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ERIE COUNTY LEGISLATURE

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# County of Erie

DENNIS T. GORSKI  
COUNTY EXECUTIVE

## DEPARTMENT OF PUBLIC WORKS

JOHN C. LOFFREDO, P.E.  
COMMISSIONER

January 11, 1999

858-8300 Area Code 716

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

RE: Agreement with NYSDOT  
North Forest Road CR 294  
From NY Rte.263, Millersport Hgwy. to  
Dodge Road CR 45, Town of Amherst  
PIN 5753.74, Erie County

Honorable Legislators:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the above noted Federal-aid project and also authorizing the County Executive to enter into an Agreement with the New York State Department of Transportation to pay our share of the cost of Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases of this project.

As required by Rule 55 of the Erie County Legislature's Rules of Order, we have attached a proposed resolution and an accompanying memorandum describing the action recommended.

Please refer this matter to the Economic Development Committee for their consideration.

Very truly yours,

  
\_\_\_\_\_  
John C. Loffredo, P.E.  
Commissioner of Public Works

JCL:bjl  
Attachment  
DPWEDLE5.294

3D-10

PROPOSED RESOLUTION

"WHEREAS, a project for the Reconstruction of North Forest Road, CR 294, from NY Rte.263, Millersport Highway to Dodge Road, CR 45, Town of Amherst, PIN 5753.74, Erie County, 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, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Design I-VI), Right-of-Way Incidentals Phases of the Project PIN 5753.74.

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

RESOLVE, that the County Legislature of the County of Erie hereby approves the 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 the Federal and non-Federal shares of the cost of Preliminary Engineering (Design I-VI), Right-of-Way Incidentals Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$74,400.00 is hereby appropriated from the 1994 Road Design and Construction Federal Aid Program 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 that the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above, \$74,400.00 and or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering

(Design I-VI) and Right-of-Way Phases exceeds \$372,000.00, 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 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 project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor 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, 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 Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation."

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Honorable Legislators

FROM: John C. Loffredo, P.E., Commissioner of Public Works

DATE: January 11, 1999

SUBJECT: Agreement with NYSDOT  
North Forest Road CR 294  
From NY Rte.263, Millersport Hgwy. to  
Dodge Road CR 45, Town of Amherst  
PIN 5753.74, Erie County

Summary of Recommended Action

To pass a resolution authorizing the County of Erie to participate in the cost of the Federal-aid project (noted above), not on the State Highway system, overseen by the New York State Department of Transportation, and authorizing allocation of Erie County's share of Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases and management of the various phases of this project.

Fiscal Implications of Proposal

The total construction cost of this project is currently estimated at \$5,138,000, 80% of which will be Federally funded. Erie County is required to front the remaining 20% share (\$1,027,600) at various phases of design and construction and if Marchiselli funding is available, the New York State Department of Transportation will reimburse Erie County a maximum of 75% of the non-Federal share. We are requesting that at this time that the sum of \$74,400.00 be allocated from available funds in the 1994 Road Design and Construction Federal Aid Program.

Reasons for Recommendation

To allow the County to enter into a contract with the New York State Department of Transportation so that 80% of the cost of the reconstruction of the above noted road will be funded by Federal funds.

Background of Proposal

This project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid HBR&R funds and let November 2000. The County Legislature adopted Resolution No. 12D-22 at their meeting of July 12, 1997 which approved this project.

Consequences of Negative Action

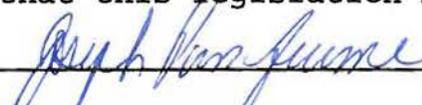
This action is required to insure that we continue to have this project funded by Federal and State financing.

Steps Following Approval of Measure

The County Executive will sign the agreement so that it can be fully executed by the New York State Department of Transportation and the project will proceed on schedule.

Department of Comptroller's Review

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized Capital Project for which there are sufficient account balances for the action proposed. It is recommended that this legislation be approved.

Signed:  Date: 1/21/99

Title: Director of Investments & Cash Management Comptroller's Office

JCL:bjl