

May 21, 2015

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-7 (2015)
MILLER-WILLIAMS: “Letter Regarding Redevelopment of Humboldt Parkway”
(6-0)
 - b. COMM. 7E-8 (2015)
MILLER-WILLIAMS: “Report Regarding Economic Impact Associated with the Redevelopment of Humboldt Parkway”
(6-0)
 - c. COMM. 10M-3 (2015)
EC INDUSTRIAL DEVELOPMENT AGENCY: “2014 Annual Audited Financial Statements”
(6-0)
 - d. COMM. 10M-4 (2015)
NFTA: “March 26, 2015 Board Minutes”
(6-0)
2. COMM. 10E-16 (2015)
COUNTY EXECUTIVE

WHEREAS, the Elmwood Avenue Pedestrian-Bicycle Improvements Project PIN 5761.03 (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 is limited to the amount set forth in the agreement NYSDOT with 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 \$120,000 in Fund Center 123, Fund 420; and

WHEREAS, in Comm. 7E-5 (2015), this Honorable Body approved of the project and its funding in the amount of \$120,000; and

WHEREAS, it has been determined that DiDonato Associates has the necessary qualifications to provide engineering services for this project, and is an approved engineering firm via Comm. 13E-26 of July 18, 2013.

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 Budget and Finance establish a new capital project in the amount of \$120,000.00, Fund Center 123, Fund 420, to accept federal revenue in the amount of \$80,000.00, G/L Account 414000 and the Village of Kenmore share of \$40,000.00, G/L 420499; and be it further

RESOLVED, that the estimated total sum of Project phase \$120,000.00 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 \$120,000.00 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 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 Attorney's approval as to form and content); and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an agreement with DiDonato for engineering services for the Project's Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phase in an amount not to exceed \$120,000.00; 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 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.
(6-0)

3. **COMM. 10E-17 (2015)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways has implemented multiple Miscellaneous Bridge Rehabilitation and Repair programs county-wide; and

WHEREAS, as a result of weather conditions and unanticipated project delays due to uncovered additional repair conditions, additional engineering services are necessary; and

WHEREAS, via Comm. 15E-23 of September 12, 2013 and Comm. 11E-3 of May 22, 2014 the Legislature approved CHA Consultants, Inc., as Project Engineer; and

WHEREAS, a Change Order to CHA Consultant Inc. project contract is necessary to remedy the project delays and additional engineering services required; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience to respond in a timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Change Order with CHA Consultants, Inc. for the heretofore required services in the amount of \$85,000.00 from SAP Account B.12008.2, 2012 Preservation of Bridges and Culverts Program, Fund 420, BA123 ; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent 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 Comptroller and the Division of Purchase.
(6-0)

4. **COMM. 10E-18 (2015)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges; and

WHEREAS, as a result of these inspections and taxpayer notifications, Erie County desires to respond to conditions which may restrict access to the traveling public with a plan of action as soon as practicable; and

WHEREAS, design services are necessary for the annual Bridge Maintenance Program Project Number 5760.54, 5760.55, and 5760.56; and

WHEREAS, this honorable body has previously authorized the County Executive to enter into a Term Agreement for providing professional engineering services via Comm. 13E-26 adopted July 18, 2013; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in bridge maintenance design, construction management, technical services and construction inspection of bridges; and

WHEREAS, in order for the Department of Public Works, Division of Highways, to respond to these cited County bridge deficiencies with appropriate action, Legislature approval is required to authorize the County Executive to enter into a contract with CHA Consultants, Inc. to perform this work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with CHA Consultants, Inc. for the heretofore required services in the amount of \$222,000, with \$100,000 being allocated from the 2014 Preservation of Bridges and Culverts Program, Fund 420, BA123, SAP Account B.14019.1, and \$122,000 being allocated from Bridge Preservation Design, Fund 420, BA123, SAP Account B.14010; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent 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 Comptroller and the Division of Purchase.
(6-0)

EDWARD A. RATH, III
CHAIR