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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 8, 2013

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

**RE: Reconstruction of Penora Street (CR 23), Phase II
Como Park Blvd. to William Street - Town of Lancaster, Erie County
Agreement with Erie County Water Authority and
Acceptance of Funds and Project Increase**

Dear Honorable Members:

The County of Erie desires to enter into a cooperative agreement with the Erie County Water Authority (ECWA) for replacement of a portion of the existing ECWA water main, located within the County Highway Right-of-Way on Penora Street (CR 23) during the reconstruction project of the same by the County.

Should your Honorable Body require further information, please contact Commissioner John Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure

cc: John C. Loffredo, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
RE: Reconstruction of Penora Street (CR 23), Phase II
Como Park Blvd to William Street - Town of Lancaster, Erie County
Agreement with Erie County Water Authority- Acceptance of Funds and Project Increase
Date: September 26, 2013

SUMMARY

This resolution is seeking authorization for the County Executive to execute a cooperative agreement with the Erie County Water Authority (ECWA) for the replacement of a portion of the existing water main presently located within the County Highway Right-of-Way during the implementation of the Reconstruction of Penora Street (CR23) Phase II Project ("Project"), to accept funds from the ECWA for the cost of design and construction of this portion of the Project, in the amount of \$344,093.32 and increase the Project's capital project fund by the same.

FISCAL IMPLICATIONS

In accordance with the proposed cooperative agreement, the ECWA will advance the County an amount of Three Hundred Forty Four Thousand, Ninety Three and 32/100 dollars (\$344,093.32) to cover the estimated engineer costs associated with the design and construction of the water main replacement. The ECWA funds, upon acceptance, will be deposited to Fund 420, BA 123, B.13003, 2013 Preservation of Roads construction for the Penora Street Reconstruction Phase II project. The Project's budget revenue and expense in B.13003 will be increased by the deposit of \$344,093.32 toward payment of design and construction costs.

REASONS FOR RECOMMENDATION

Coordination of this construction will eliminate duplication of services to the taxpayers of Erie County, as well as minimize water main and roadwork construction disruption, and any inconvenience to travelling motorists and residents. Budget adjustments reflecting ECWA's deposit are necessary in order to award the Project and begin construction.

BACKGROUND INFORMATION

The DPW Division of Highways has initiated plans to undertake the reconstruction of Penora Street in the Town of Lancaster, and ECWA intended to replace the existing water main in the County's Right of Way. The ECWA through a resolution passed on April 11, 2013 has agreed to pay the County for the cost to design and construct the water main on County Highway Right-of-Way.

CONSEQUENCES OF NEGATIVE ACTION

The ECWA's water main project will not be coordinated or constructed during the DPW Division of Highways' Penora Street Reconstruction Phase II Project necessitating two separate construction projects with greater disruption to traffic and homeowners, and potential duplicative and higher costs.

STEPS FOLLOWING APPROVAL

Erie County will enter into the agreement with the ECWA, accept its payment for the required work, and increase the Project budget accordingly in order to award the Project vendor(s).

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS**

**RE: Reconstruction of Penora Street (CR 23), Phase II
Como Park Blvd. to William Street - Town of Lancaster, Erie County
Agreement with Erie County Water Authority -Acceptance of Funds and Project Increase**

WHEREAS, the County of Erie desires to coordinate construction with the Erie County Water Authority (ECWA) to undertake the replacement of a portion of a water main located within the County Highway Right-of-Way on Penora Street (CR 23) as part of the Penora Street, Phase II Reconstruction Project (the "Project"); and

WHEREAS, the County of Erie has initiated the Project and the ECWA has agreed by resolution at their meeting of April 11, 2013 to enter into an agreement for payment of the design and construction of a portion of a water main located within the County Highway Right-of-Way and Project limits; and

WHEREAS, it is necessary for Erie County to accept the payment and increase the Project budget by the amount of the ECWA payment in order to cover the costs associated with the design and construction of a portion of a water main.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with the ECWA to facilitate the design and construction of a portion of a water main located within the County Highway Right-of-Way on Penora Street (CR 23) as part of the Penora Street, Phase II, Reconstruction project; and be it further

RESOLVED, that the payment of \$344,093.32 to be accepted from the ECWA, be deposited to Fund 420, BA 123, B.13003, 2013 Preservation of Roads towards project expenditures; and be it further

RESOLVED, that Fund 420, BA 123, B.13003, 2013 Preservation of Roads budget be increased by the amount of \$344,093.32 as follows:

REVENUES		CURRENT	INCREASE/ DECREASE	REVISED
Account	Description	BUDGET		BUDGET
420499	Other Local Source Rev	\$ 0	\$ 344,093.32	\$ 344,093.32
445070	Prem On Obligations	\$ 649,945.77	\$ 0	\$ 649,945.77
475000	Gen Oblig Bond Proc	<u>\$4,150,054.23</u>	<u>\$ 0</u>	<u>\$4,150,054.23</u>
TOTAL REVENUES		<u>\$4,800,000</u>	<u>\$344,093.32</u>	<u>\$5,144,093.32</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$4,800,000</u>	<u>\$344,093.32</u>	<u>\$5,144,093.32</u>
TOTAL APPROPRIATIONS		<u>\$4,800,000</u>	<u>\$344,093.32</u>	<u>\$5,44,093.32</u>

;and be it further

RESOLVED, that the amount of \$344,093.32 from Fund 420, BA 123, B.13003, 2013 Preservation of Roads budget be made available for the Project; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.