

May 5, 2016

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LOUGHRAN.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8M-5 (2016)
EC INDUSTRIAL DEVELOPMENT AGENCY: “2015 Annual Financial Statements” (5-0)
 - b. COMM. 8M-6 (2016)
BUFFALO & EC NAVAL & MILITARY PARK: “Mar. 24, 2016 Board of Directors Minutes” (5-0)

2. COMM. 8E-3 (2016)
COUNTY EXECUTIVE
WHEREAS, the County of Erie (“County”) desires to coordinate construction with the Erie County Water Authority (“ECWA”) on locations within the County highway right-of-way including Evans Street CR195 and Wehrle Drive CR290, in the Town of Williamsville and Seneca Street CR215, in the Town of West Seneca as part of the 2015 Overlay B Project (“Project”); and

WHEREAS, the County initiated the Project and the ECWA has agreed by resolution at their meeting of December 17, 2015 to reimburse the County for construction costs incurred for milling and paving of road portions located within the County highway right-of-way and Project limits in amount not to exceed \$340,300; and

WHEREAS, it is necessary for the County to accept the reimbursement funds from the ECWA and increase the Project budget by the same amount in order to defray a portion of the construction costs of the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Public Works be authorized, on behalf of the County, to facilitate the coordination of the Project with the ECWA on Evans Street CR195 and Wehrle Drive CR290, in the Town of Williamsville and Seneca Street CR215, in the Town of West Seneca, and be it further

RESOLVED, that reimbursement funds, not to exceed \$340,300 be accepted from the ECWA, and deposited into Fund 420, BA 123, B.15019, 2015 Capital Overlay Program towards project expenditures, and be it further,

RESOLVED, that Fund 420, BA 123, B.15019, 2015 Capital Overlay Program budget be increased by the amount of \$340,300 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
420499	Other Local Source Rev	\$ 0	\$ 340,300	\$ 340,300
486000	Interfund Rev Subsidy	\$ 14,811,400	\$ 0	\$ 14,811,400
TOTAL REVENUES		\$ 14,811,400	\$ 340,300	\$ 15,151,700

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$ 13,511,400	\$ 340,300	\$ 13,851,700
Unallocated	Unallocated	\$ 1,300,000	0	\$ 1,300,000
TOTAL APPROPRIATIONS		\$ 14,811,400	\$ 340,300	\$ 15,151,700

and be it further,

RESOLVED, that the amount of \$340,300 from Fund 420, BA 123, B.15019, 2015 Capital Overlay Program budget be made available for the Project, and be it further

RESOLVED, that the Division of Budget and Management be authorized to make the necessary budgetary adjustments as stated in this resolution.

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 Division of Budget and Management, and the Office of the Comptroller.
(5-0)

3. COMM. 8E-4 (2016)
COUNTY EXECUTIVE

WHEREAS, the Erie County Water Authority (“ECWA”) began utility reconstruction work in September of 2015 on Seneca Street (“Seneca”) CR215, Town of West Seneca; and

WHEREAS, the ECWA utility work left seventy-five (75) open trenches, which traversed the width of the street, along the length of Seneca; and

WHEREAS, Occhino Corporation (“Occhino”) was directed by the Erie County Department of Public Works (“DPW”) to place a layer of asphalt on Seneca, to minimize the safety hazard created by the open trenches; and

WHEREAS, the work was completed by Occhino in December, 2015, at a cost of \$273,871.92; and

WHEREAS, the job was not formally bid due to the nature and timing of the safety hazard and no contract or purchase order was created in order to pay for the work; and

WHEREAS, the work was completed by Occhino in December 2015, at a cost of \$273,871.92 and the contractor must be paid.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes DPW to submit a purchase requisition to the Division of Purchase in order to issue a purchase order to Occhino for payment of an invoice in the amount of \$273,871.92, for placement of a layer of asphalt on Seneca Street in December 2015; and be it further

RESOLVED, that the payment for this work be made from SAP project B.15019, Fund 420, BA 123, in the amount of \$273,871.92; and be it further

RESOLVED, that the Office of the Comptroller be authorized and hereby directed to make payment to Occhino; 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 Division of Budget and Management, the Office of the Comptroller, and the Division of Purchase.

