

June 16, 2016

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

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

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 11M-1 (2016)  
NFTA: "Mar. 24, 2016 Board Minutes"  
(6-0)

2. COMM. 11E-9 (2016)

**COUNTY EXECUTIVE**

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
<b><u>TOTAL REVENUES</u></b>		<b><u>\$ 40,000</u></b>	<b><u>\$3,000</u></b>	<b><u>\$ 43,000</u></b>

**APPROPRIATIONS**

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

; 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
<b><u>TOTAL REVENUES</u></b>		<b><u>\$2,000,000</u></b>	<b><u>\$ 0</u></b>	<b><u>\$2,000,000</u></b>

**APPROPRIATIONS**

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

; 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.  
(6-0)

3. COMM. 11E-10 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, a federal aid project for replacement of the Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) and BR 560-4 (BIN 3326810) on Salt Road in the Town of Clarence, Erie County, PIN 5759.91 (the "Project") was authorized by your honorable body on November 21, 2013 via Communication 19E-10 (2013); and

WHEREAS, execution of a Supplemental Agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution; and

WHEREAS, this is a Locally Administered Federal Aid Program Project with 80% Federal and 20% State funding shares resulting in no net cost to the County; and

WHEREAS, it is desired to advance construction of the project in order to insure completion of bridge BR 560-4 (BIN 3326810) in the 2016 construction season in order to avoid conflicts with work planned for Goodrich Road in the 2017 construction season; and

WHEREAS, in order to maximize use of the 2016 construction season and avoid scheduling constraints that would push the bidding and award process into September or October and to meet NYSDOT's letting schedule for the current Federal fiscal year it is necessary to request pre-approval to award a construction contract to the lowest responsible bidder; and

WHEREAS, it is desired to obtain pre-approval to award a construction contract to the lowest responsible bidder; and

WHEREAS, it is desired to amend the contract for the project consultants, Watts Architects & Engineers, P.C. to include construction phase engineering and inspection services in the amount of \$235,000; and

WHEREAS, it is necessary to execute various utility agreements for the Project; and

WHEREAS, it is desired to establish a Project contingency; and

WHEREAS, the total construction phase of the Project is estimated at \$1,600,000.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project fund, Fund 420, BA 123, SAP B.15003, 2015 PIN 5757.29 Salt Road Bridge Construction in the amount of \$1,600,000 be made available for the Project; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is given pre-approval to execute a construction agreement between the County of Erie and the lowest responsible bidder; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized and is hereby directed to execute a contract amendment for construction

phase engineering and inspection services with Project consultant Watts Architects & Engineers, P.C. in the amount of \$235,000; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized and is hereby directed to execute Project utility agreements; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized to establish a project contingency and execute project related change orders; 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. (6-0)

4. COMM. 11E-11 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, a project for replacement of the Salt Road Bridges over Beeman Creek (BIN 3326800 (BR 560-2) and BIN 3326810 (BR 560-4) on Salt Road in the Town of Clarence, Erie County, PIN 5759.91 (the "Project") was authorized by this honorable body on November 21, 2013 via Communication 19E-10 (2013); and

WHEREAS, execution of a Supplemental Agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution; and

WHEREAS, in order to facilitate the replacement of the bridges, it will be necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the bridges;

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>		<u>TOWNSHIP</u>
SBL	45.00-2-50	Clarence
SBL	45.00-2-51.11	Clarence
SBL	45.00-2-8.512	Clarence
SBL	19.00-5-26.2	Clarence
SBL	19.00-5-10.1	Clarence

such properties to be acquired by the County are herein referred to as the "Subject Properties"; and

WHEREAS, in order to acquire the fee and/or easement parcels for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is de minimis in nature so that the public interest will not be prejudiced by the construction of the new bridges; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that a not to exceed sum of \$35,000, SAP B.14004 Salt Road Bridges 5759.91 ROW, be made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County of Erie is authorized to acquire fee and/or easement title to the aforementioned Subject Properties for the purpose of the replacement of the subject Salt Road Bridges; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Salt Road Bridge Replacement Project; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature 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)

