

May 28, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-27 (2013)
COUNTY EXECUTIVE: “2011-2013 Current Year County Highway Spending”
(6-0)
 - b. COMM. 10M-4 (2013)
NFTA: “Minutes from Meeting Held 3/28/2013”
(6-0)

2. COMM. 10E-14 (2013)
COUNTY EXECUTIVE
WHEREAS, the Abbott Road Bridge over Neuman Creek Project in the Town of Orchard Park, Erie County, PIN 5758.74 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project’s Design Phase via Comm. No. 15E-6 (2011) adopted on July 21, 2011; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5758.74 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by the amount of \$950,000 (\$190,000 required local share); and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 will be advertised, bid, and ready for award of construction contract with the responsible low bidder; and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 will replace a deteriorating bridge; and

WHEREAS, local share funding for this Federal Aid Project was approved and is available in B.13001 - 2013 Abbott Road Bridge Reconstruction in the amount of \$190,000; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the Abbott Road Bridge over Neuman Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a new contract must be negotiated with a project engineer chosen from Erie County’s approved Term Agreement list for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie 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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.13001 - 2013 Abbott Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$760,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$760,000	\$760,000
445070	Prem on Obligation	35,205		35,205
475000	Gen Oblig Bond Proc	<u>224,795</u>	<u>0</u>	<u>224,795</u>
TOTAL REVENUES		<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>
TOTAL APPROPRIATIONS		<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>

and be it further

RESOLVED, that the \$190,000 local share of the estimated total sum of the construction phase of the Project, \$950,000, is hereby appropriated from B.13001 – 2013 Abbott Road Bridge Reconstruction and made available to cover the cost of participation in the above phase of the 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 Construction and Construction Inspection Phase exceeds the amount appropriated, \$950,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$950,000, 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, (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 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 County Executive be authorized and is hereby directed to award and execute a contract for the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 between the County of Erie and the responsible low bidder, establish a construction contingency, and execute a negotiated new contract between the County of Erie and a project engineer chosen from Erie County's approved Term Agreement list; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward ten (10) 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 also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

**THOMAS A. LOUGHRAN
CHAIR**