(5-0)

4. COMM. 8E-5 (2016)
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of CR 432 (Sibley Road.) and CR 409 (Genesee Road.), Project PIN 5760.99 (the “Project”) is eligible for funding under the Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, under the Transportation Alternatives Program the Federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs borne 100% by the local sponsor; and

WHEREAS, the New York State Department of Transportation has agreed to reimburse the County the Federal cost share (90%) of the Project’s Preliminary Engineering and Right of Way Incidental phases; 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 Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, the total Preliminary Engineering and Right of Way Incidental phases of the Project is \$110,000 and the County is required to provide the local share portion of the Project phase in the amount of \$11,000.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves the Safety Improvements at the Intersection of Sibley Rd. and CR 409 (Genesee Rd.) and NY 240 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 Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.15015, 2015 Highway Safety Program, Fund Center 123, Fund 420, be increased by the anticipated Federal revenue in the amount of \$54,000 as follows:

REVISOR	CURRENT	INCREASE/
BUDGET	BUDGET	DECREASE
Account	Description	

405160	NYS Marchiselli	\$ 0	\$ 0	\$ 0
414000	Federal Aid	\$ 0	\$ 99,000	\$ 99,000
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$ 400,000</u>
TOTAL REVENUES		<u>\$ 400,000</u>	<u>\$ 99,000</u>	<u>\$ 499,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$400,000</u>	<u>\$ 99,000</u>	<u>\$ 499,000</u>
TOTAL APPROPRIATIONS		<u>\$400,000</u>	<u>\$ 99,000</u>	<u>\$ 499,000</u>
; and be it further				

RESOLVED, that the estimated total sum of Project phase \$110,000.00 is hereby appropriated from B.15015, 2015 Highway Safety Program 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 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 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 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.

(5-0)

5. COMM. 8E-6 (2016)
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of CR 118 (Colvin Blvd.) and CR 196 (Brighton Rd.), Project PIN 5760.97 (the "Project") is eligible for funding under the Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, under the Transportation Alternatives Program the Federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs borne 100% by the local sponsor; and

WHEREAS, the New York State Department of Transportation has agreed to reimburse the County the Federal cost share (90%) of the Project's Preliminary Engineering and Right of Way Incidentals phases; 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 Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, the total Preliminary Engineering and Right of Way Incidentals phases of the Project is \$60,000 and the County is required to provide the local share portion of the Project phase in the amount of \$6,000.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves the Safety Improvements at Colvin Boulevard and Brighton Intersection 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 Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.15015, 2015 Highway Safety Program, Fund Center 123, Fund 420, be increased by the anticipated Federal revenue in the amount of \$54,000 as follows:

REVENUES		CURRENT	INCREASE/	REVISED
Account	Description	BUDGET	DECREASE	BUDGET
405160	NYS Marchiselli	\$ 0	\$ 0	\$ 0
414000	Federal Aid	\$ 0	\$ 54,000	\$ 54,000

475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$ 400,000</u>
TOTAL REVENUES		<u>\$ 400,000</u>	<u>\$ 54,000</u>	<u>\$ 454,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$400,000</u>	<u>\$ 54,000</u>	<u>\$ 454,000</u>
TOTAL APPROPRIATIONS		<u>\$400,000</u>	<u>\$ 54,000</u>	<u>\$ 454,000</u>
; and be it further				

RESOLVED, that the estimated total sum of Project phase \$60,000.00 is hereby appropriated from B.15015, 2015 Highway Safety Program 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 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 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 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.
(5-0)

6. COMM. 8E-7 (2016)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has requested a temporary easement and a fee taking of County land, SBL No. 159.00-1-24 for Hoover Road improvements located adjacent to the Southtowns Advanced Wastewater Treatment Facility property; and

WHEREAS, these actions would have no long term negative affect on the ability of Erie County Sewer District No. 3 to operate and maintain the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, the New York State Department of Transportation has offered \$20,925.00 for the fee taking and \$2,950.00 for the temporary easement for a total amount of \$23,875.00; and

WHEREAS, the New York State Department of Transportation will pay the County of Erie a total amount of \$23,875.00

NOW, THEREFORE BE IT

RESOLVED, that an easement for use of the southeasterly portion of Parcel SBL No. 159.00-1-24 be granted to New York State Department of Transportation; and be it further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning, be authorized to execute all documents associated with this fee taking and temporary easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller's Office, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

EDWARD A. RATH, III
CHAIR