5. COMM. 11E-12 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, The Town of Lancaster has indicated its willingness, per their prior Town Resolution, to assume ownership and maintain approximately 1.06 centerline miles of Penora Street, from William Street to the Village of Depew line, after Erie County has made the agreed upon improvements to the road, which has taken place; and

WHEREAS, Town ownership of this section of Penora Street will relieve Erie County of all future ownership and maintenance responsibility; and

WHEREAS, a Memorandum of Understanding between the Town of Lancaster and the County will be necessary to allow the Town to assume ownership of this section of Penora Street.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Memorandum of Understanding between Erie County and the Town of Lancaster which includes the previously completed and agreed upon County improvements to Penora Street; and be it further

RESOLVED, the ownership of approximately 1.06 centerline miles of Penora Street, as defined by the Commissioner of Public Works, shall be turned over to the Town of Lancaster as per the Memorandum of Understanding to be drafted; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the County Attorney, the Division of Budget and Management and the Department of Public Works.

(6-0)

6. **COMM. 11E-13 (2016)**  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job retention and creation within Erie County; and

WHEREAS, Erie County owns a short line railroad designated Line 1242 which runs from Cheektowaga to Lancaster and passes over Transit Road in Depew; and

WHEREAS, the Rail Line 1242 is leased to the Erie County Industrial Development Agency (ECIDA), which in turn selects an operator for the rail line and manages day to day operation of the line; and

WHEREAS, Erie County is responsible for capital improvements to the rail line; and

WHEREAS, the rail bridge over Transit Road has deterioration of concrete piers and corrosion of the bridge structure and Erie County desires to rehabilitate the rail bridge crossing over Transit Road in Depew; and

WHEREAS, the ECIDA has extensive experience in contracting for construction projects; and

WHEREAS, the County of Erie has allocated \$350,000 for rehabilitation of this bridge in the 2016 capital budget.

**NOW, THEREFORE, BE IT**

RESOLVED, that the County Executive is authorized to enter into contracts with the ECIDA, other state and federal agencies, and consultants in amounts not to exceed a total of \$350,000, for the purpose of construction rehabilitation of the County owned rail bridge over Transit Road in Depew; and be it further

RESOLVED, that the source of these funds shall be \$350,000 available in the approved 2016 Erie County Capital Budget and approved in the 2016 Consolidated Bond Resolution, Comm. 7E-34; and be it further

RESOLVED, that the Department of Environment and Planning is authorized to effectuate payments for the project with ECIDA and its contractors in an amount not to exceed \$350,000 through approved 2016 bond funds; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

7. **COMM. 11E-14 (2016)**  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job retention and creation within Erie County; and

WHEREAS, Erie County owns a short line railroad designated Line 1246 which runs from South Buffalo to Gowanda and passes over Rush Creek in Hamburg; and

WHEREAS, the Rail Line 1246 is leased to the Erie County Industrial Development Agency (ECIDA), which in turn selects an operator for the rail line and manages day to day operation of the line; and

WHEREAS, Erie County is responsible for capital improvements to the rail line; and

WHEREAS, the rail bridge over Rush Creek has deterioration of stone masonry and wingwalls and Erie County desires to rehabilitate the rail bridge crossing over Rush Creek in Hamburg; and

WHEREAS, the ECIDA has extensive experience in contracting for construction projects; and

WHEREAS, the County of Erie has allocated \$250,000 for rehabilitation of this bridge in the approved 2016 capital budget.

**NOW, THEREFORE, BE IT**

RESOLVED, that the County Executive is authorized to enter into contracts with the ECIDA, other state and federal agencies, and consultants in amounts not to exceed a total of \$250,000, for the purpose of construction rehabilitation of the County owned rail bridge over Rush Creek in Hamburg; and be it further

RESOLVED, that the source of these funds shall be \$250,000 available in the approved 2016 Erie County Capital Budget and approved in the 2016 Consolidated Bond Resolution, Comm. 7E-34; and be it further

RESOLVED, that the Department of Environment and Planning is authorized to effectuate payments for the project with ECIDA and its contractors in an amount not to exceed \$250,000 through approved 2016 bond funds; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

**EDWARD A. RATH, III**  
**CHAIR**