

June 27, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-5 (2013)
RATH: "Copy of Letter to Commissioner Loffredo Requesting a Traffic Study on Maple Road Near Intersection of Culpepper Drive"
(5-0) Legislator Marinelli not present for vote.
 - b. COMM. 12M-4 (2013)
NFTA: "Copy of 2012-2013 NFTA-Metro Annual Performance Report"
(6-0)
 - c. COMM. 12M-5 (2013)
NFTA: "Copy of Annual PARIS Report"
(6-0)
2. COMM. 12E-20 (2013)
COUNTY EXECUTIVE

WHEREAS, it is desired to acquire the ROW necessary to construct a multi-use paved pedestrian/bike pathway from Kenmore Avenue in the Town of Tonawanda to State Street in the City of Tonawanda, along an unused railroad ROW owned by NFTA, the "Project" known as Tonawanda Rails to Trails, a federal aid project identified as NYSDOT PIN 5756.84; and

WHEREAS, acquisition of ROW may involve acquisition of real property interests by fee, permanent easement, temporary easement, use and occupancy permit or by lease with any or all of: the Niagara Frontier Transportation Authority, the New York State Department of Transportation, the Town of Tonawanda, the City of Tonawanda and such other property owners as may be required (the Property Owners); and

WHEREAS, in order to meet a programmatic deadline of at least partial ROW acquisition by September 30, 2013 to prevent the project from losing federal funding and therefore being terminated partial ROW acquisition must commence prior to the return of the County Legislature from summer recess.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the commencement of the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that a sum not to exceed \$50,000.00 from B.13016, Capital Overlay Program (Countywide) be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Property Owners for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that 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 interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the Property Owners for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by fee, easement, permit and/or lease, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that 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 required ROW from the aforementioned Property Owners; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee, easement, permit and/or lease interests in the necessary ROW; 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 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)

3. COMM. 12E-21 (2013)

COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Public Safety Campus 2013 Redundant Air Conditioning System project on May 24, 2013; and

WHEREAS, the lowest responsible bidder is MLP Plumbing & Mechanical, Inc.; and

WHEREAS, the Erie County Department of Public Works along with IBC Engineering, P.C. are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Public Safety Campus 2013 Redundant Air Conditioning System project for an amount not to exceed as follows:

Mechanical Construction Work

MLP Plumbing & Mechanical, Inc. Base Bid: \$167,400.00

and be it further

RESOLVED, that the sum of \$24,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows:

A.12006 – 2012 Public Safety Campus Redundant Air Conditioning	\$173,400.00
<u>A.12005 – 2012 Countywide Mechanical Electrical & Plumbing</u>	<u>\$ 18,000.00</u>
Total Payments Not To Exceed:	\$191,400.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0) Legislator Marinelli not present for vote.

4. COMM. 12E-22 (2013)

COUNTY EXECUTIVE

WHEREAS, a project for reconstruction of the intersections of Harris Hill Road (CR276) at Wehrle Drive (CR275) and Pleasant View Drive (CR161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") was authorized by this Honorable Body on July 9, 2009 via Communication 12E-19; and

WHEREAS, 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 project is also eligible for New York State Marchiselli funding in the amount of 15% of the project costs, resulting in an Erie County share of Project costs of 5%; and

WHEREAS, the County of Erie desires to increase the funding available for the Right-of-Way Acquisition Phase of the project through a Supplemental Agreement that increases the original Right-of-Way Acquisition funding in the amount of \$28,000.00; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Right-of-Way Acquisition Phase of the Project.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County of Erie authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Right-of-Way Acquisition Phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00197 2009 Harris Hill Right-of-Way, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$26,600.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	Marchiselli Aid	\$ 3,300	\$ 4,200	\$ 7,500
414000	Federal Aid	\$ 17,600	\$22,400	\$ 40,000
475000	Gen Oblig Bond Proc	\$ <u>2,550</u>	<u>0</u>	\$ <u>2,550</u>
TOTAL REVENUES		<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>
TOTAL APPROPRIATIONS		<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>

and be it further

RESOLVED, that the \$1,400.00 local share of the of the increased right of way phase of the Project is hereby appropriated from B.00197 2009 Harris Hill Right-of-Way 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 cost of the Project's Right-of-Way Acquisition Phase exceeds the amount appropriated, and/or 100% of the Federal and non-Federal shares of the cost of the Project (\$50,000.00); the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon 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 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 Department 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 (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. 12E-24 (2013)**
COUNTY EXECUTIVE

