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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 17, 2012

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

IMMEDIATE CONSIDERATION REQUESTED

RE: Federal-Aid Highway and Marchiselli-Aid
Supplemental Agreement
New York State Department of Transportation
Reconstruction of E. Robinson & N. French Roads (CR299)
Town of Amherst NYS PIN 5755.43

Dear Honorable Members:

We are forwarding for your approval a proposed resolution to authorize the County Executive to enter into a Federal-Aid Highway and Marchiselli-Aid Agreement with the New York State Department of Transportation which commits the County of Erie to obligate the non-federal share of the costs of the project's Right-of-Way Incidentals and Right-of-Way Acquisition phases.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/aaj
Enclosure

cc: John C. Loffredo, P.E., Department of Public Works
Charles A. Sickler, P.E., Interim Deputy Commissioner, DPW Division of Highways

COMPTROLLER'S
RECEIVED

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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Federal-Aid Highway and Marchiselli-Aid Supplemental Agreement
New York State Department of Transportation
Reconstruction of E. Robinson & N. French Roads (CR 299)
Town of Amherst NYS PIN 5755.43
Date: August 23, 2012

SUMMARY

We request the adoption of a resolution to authorize the County Executive to enter into a Federal-Aid Highway and Marchiselli-Aid Supplemental Agreement with the New York State Department of Transportation (NYSDOT). This would commit the County of Erie to obligate the non-federal share of the costs of the project's Right-of-Way Incidentals and Right-of-Way Acquisition phases which is being administered by the New York State Department of Transportation.

FISCAL IMPLICATIONS

The total ROW Incidentals and ROW Acquisition costs of this project are currently estimated at $3,300,000, with Erie County's total non-federal share payment due of $557,400. Your Honorable Body previously authorized the project's initial agreement for payment of $341,925 towards the non-federal share via Comm. 4E-25 of March 17, 2011. The balance for the Supplemental Agreement in the amount of $215,475 is now due. This amount, with anticipated revenue from NYS Marchiselli fund, is available from SAP Project B.20905 2009 E. Robinson & N. French Roads Right-of-Way. Erie County will be eligible for State reimbursement up to $265,000 of the total cost of the non-federal share.

REASONS FOR RECOMMENDATION

NYSDOT and the Erie County Department of Public Works have agreed to allow the NYSDOT to perform the ROW Incidentals and ROW Acquisition phases of the project. By executing the Agreement with the NYSDOT, Erie County will be eligible for State reimbursement up to 75% of the cost of the non-federal share.

BACKGROUND INFORMATION

This project is approved by the NYSDOT in their current Capital Program to be funded with Federal Aid and Marchiselli funds.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to ensure project advancement and financing through Federal and NYS Marchiselli program funds to pay for costs of ROW Incidentals and ROW Acquisition. Negative action would halt project ROW Incidentals and ROW Acquisition and jeopardize existing and future reimbursement funding through this program.

STEPS FOLLOWING APPROVAL

The County Executive will sign the Agreement so that it can be fully executed by the NYSDOT and the NYSDOT will proceed with ROW Incidentals and ROW Acquisition.

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.

Availability of Funds: $105,349.09*
* This is a request to enter into a Supplemental Agreement with the NYSDOT. As/If this is authorized, the project budget would be increased by $265,000 in Marchiselli aid and there will be sufficient funding available for the requested payment of $215,475.00 when the County receives the reimbursement, after submitting the appropriate claims.
- LH

LORNE STEINHART 8/24/12
Deputy Comptroller
Comptroller's Office

JCL/dab
File (Hgwy.E.Robinson.N French.-Reso)

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

RE: Federal-Aid Highway and Marchiselli-Aid
Supplemental Agreement with New York State
Department of Transportation
Reconstruction of E. Robinson & N. French Roads
Town of Amherst
NYS PIN 5755.43

WHEREAS, a project for the reconstruction with widening of CR 299, East Robinson and North French Roads, from US Route 62, Niagara Falls Blvd, to CR 301, Sweet Home Road, in the Town of Amherst, Erie County, P.I.N. 5755.43 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, or 90% federal funds and 10% non-federal funds, depending on the Federal Funding Program; 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 Right-of-Way Incidentals and Right-of-Way Acquisition phases of the project or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to agreement; and

WHEREAS, your Honorable Body previously authorized the project's initial agreement for payment of $341,925 towards the non-federal share via Erie County Comm. 4E-25 of March 17, 2011; and

WHEREAS, the supplemental agreement requires an additional payment of $215,475 from Project Fund B.20905, 2009 East Robinson Right-of-Way toward the non-federal share.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the non-federal share of the cost of the Right-of-Way Incidentals and Right-of-Way Acquisition phases of the project or portions thereof; and be it further

RESOLVED, that in addition to the previous project agreement appropriations authorized via County Resolution Comm. 4E-25 of March 17, 2011, the B.20905 budget for 2009 East Robinson and North French Roads Right-of-Way be increased by $265,000.00 for anticipated New York State Marchiselli revenue, as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	$0	$265,000	$265,000
414000	Federal Aid	$0	$0	$0
475000	Gen Oblig Bond Proc	$400,000	$0	$400,000
TOTAL REVENUES		$400,000	$ 265,000	$665,000
APPROPRIATIONS				
516020 Capital Projects	Pro Ser Cnt & Fee	$400,000	$265,000	$665,000
	Capital Projects Expense	$400,000	$265,000	$665,000
TOTAL APPROPRIATIONS		$400,000	$265,000	$665,000

and be it further

RESOLVED, that the supplemental agreement required non-federal share payment in the amount of $215,475 is hereby appropriated from B.20905 2009 East Robinson and North French Roads Right-of-Way 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 non-federal share of the cost of the project's Right-of-Way Incidentals and Right-of-Way Acquisition phases 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 NYSDOT 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 and/or Marchiselli 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 the non-federal share 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 ten (10) 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 two 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 of the Office of the Comptroller.

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

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	NYS Department of Transportation
2. AMOUNT OF CONTRACT	$3,300,000 total agreement, local share total $ 557,000 payment $215,475 due
3. PROJECT NUMBER	B.20905
4. PROJECT TITLE	2009 E Robinson/ N French Right of Way (ROW)
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	$
7. PERFORMED BY	
Date Sent to Comptroller's Office:	

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