project in the amount of \$190,000 in BA 123, Fund 420, for the anticipated federal revenue G/L Account 414000 available to cover the cost of participation in the above Project; and be it further

RESOLVED, that the local share required in the amount of \$9,500.00 from Project B.15019, 2015 Capital Overlay Program, BA 123, fund 240, be made available for the costs of the above Project; 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 costs of the Project's design phases I-VI, and right of way incidentals phases exceeds the amount appropriated, \$190,000 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 Federal Aid and/or State 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 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 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 Erie County Comptroller is 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 six (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; and be it further

(5-0)

7. COMM. 8E-10 (2017)
COUNTY EXECUTIVE

WHEREAS, the replacement of Quaker St. Bridge over Clear Creek, BIN 3328340, PIN 5762.14, (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 95% Federal funds and 5% non-Federal funds, depending upon the Bridge NY Funding Program; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the 95% of reimbursable Federal share and payment of the 5% local share the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, the design phases I - VI and incidental right of way phase of the Project, PIN 5762.14, is currently estimated at \$180,000 and the County is required to pay the estimated local share for the Project in the amount of \$9,000 which is available from Project B.15019, BA 123, Fund 420, 2015 Capital Road Overlay Program; and

WHEREAS, this new project requires a new capital project, established in the amount of \$180,000 in BA 123, Fund 420.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the replacement of Quaker St. Bridge over Clear Creek, BIN 3328340, PIN 5762.14; 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) and right-of-way incidentals, phases of the Project or portions thereof in the amount of \$180,000; and be it further

RESOLVED, that the Erie County Comptroller establish a new capital project in the amount of \$180,000 in BA 123, Fund 420, for the anticipated federal revenue G/L Account 414000 available to cover the cost of participation in the above Project; and be it further

RESOLVED, that the local share required in the amount of \$9,000.00 from Project B.15019.2, 2015 Capital Overlay Program, BA 123, fund 240, be made available for the costs of the above Project; 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 costs of the Project's design phases I-VI, and right of way incidentals phases exceeds the amount appropriated, \$180,000.00, 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 State 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 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 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 Erie County Comptroller is 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 six (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.
(5-0)

8. **COMM. 8E-11 (2017)**
COUNTY EXECUTIVE

WHEREAS, the reconstruction of the Culvert Amsdell Road CR 122 over Drainage Structure, NYS PIN 5762.23 (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, construction and construction inspection for Culvert Replacement of Amsdell Road over Drainage Structure Project, PIN 5762.23, through an Agreement with NYSDOT for a total of \$ 525,000 with no required local share; and

WHEREAS, this new project requires a new capital project, established in the amount of \$525,000.00 in Fund Center 123, Fund 420, for the anticipated State revenue.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves reconstruction of the Culvert Amsdell Road CR 122 over Drainage Structure, NYS PIN 5762.23; 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 B.17xxx in the amount of \$525,000 in Business Area 123, Fund 420, for the anticipated State Revenue 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, \$ 525,000 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.
(5-0)

9. COMM. 8E-12 (2017)

COUNTY EXECUTIVE

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.
(5-0)

TED B. MORTON
VICE-CHAIR
FOR

JOSEPH C. LORIGO
CHAIR