



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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January 20, 2012

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Federal Aid Project Agreement – NYSDOT – Evans Multi-Use Pathway – Phase 2

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 Evans Multi-Use Pathway Project – Phase 2.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Poloncarz", is written over a large, stylized flourish.

MARK R. POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Federal Aid Project Agreement – NYSDOT – Evans Multi-Use Pathway –
Phase 2
Date: January 6, 2012

SUMMARY

It is recommended that the Legislature approve the attached resolution authorizing the commitment of \$182,000 in County funds toward the construction and construction inspection costs associated with the project. The agreement also provides for the receipt of \$75,938 in New York State Marcheselli Funding which will be used to offset the total County commitment reducing it from \$182,000 to \$106,062.

FISCAL IMPLICATIONS

It is estimated that the total construction and construction inspection cost will be \$587,000, with 70% (\$405,000) being the federal share and 30% (182,000) from non-federal sources (\$75,938 – State; \$106,062 – Erie County).

County funding is available in SAP Account A.00213, in the amount of \$480,938 and A.00344, in the amount of \$106,062.00.

REASONS FOR RECOMMENDATION

The Town of Evans is preparing final design plans for Phase 2 of the Multi-Use Pathway along Old Lakeshore Road in the Town. The trail will extend from Erie County's Bennett Beach Park to Evans Beach Park. Erie County will have responsibility for the construction phase. The entire project will be funded with \$480,938 in Federal and State monies and \$106,062 in County funds.

BACKGROUND INFORMATION

Erie County has been the regional leader in creating accessible waterfront recreation since the mid-1980s and the Riverwalk project. The proposed action is part of a long-envisioned southward extension of the Riverwalk from downtown Buffalo along Lake Erie. The project will improve pedestrian/bicycle access to both Wendt Beach and Bennett Beach County parks. The Project is consistent with the Erie County Parks System Master Plan prepared in 2003.

CONSEQUENCES OF NEGATIVE ACTION

The failure to approve this resolution may result in the loss of \$480,938 in Federal and State aid for trail development and prohibit construction of an integral segment of the Lake Erie Trail System.

STEPS FOLLOWING APPROVAL

The County Executive will execute all necessary agreements with New York State Department of Transportation pertaining to Construction and Construction Inspections for PIN 5757.49.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to capital projects, included in the 2003 Capital Budget, Capital Project A.00213 and 2008 Capital Budget, Capital Project A.00344, for which there are sufficient capital appropriations for the action proposed.

Claims will need to be filed to receive the federal and state reimbursements.

Signed Lorne H. Steinhart [Ⓢ] Date 11/3/2011
LORNE H. STEINHART

Title Deputy Comptroller

Office of the Comptroller

Ⓢ This request involves accepting \$75,938 in Marchiselli Aid and increasing revenues and appropriations in Funded Program A.00213 by this amount. No cash is available in the project at this time; however, the budget in the project has enough funding available from federal/state aid. Claims must be filed to receive the reimbursements from the Federal and State governments. - LHS

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

**RE: Federal Aid Project Agreement –
NYSDOT – Evans Multi-Use
Pathway – Phase 2**

WHEREAS, the Town of Evans Multi-Use Pathway Project, Phase 2, a Project for the Construction of a multi-use pathway along Old Lakeshore Road, from Bennett Road, (Southern Terminus of the Evans Multi-Use Pathway Project, Phase 1, PIN 5756.75) to Evans Beach Park, in the Town of Evans, Erie County, PIN 5757.49 (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 approximately 68.3% Federal funds and 31.7% Non-Federal funds, or 80% Federal funds and 20% 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 Construction and Construction Inspection phase of the project PIN 5757.49; and

WHEREAS, the Town of Evans Multi-Use Pathway Project – Phase 2 is eligible for \$75,938 in funding under the New York State Marcheselli Aid Reimbursement Program administered by the New York State Department of Transportation; and

WHEREAS, said Marcheselli funding will be applied to the non-federal share of the Project cost thereby reducing the County share from \$182,000 to \$106,062.

NOW, THEREFORE, the Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Legislature of the County of Erie hereby approves the above-subject project; and be it further

RESOLVED, that the 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 Construction and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that County funding is available in SAP Account A.00213 in the amount of \$480,938 and SAP Account A.00344 in the amount of \$106,062; and be it further

RESOLVED, that the sum of \$106,062 is hereby appropriated from Capital Account SAP A.00344 and made available to cover the County share of participation in the above phase 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 Construction and Construction Inspection phase exceeds the amount appropriated above \$106,062, and/or 100% of the full

Federal and Non-Federal shares of the cost of the project's Construction and Construction Inspection phase exceeds \$587,000, 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 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 New York State Department of Transportation in connection with the advancement or approval of 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, this Resolution shall take effect immediately; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Account A.00213 within the Erie County Budget

- Increase Revenue and Appropriations by \$75,938 as follows:

Revenue

Commitment Item #405160 (Marchiselli Aid) (\$75,938)

Appropriation

Commitment Item #516020 (Professional Services, Contractual: Fees) \$75,938

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with federal and state funding requirements; 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 the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.