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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

February 7, 2011

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

**RE: Amendment Number 2 to Erie County and New York State Canal Corporation
Agreement Regarding Black Rock Canal Park Improvements**

Honorable Members:

Enclosed please find a suggested resolution and accompanying memorandum authorizing execution of a No Cost Budget Modification/Time Extension to the April 29, 2009 Contract, as amended June 11, 2010, between Erie County and the New York State Canal Corporation. The modification extends the contract termination date from November 20, 2011 to December 31, 2012.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Collins", is written over a faint, larger version of the signature.

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Amendment Number 2 to Erie County and New York State Canal Corporation
Agreement Regarding Black Rock Canal Park Improvements
Date: February 7, 2011

SUMMARY

A 13-month time extension to the contract between Erie County and the New York State Canal Corporation is necessary to allow full expenditure of the \$100,000 in construction funds being made available by the Corporation for improvements to the County's Black Rock Canal Park.

First phase improvements will be under design in 2011 and construction occurring in 2012. Improvements to the existing road system, walkways, landscaping, and parking are key elements of the initial phase.

FISCAL IMPLICATIONS

The contract modification is a time extension only and funding from Erie County is not a prerequisite for the extension.

REASONS FOR RECOMMENDATION

Extensive public involvement during the Feasibility Study phase of the project delayed initiation of project design thus moving construction into 2012.

BACKGROUND INFORMATION

The project represents the initial phase of Black Rock Canal Park improvements as proposed by the Erie County Department of Environment and Planning in conjunction with the Black Rock Canal Park Advisory Committee. The improvements will primarily focus on improved entry/egress and parking facilities.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would be unable to utilize \$100,000 in state construction monies for the project thereby requiring a scaling back of the project scope.

STEPS FOLLOWING APPROVAL

The No Cost Budget Modification/Time Extension agreement will be executed by the County Executive and forwarded to the Canal Corporation for final processing.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment Number 2 to Erie County
and New York State Canal Corporation
Agreement Regarding Black Rock
Canal Park Improvements

WHEREAS, the New York State Canal Corporation and Erie County have entered into an agreement dated April 29, 2009, as amended June 11, 2010; and

WHEREAS, said agreement authorized the Canal Corporation to provide \$100,000 to the County for use in improving facilities at Black Rock Canal Park (aka Ontario Street Boat Launch); and

WHEREAS, said agreement has a termination date of November 30, 2011; and

WHEREAS, due to delays in project design it is now necessary to extend the termination date to December 31, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute the No Cost Budget Modification/Time Extension Appendix to the existing agreement between Erie County and the New York State Canal Corporation dated April 29, 2009, as amended June 11, 2010, which extends the termination date to December 31, 2012; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all additional No Cost Budget Modification/Time Extension agreements to the original April 29, 2009 Contract as may be necessary to fully utilize New York State Canal Corporation funds; 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.