

October 26, 2017

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-12 (2017)
COUNTY EXECUTIVE: “2017 Countywide Hazardous Materials, Design and/or Sample Testing & Air Monitoring”
(Chair’s Motion)
 - b. COMM. 13E-13 (2017)
COUNTY EXECUTIVE: “Ellicott Creek Park - 2017 Reconstruction & Repair Shelter Nos. 6, 7 & 9”
(Chair’s Motion)

2. COMM. 19E-4 (2017)
COUNTY EXECUTIVE
WHEREAS, the Bridge Washing (246 Bridges) PIN 5761.31, (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, depending upon the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and Non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$260,000 of which \$52,000 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency in an amount not to exceed \$260,000.

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

RESOLVED, that the Project Fund B.15008, 2015 Federal Aid Bridge Preservation Construction Bridge Washing, anticipated Federal revenue, Funds Center 123, Fund 420, GL 414000 be adjusted for the anticipated Federal revenue in the amount of \$208,000; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$260,000, is hereby appropriated from B.15008 – 2015 Federal Aid Bridge Preservation Construction Bridge Washing and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency in an amount not to exceed \$260,000; 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 costs of the Project’s construction and construction inspection phases exceeds the appropriated amount of \$260,000, 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 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 be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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)

3. **COMM. 19E-5 (2017)**
COUNTY EXECUTIVE

WHEREAS, the Pedestrian & Bicycle Improvements on Elmwood Avenue (Phase II) Project, PIN 5762.30 (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 of 80% is limited to the project amount set forth in the NYSDOT agreement with the local 20% share and any additional costs borne 100% by the local sponsor; and

WHEREAS, the Village of Kenmore has agreed to reimburse the County of Erie for the entire local (non-Federal) cost share, including 100% of any overruns; and

WHEREAS, based on reimbursement by the Village of Kenmore for the entire non-Federal share of the costs 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 Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, this new project will require a new capital project established in the amount of \$125,000 in Fund Center 123, Fund 420.

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 & Design I-VI) and Right of Way Incidentals phase of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Office of the Comptroller establish a new capital project B.17xxx in the amount of \$125,000, Fund Center 123, Fund 420, to accept Federal revenue in the amount of \$100,000, G/L Account 414000 and the Village of Kenmore share of \$25,000, G/L 420499; and be it further

RESOLVED, that the estimated total sum of Project phase \$125,000 is hereby appropriated from the new capital project and made available to cover the cost of participation in the above phases 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 Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phase exceeds \$125,000 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 Aid on behalf of the County of Erie, (subject to the County of Erie Office of County 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 the local share of Federal-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 an inter-municipal agreement with the Village of Kenmore regarding the Village's responsibility to provide 100% of the local funding share of the project including any cost overruns (subject to the County of Erie Office of County Attorney's approval as to form and content); and be it further resolved

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 ten (10) 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)

4. COMM. 19E-6 (2017)

COUNTY EXECUTIVE

WHEREAS, the Unified Court System Eight Judicial District (“UCS”) has requested that the Erie County Department of Public Works make improvements to the Erie County Family Court Building, Old County Hall and Erie County Court Building; and

WHEREAS, this project will greatly improve the aesthetics in the Family Court building, Old County Hall and Erie County Court Building, and the cost of the project is 100% reimbursable to the county; and

WHEREAS, the total for the project is in an amount not to exceed \$475,000; and

WHEREAS, a new SAP capital project will be created in Funds Center 122, Fund 410, in the amount of \$475,000, which is the amount of the anticipated reimbursement from the UCS; and

WHEREAS, the project will be reimbursed by the UCS as a tenant request line item within the Chapter 686 cleaning and minor maintenance contract with the County, for the New York State fiscal year beginning April 1, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that in order to comply with the Unified Court System Eighth Judicial District request to make improvements to the Family Court Building, Old County Hall and Erie County Court Building, a new SAP project (A.17xxx) will be created in the amount of \$475,000 for said improvements; and be it further

RESOLVED, that the new SAP project will be created in Funds Center 122, Fund 410, under the supervision of the Department of Public Works – Buildings and Grounds; and be it further

RESOLVED, that the County Executive is authorized to accept reimbursement in an amount not to exceed \$475,000 from UCS after said improvements are made; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make all necessary budgetary and accounting entries to facilitate the acceptance of revenue and outlay of expenditures; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Unified Court System Eighth Judicial District c/o Andrew Isenberg.

(5-0)

**JOSEPH C. LORIGO
CHAIR**