

October 11, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 18E-7 (2018)
COUNTY EXECUTIVE

WHEREAS, the Town of Amherst (“Town”) intends to design and construct pedestrian and bicycle safety improvements on a County owned roadway, Casey Road (CR 295); and

WHEREAS, said improvements shall be designed and constructed in compliance with the Americans with Disabilities ACT and with Federal and town funds; and

WHEREAS, the Town shall be responsible for any and all maintenance aspects related to the pedestrian and bicycle safety improvements; and

WHEREAS, an Agreement between the Town and the County will be necessary to allow the Town to proceed with the design and construction of the pedestrian and bicycle safety improvements, along with future maintenance of these improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an agreement between the County of Erie and the Town of Amherst, allowing the Town to design, construct, and maintain the pedestrian and bicycle safety improvements located in Town of Amherst along Casey Road (CR 295); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of the resolution to the County Executive, the County Attorney, and the Department of Public Works.
(6-0)

2. COMM. 18E-18 (2018)
COUNTY EXECUTIVE

WHEREAS, the Bridge Painting and Repairs (3 bridges in the Towns of Aurora, Marilla, and the Village of Hamburg) PIN 5762.02 (the “Project”) was approved by this body on July 26, 2018 via Comm. 14E-33 in the amount of \$1,155,000; and

WHEREAS, the County of Erie is in receipt of the Locally Administered Federal Aid Project NYSDOT Agreement which includes additional federal and state revenue; and

WHEREAS, the Department of Public Works requests authorization to direct the Division of Budget and Management to adjust the Project budget in accordance with the agreement, for a total Project cost not to exceed the maximum project allowance of \$1,155,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Public Works to submit Project budget adjustments for federal and state revenues, for a total contract amount not to exceed \$1,155,000 to the Division of Budget and Management in accordance with the agreement received from the New York State Department of Transportation (NYSDOT) for this Federal Aid Project and Comm 14E-33 of July 26, 2018 in Project B.16010 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; 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, Division of Highways, 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. 18E-19 (2018)
COUNTY EXECUTIVE

WHEREAS, the Bridge Deck Sealing PIN 5762.03, (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 a 20% local share; 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 Project, it will be necessary for the County to execute an Agreement with the New York State Department of Transportation (NYSDOT) in the total amount of \$300,000 of which \$60,000 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, an additional \$10,000 in local share is available, for a construction contingency, from bond proceeds in Project B.16010 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, 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, for a total project allowance not to exceed \$310,000.

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 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 Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with New York State Department of Transportation (NYSDOT) for this Federal Aid Project in the total amount of \$300,000 of which \$60,000 is the required local share; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$310,000; and be it further

RESOLVED, that the estimated total sum of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount not to exceed \$310,000 is hereby appropriated from Project B.16010 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget with the anticipated federal revenue in accordance with the NYSDOT agreement; 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 amount appropriated, \$310,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that should additional federal or state revenue be made available to the Project, the Office of Budget and Management adjust the Project budget accordingly; 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 NYSDOT 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 NYSDOT; 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, Division of Highways, 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)

PATRICK B. BURKE
CHAIR