WHEREAS, the Federal Aid Bridge Painting Project, four (4) Bridges, BIN 3326850, 3327860, 3328110 and 3328430, in the Towns of Alden, Evans, Aurora and Concord, in Erie County, PIN 5760.27 (the Project) is eligible for funding under Title 23 US Code, as amended, that calls for the appointment of the costs of such programs to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Design Phase in the amount of \$50,000 was previously approved by the County Legislature and funds appropriated via Comm. 17E-9 on October 25, 2012; and

WHEREAS, in order to facilitate the Construction Phase for the painting of four bridges, it will be necessary for the County to execute Supplemental Agreement No. 1 with New York State Department of Transportation in the amount of \$385,000.00; and

WHEREAS, the County of Erie desires to advance the Construction phase of this project by making a commitment of 100% of the Non-Federal share of the costs of the project, PIN 5760.27; and

WHEREAS, the total Construction Phase of the project is \$385,000 and the County is required to provide the local share portion of the Project phase in the amount of \$77,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the Department of Public Works' Federal Aid bridge painting project construction phase 5760.27; and be it further

RESOLVED, that the County Legislature hereby authorizes the County 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 Project Fund B.21011, 2010 Bridge Painting Construction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$308,000 as follows:

		CURRENT	INCREASE/ DECREASE	REVISED
		BUDGET		BUDGET
REVENUES				
Account	Description			
410170	Federal Road Aid	\$ 0	\$ 0	\$ 0
414000	Federal Aid	\$ 776,000	\$ 308,000	\$1,084,000
475000	Gen Oblig Bond Proc	<u>\$ 249,800</u>	<u>\$ 0</u>	<u>\$ 249,800</u>
TOTAL REVENUES		<u>\$1,025,800</u>	<u>\$ 308,000</u>	<u>\$1,333,800</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$1,025,800</u>	<u>\$ 308,000</u>	<u>\$1,333,800</u>
TOTAL APPROPRIATIONS		<u>\$1,025,800</u>	<u>\$ 308,000</u>	<u>\$1,333,800</u>

and be it further

RESOLVED, that the amount of the construction phase of the project is \$385,000 with a local share of \$77,000 is hereby appropriated from B.21011, 2010 Bridge Painting Construction, 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 exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project 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, that the County Executive is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid should it become available, on behalf of the County of Erie with the New York State Department of Transportation in connection with 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 Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

6. COMM. 12E-25 (2013)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Zoar Valley Road, FEMA PW 868 ECDPW Project No. FM457-868-13 (the "Project"), in the Town of Concord, on May 16, 2013, and the low bidder was Union Concrete and Construction Corp in the amount of \$1,422,222.00; and

WHEREAS, a contract has been negotiated with TY-LIN for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds, SAP Account B.21020 (2010 Zoar Valley Site 2 Construction) of \$106,000; SAP Account B. 11022 (2011 FEMA, FHWA & EWP Match/Rd Reconstruction [Countywide]) of \$110,265; SAP Account B.12004 (2012 FEMA Road Reconstruction [Countywide]) of \$1,374,735; SAP Account B.13005 (2013 FEMA Road Construction Concord) of \$165,333 be made available for the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for FEMA PW 868, ECDPW Project No. FM457-868-13 between the County of Erie and the low bidder, Union Concrete and Construction Corp. at a low bid amount of \$1,422,222 from the above identified project funds; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for services during construction and construction inspection with TY-LIN in an amount not to exceed \$135,000.00 from the above identified funds; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute change orders in an amount not to exceed \$199,111.00 from the above identified funds; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

THOMAS A. LOUGHRAN
CHAIR