



ECLEG FEB21'12 10:25

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

ED

February 21, 2012

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: August 2009 Storms
FEMA Disaster DR-1857-NY
FHWA Disaster 0902
2011 FEMA, FHWA and EWP Match
Road Reconstruction Design (Countywide)

Dear Honorable Members:

Federally declared disasters FEMA DR-1857-NY and FHWA 0902 resulted from the storms of August 2009 which severely damaged the transportation infrastructure of southern Erie County. The actual and estimated engineering costs associated with the necessary repairs have increased beyond the amount initially authorized. The accompanying resolution establishes the budget and authorizes award of engineering under the original disaster declarations.

Should your honorable body require further information, I encourage you to contact John C. Loffredo, Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:dab
Enclosure

cc: John C. Loffredo, Department of Public Works

4E-7

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: **August 2009 Storms**
FEMA Disaster DR-1857-NY
FHWA Disaster 0902
2011 FEMA, FHWA and EWP Match
Road Reconstruction Design (Countywide)
Date: February 7, 2012

SUMMARY

Federally declared disasters FEMA DR-1857-NY and FHWA 0902 resulted from the storms of August 2009 which severely damaged the transportation infrastructure of southern Erie County. Multiple repair/reconstruction/replacement projects were generated by the storms many of which qualified for participation in one of the following: FEMA Public Assistance (PA) program, FHWA Emergency Relief (ER) program or the NRCS Emergency Watershed Protection program. The actual and estimated costs of these projects for design have increased as preliminary scoping and engineering progressed. The attached resolution authorizes budget adjustment for anticipated revenue and the purchase of engineering services under the original declaration.

FISCAL IMPLICATIONS

For projects qualified for FEMA's PA program approved Project costs are eligible for reimbursement, 75% - FEMA; 12.5% - New York State Office of Emergency Management (NYSOEM); and 12.5% - Erie County. For projects qualified for FHWA's ER program approved project costs are eligible for reimbursement, 80% - FHWA (via NYSDOT) and 20% - Erie County. For project qualified for the NRCS Emergency Watershed Protection program approved project costs are eligible for reimbursement, 75% - NRCS and 25% - Erie County. Erie County must pay in the first instance 100% of approved project costs and then apply for reimbursement. This resolution authorizes budget adjustment in B.11023 2011 FEMA Road Design from \$100,000 to \$800,000 which includes anticipated revenue; and authorizes the purchase of engineering services under the original declaration.

REASONS FOR RECOMMENDATION

Several of the PA, ER or EWP projects are in design and nearing construction, and slated for construction in 2012. The projects need to be completed in order to address existing storm damage and to continue to address the safety and mobility of the travelling public.

BACKGROUND INFORMATION

The storms of August 2009 significantly damaged the transportation infrastructure of southern Erie County. As noted above a number of sites qualified for one of the PA, ER or EWP programs making available the funding assistance noted under Fiscal Implications.

CONSEQUENCES OF NEGATIVE ACTION

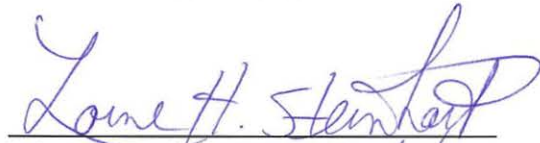
The opportunity to address multiple sites on County Roads that are susceptible to storm damage and only have to bear a portion of the approved costs will be lost. Ongoing construction projects will have to be left partially completed and the affected roads will remain restricted or closed to through traffic.

STEPS FOLLOWING APPROVAL

Contracts will be negotiated and executed with the approved engineering firms to provide the required engineering or construction engineering services.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



LORNE H. STEINHART

Acting Comptroller
Comptroller's Office

2/8/2012

- Cash in Project: \$100,000
- Claims must be submitted in a timely manner to receive reimbursements from FEMA, FHWA + EWP.

-LHS

JCL/dab

File (FemaDisaster.2009Storms.2.8.12docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: **August 2009 Storms**
FEMA Disaster DR-1857-NY
FHWA Disaster 0902
2011 FEMA, FHWA and EWP Match
Road Reconstruction Design (Countywide)

WHEREAS, as a result of the storms of early August 2009 federal disasters FEMA DR-1857-NY and FHWA 0902 were declared for parts of Erie County making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance (PA) program, from the Federal Highway Administration (FHWA) Emergency Relief (ER) program and from the Natural Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) program; and

WHEREAS, under the PA, ER and EWP programs, approved costs are eligible for reimbursement from FEMA & NYSOEM; FHWA (via NYSDOT); and NRCS respectively with Erie County providing the remaining share; and

WHEREAS, the actual and estimated costs for completion of design and construction of several of these projects have increased beyond the initial authorization; and

WHEREAS, these projects are in design and scheduled for construction in 2012;

NOW, THEREFORE, BE IT

RESOLVED, that the 2011 Budget appropriation of \$100,000.00 as Erie County share in B.11023 2011 FEMA, FHWA and EWP Match/Road Design Program (Countywide) be increased by anticipated revenue to \$800,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405150	State Aid SEMO	\$ 0	\$100,000	\$ 100,000
412540	Federal Aid FEMA	\$ 0	\$600,000	\$600,000
414020	Misc Federal Aid	\$ 0	\$0	\$ 0
475000	Gen Oblig Bond Proc	<u>\$100,000</u>	<u>\$ 0</u>	<u>\$100,000</u>
TOTAL REVENUES		<u>\$100,000</u>	<u>\$700,000</u>	<u>\$800,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$100,000</u>	<u>\$700,000</u>	<u>\$800,000</u>
TOTAL APPROPRIATIONS		<u>\$100,000</u>	<u>\$700,000</u>	<u>\$800,000</u>

and be it further

RESOLVED, that the Department of Public Works be authorized to execute agreements and Change Orders not to exceed \$800,000.00 under Erie County Disaster Declaration of August 9, 2009 ; FEMA DR-1857-NY and FHWA 0902 Disasters; and be it further

RESOLVED, that five 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, and the Office of the Comptroller.

OFFICE OF THE COMPTROLLER REVIEW

DATE: 2/8/12

PROJECT TITLE: B.11023 2011 FEMA Projects/Rd Design

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	\$	<u>100,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>100,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>0</u>
TOTAL COMMITMENTS	\$	<u>0</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>100,000.00</u>
PLUS		<u>700,000.00</u>
LESS: CONTRACT AMOUNT:		<u>800,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>0</u>

COMMENTS: Cash in project: \$100,000

Claims must be submitted in a timely manner to receive reimbursements from FEMA, FHWA & EWP.

REQUEST APPROVED:

Lane H. Steinhart

REQUEST DENIED: _____

DATE:

February 8, 2012

TO: LORNE H. STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S
RECEIVED

12 FEB -8 AM 11:32

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME various
2. AMOUNT OF CONTRACT \$800,000. , not to exceed
3. PROJECT NUMBER B.11023
4. PROJECT TITLE 2011 FEMA, FHWA and EWP Match/Road
Design Program (Countywide)
5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 100,000 *
7. PERFORMED BY Opkie Pulsifer
- Date Sent to Comptroller's Office: February 8, 2012

* Claims must be submitted in a timely manner to
receive reimbursements from FEMA, FHWA + EWP.