

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 12, 2018

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

**RE: Bridge NY Local Project Agreement with NYSDOT for
Trevett Rd Bridge over Eighteen Mile Creek Replacement
BIN 3328560, Town of Boston
NYS PIN 5762.15**

Honorable Members:

We are forwarding for your approval a proposed resolution re-naming a project previously authorized by your honorable body. In addition, this proposed singular resolution will replace the two previous approved resolutions 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 cursive script, appearing to read "Mark Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dms

cc: Charles A. Sickler, Department of Public Works

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MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works/Office of the Commissioner
RE: Bridge NY Local Project Agreement with NYSDOT for
Trevett Rd Bridge over Eighteen Mile Creek
BIN 3328560, Town of Boston
NYS PIN 5762.15
DATE: January 12, 2018

SUMMARY

This resolution is being progressed at the behest of New York State Dept. of Transportation to rename the project “Trevett Road CR420 Bridge over Clear Creek, Bin 3328340, PIN 5762.15” to “Trevett Road Bridge over Eighteen Mile Creek BIN 3328560, PIN 5762.15”, thus matching the NYSDOT agreement authorized between New York State and Erie County in Comm. 8E-09(2017). In addition, this singular resolution combines and replaces the two previous resolutions, Comm. 8E-09 (2017) and Comm. 17E-13(2017). The previous resolutions authorized the project and the County Executive to enter into all necessary agreements and financed design phases I through VI and right of way incidentals for the project.

FISCAL IMPLICATIONS

The total cost of the Preliminary Engineering and Right-of-Way Incidentals the project is currently estimated at \$190,000 and requires a 5% local share of \$9,500. The remaining 95% of the project in the amount of \$180,500 will be reimbursed through the Bridge NY local project agreement. The local share of \$9,500 is available in SAP Project B.15019, Fund Center 123, Fund 420, 2015 Capital Overlay Program. A new project in BA 123, Fund 420 will be established for the amount of \$190,000. These monies were authorized via Comm. 8E-09(2017).

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works wants to initiate the design phase of the Project by entering into an Agreement for design phases I thru VI and right of way incidentals with the New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Bridge NY program.

BACKGROUND INFORMATION

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

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, the replacement of the Trevett Rd. Bridge over Eighteen Mile Creek will continue to deteriorate and pose problems for the traveling public with a continued weight restriction on the bridge. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Bridge NY Program participation.

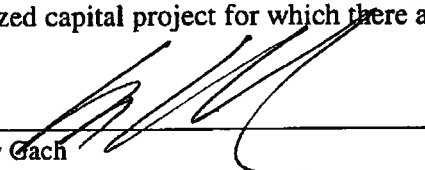
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STEPS FOLLOWING APPROVAL

Department of Budget will establish a new capital project fund for the in the amount of \$190,000 for the purposes of this project. 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.

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 appropriates for the action proposed.



Gregory Gach
Deputy Comptroller
Comptroller's Office

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

**RE: Bridge NY Local Project Agreement with NYSDOT for
Trevett Rd Bridge over Eighteen Mile Creek
BIN 3328560, Town of Boston
NYS PIN 5762.15**

WHEREAS, the replacement of Trevett Rd. CR420 Bridge over Clear Creek, BIN 3328340, PIN 5762.15, (the "Project") previously authorized in Comm. 8E-9 (2017) is to be renamed Trevett Road Bridge over Eighteen Mile Creek, BIN 3328560, PIN 5762.15; and

WHEREAS, this singular resolution is to combine and replace the two previous resolutions for the project, Comm. 8E-09 (2017) and Comm. 17E-13 (2017); and

WHEREAS, the replacement of Trevett Rd. Bridge over Eighteen Mile Creek, BIN 3328560, 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, based 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; and

WHEREAS, the New York State Comptroller's office needed three statements added to the projects authorization in Comm. 17E-13 (2017) ;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the replacement of Trevett Rd. Bridge over Eighteen Mile Creek, BIN 3328560, PIN 5762.15; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the project which exceed the amount of the NY Bridge Funding award; and be it further

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RESOLVED, that the County Legislature of the County of Erie hereby agrees that construction of the “project” shall begin no later than eighteen (18) months after award of that project and construction shall be complete within three (3) years of commencing; and be it further

RESOLVED, this Resolution takes effect immediately; 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 from Project B.15019, 2015 Capital Overlay Program, BA 123, Fund 420, 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.

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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 Department of Transportation
Greenman Pedersen Inc. Doc# 10-959-PW

2 AMOUNT OF CONTRACT

\$190,000

3 PROJECT NUMBER

SAP B.15019 - \$9,500
SAP B.17079 - \$180,500

4 PROJECT TITLE

Trevett Road Bridge over Eighteenmile Creek
Funding questions: Charles A. Sickler, PE at 8372

5 DEPARTMENT CONTACT

Letter pickup: Diane Bukowski at 8301

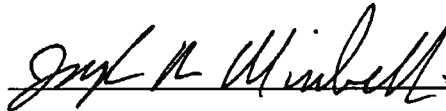
COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$ 374,329.06 8.15019

7. PERFORMED BY



Date Sent to Comptroller's Office:

January 12, 2018

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OFFICE OF THE COMPTROLLER REVIEW

DATE: 1/16/2018

PROJECT TITLE: B.15019 2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE

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

2) PROJECT AVAILABLE APPROPRIATION

| | |
|--|-----------------------------|
| Total Project Revenues | \$ <u>15,120,632.80</u> |
| Total Project Appropriations | \$ <u>15,151,700.00</u> |
| Less: Total Expenditure To Date | \$ <u>14,660,261.06</u> |
| Total Commitments | \$ <u>117,109.88</u> |
| Available Appropriations As Of Date Of Request | \$ <u>374,329.06</u> |
| Less: Contract Amount | \$ <u>9,500.00</u> |
| Net Available Appropriations | \$ <u><u>364,829.06</u></u> |

Comments: \$462,738.34 cash is available in the project. This resolution has, in essence,
previously been approved. This resolution is combining two previous resolutions into one.
This resolution supersedes 8E-09 (2017) and 17E-13 (2017). The figures are the same and
a new capital project (B.17079) was previously created.

Request Approved: 

Request Denied: _____

Date: 1/16/18