



ECLEG FEB19'13 AM10:28

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

February 15, 2013

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

**RE: Federal Aid Project Agreement – New York State Department of
Transportation – Sherwood Greenway Multi-Use Trail – Construction and
Construction Inspection Phase – Tonawanda, NY**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to a contract with the New York State Department of Transportation (NYSDOT) for the Construction and Construction Inspection Phase associated with the Sherwood Greenway Trail in the Town of Tonawanda.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Thomas J. Dearing at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Commissioner Maria R. Whyte
Deputy Commissioner Thomas J. Dearing

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Federal Aid Project Agreement – New York State Department of Transportation –
Sherwood Greenway Multi-Use Trail – Construction and Construction Inspection
Phase – Tonawanda, NY
Date: February 8, 2013

SUMMARY

It is recommended that the Legislature approve the attached resolution authorizing the commitment of \$258,231 in County funds toward Construction and Construction Inspection services associated with the project. Staff from the New York State Department of Transportation will manage the Construction and Construction Inspection phase.

FISCAL IMPLICATIONS

It is estimated that the total Construction and Construction Inspection Services phase cost will be \$631,400, with 72.2% (\$456,069) being the federal share and the balance (\$258,231) coming from Erie County. County funds are available in SAP Accounts A.21014 and A.00344.

REASONS FOR RECOMMENDATION

The New York State Department of Transportation will not bid the trail project until legislative approval of the attached resolution.

BACKGROUND INFORMATION

The Sherwood Greenway will provide a 2-mile pedestrian/bicycle path connecting the Erie County Riverwalk at Aqua Lane Park to the Two-Mile Creek Greenway System at Sheridan Park. The proposed trail is located in the Town of Tonawanda. Erie County has received a \$631,400 grant from the Federal Highway Administration that will reimburse Erie County up to a maximum 72% of project related costs.

CONSEQUENCES OF NEGATIVE ACTION

The Federal Highway Administration may withdraw funds allocated for the project.

STEPS FOLLOWING APPROVAL

A copy of the certified resolution will be forwarded to NYSDOT officials along with County executed contracts.

COMPTROLLER OFFICE APPROVAL

The proposed legislation has been reviewed by the Comptroller's Office and is related to Capital Projects A.21014 and A.00344, for which there are sufficient capital appropriations for the action proposed.


GREGORY GACH
Deputy Comptroller

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**Re: Federal Aid Project Agreement – New York State Department of Transportation –
Sherwood Greenway Multi-Use Trail – Construction and Construction Inspection Phase –
Tonawanda, NY**

WHEREAS, a Project for the Construction of the Sherwood Greenway Multi-Use Trail in conjunction with the Resurfacing of NY Routes 324 and 325, Sheridan Drive from the NY Route 266, River Road to NY Route 384, Delaware Avenue, in the Town of Tonawanda, Erie County, PIN 5756.76 and PIN 5086.22 (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 born at the ratio of approximately 72.2% Federal funds and 27.8% Non-Federal funds; 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 Construction and Construction Inspection phase of the Trail portion of the project PIN 5756.76 and PIN 5086.22.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Sherwood Greenway Multi-Use Trail Construction and Construction Inspection Phase project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay the Non-Federal share of the cost of the New York State Department of Transportation (NYSDOT) administered portion of the Construction and Construction Inspection phase of the Trail portion of the project or portions thereof, with the Federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement; and be it further

RESOLVED, that the sum of \$217,740 is hereby appropriated from available balances in capital account A.21014 and \$40,491 from account A.00344 and made available to cover the cost of participation in the Trail portion of the above phase of the Project; and be it further

RESOLVED, that in the event the Non-Federal share of the cost of the NYSDOT administered portion of the Project's Construction and Construction Inspection phase of the Trail portion 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 Erie County Executive be and 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 with the NYSDOT providing for the administration of the Project and the Municipality's funding of 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 certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of Budget and Management; the County Attorney; the Commissioner of Environment and Planning; and be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.