ECLEG OCT 08 '13 A 10:00

# COUNTY OF ERIE

**MARK C. POLONCARZ**
COUNTY EXECUTIVE

October 8, 2013

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

**RE: Utility Work Agreements – Evans Lakeshore Trail**

Dear Honorable Members:

Enclosed please find a proposed resolution authorizing the execution of various work agreements between Erie County and affected utilities along the Evans Lakeshore Trail right-of-way.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Commissioner Maria R. Whyte

**MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature
**From:** Department of Environment and Planning
Re: Utility Work Agreements – Evans Lakeshore Trail
**Date:** September 27, 2013

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## SUMMARY

It is recommended that the Erie County Legislature approve the attached resolution authorizing the County Executive to execute an agreement for utility work services with National Grid, Time Warner Cable, Verizon, and other applicable utilities. The work services pertain to Phase 1B of the Evans Lakeshore Trail (aka Shoreline Trail – Beaches Section) in the Town of Evans.

## FISCAL IMPLICATIONS

The proposed resolution requests that a total amount not to exceed $40,000 be allocated from the available funds in the SAP Account A.00213. The sources of funding for this project are from NYS Multimodal and Federal Transportation Enhancement monies.

## REASON FOR RECOMMENDATION

It is necessary that these approvals be granted, so that the work can be completed within the targeted timeframes from funding sources. It is necessary to have the utility work agreements executed prior to bid award so that construction can begin in the spring of 2014. The latter is scheduled for November, 2013.

## BACKGROUND INFORMATION

Erie County has received $480,938 in federal and State funds for the project. Design is complete and the advertisement to bidders is underway. Since some utility pole relocation is necessary the New York State Department of Transportation requires formal work agreements be executed between affected utilities and Erie County.

## CONSEQUENCES OF NEGATIVE ACTION

The Project will be delayed and thus threaten the County's ability to undertake the project.

## STEPS FOLLOWING APPROVAL OF RESOLUTION

Agreements will be executed by the County Executive with applicable utility companies.

## COMPTROLLERS OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized Capital Project A.00213 for which there are sufficient account balances for the action proposed.

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GREGORY GACH
Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Utility Work Agreements –
Evans Lakeshore Trail

WHEREAS, Erie County is desirous of undertaking Phase 1B of the Evans Shoreline Trail (aka Shoreline Trail – Beaches Section) in the Town of Evans; and

WHEREAS, said section shall extend from Erie County's Bennett Beach Park to the Evans Town Park; and

WHEREAS, Erie County has secured $480,938 in State and Federal funds for the project; and

WHEREAS, State regulations require that Erie County execute certain work agreements with affected utility companies within the project area prior to contract award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive be authorized to execute Utility Work Agreements with affected utilities including but not limited to Verizon, Time Warner Cable, and National Grid in a cumulative amount not to exceed $40,000; and be it further

RESOLVED, that the source of said funds are available within the Erie County Department of Environment and Planning Budget in SAP Account No. A.00213; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.