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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 9, 2013

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

Re: Kenmore Avenue Improvements - Intermunicipal Agreement with City of Buffalo

Dear Honorable Members:

The Erie County Department of Public Works is requesting authorization to enter into an Intermunicipal Agreement with the City of Buffalo concerning a joint effort to improve and pave Kenmore Avenue, a roadway that is owned by the County and City.

If you have any questions, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration of this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cs

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

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works
RE: Kenmore Avenue Improvement - Intermunicipal Agreement with City of Buffalo
DATE: July 1, 2013

SUMMARY

The section of Kenmore Avenue from Main Street to Military Road is jointly owned by the City of Buffalo and County of Erie. The road is divided at the centerline; wherein the County is responsible for the northern side, and the City the southern side of the roadway.

In the past, each municipality was responsible for paving their portion of the roadway. As a result, the lanes were paved by the respective municipalities independently from one another and at different times. Such a practice has led to a less than satisfactory roadway, since the pavement condition oftentimes varies dependent upon the lane in which a driver is traveling. After a number of meetings between the County of Erie and City of Buffalo, both municipalities have determined that a better and more efficient approach is possible. The municipalities are proposing to work cooperatively and instead section off portions of the roadway to be paved. Therefore, each municipality will be responsible for paving both the northern and southern sides of the section in which they are assigned.

Specifically, in 2013, the County will pave the section of Kenmore Avenue beginning at the intersection of Fairfield Avenue up to and through the intersection of Colvin Avenue. Thereafter, in either 2014 or 2015, the City will be responsible for paving the portion of Kenmore Avenue extending from Colvin Avenue to Elmwood Avenue. Additionally, the City will perform minor patching from Elmwood Avenue to Military Road. Finally, in 2015, the section of Kenmore Avenue extending from the Railroad tracks near Englewood Avenue up to Main Street will be reconstructed with federally funded dollars.

The underlying resolution is seeking your Honorable Body's authorization to enter into an Intermunicipal Agreement with the City of Buffalo in order to undertake a new approach to paving sections of Kenmore Avenue.

FISCAL IMPLICATIONS

Funds for the project are included in the 2013 Budget as pay-as-you-go Highway funds.

REASONS FOR RECOMMENDATION

The Intermunicipal Agreement will allow the County to proceed with paving its section of Kenmore Avenue and allow for a better roadway.

CONSEQUENCES OF NEGATIVE ACTION

The County and the City of Buffalo will not be able to pave both sides of their respective sections of Kenmore Avenue, thus resulting in uneven road conditions and continued motorist complaints.

STEPS FOLLOWING APPROVAL

The Department of Public Works will work with the Law Department to prepare an Intermunicipal Agreement with the City of Buffalo.

**A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS**

Re: Kenmore Avenue Improvements - Intermunicipal Agreement with the City of Buffalo

WHEREAS, the section of Kenmore Avenue from Main Street to Military Road is jointly owned by the City of Buffalo and County of Erie; and

WHEREAS, Kenmore Avenue is divided at the centerline; wherein the County is responsible for maintaining the northern side, and the City the southern side of the roadway; and

WHEREAS, in the past, each municipality paved their section independently and at different times; and

WHEREAS, the end result was not completely satisfactory since the pavement condition on the northern and southern portions of the roadway oftentimes varied; and

WHEREAS, after a number of meetings between representatives of the County of Erie and the City of Buffalo, both municipalities have determined that a better and more efficient approach to paving Kenmore Avenue is possible; and

WHEREAS, the County and City are proposing to work cooperatively and instead section off portions of the roadway to be paved, wherein each municipality will be responsible for paving both the northern and southern sides of the section in which they are assigned; and

WHEREAS, an Intermunicipal Agreement between the County of Erie and City of Buffalo will be necessary to allow the County and the City to proceed with paving their agreed upon sections of Kenmore Avenue.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized, and is hereby directed, to execute an Intermunicipal Agreement between the County of Erie and the City of Buffalo which shall allow each municipality to perform improvements including paving and/or patching to both the northern and southern sides of Kenmore Avenue for the respective agreed-upon sections of roadway; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the County Attorney; the Division of Budget and Management and the Department of Public Works.