



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 15, 2015

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

**RE: Intermunicipal Agreement with the City of Buffalo
Federal-Aid Highway Local Project
Kenmore Avenue Reconstruction
Klauder Avenue to Main Street, PIN 5757.18
Town of Tonawanda - City of Buffalo - County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute an intermunicipal agreement with the City of Buffalo to participate in the Kenmore Avenue reconstruction Federal Aid project with the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact the Department of Public Works, Office of the Commissioner. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", is written over a light gray background.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/br/dab

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Intermunicipal Agreement with the City of Buffalo
Federal-Aid Highway Local Project
Kenmore Avenue Reconstruction
Klauder Avenue to Main Street, PIN 5757.18
Town of Tonawanda - City of Buffalo -County of Erie
Date: June 15, 2015

SUMMARY

This resolution is seeking authorization for the County Executive to execute an intermunicipal agreement with the City of Buffalo for participation in the Kenmore Avenue reconstruction Federal Aid project with the City of Buffalo.

FISCAL IMPLICATIONS

This is a federal aid project eligible for up to 80% federal funding and another 15% of NYS Marchiselli funding. The local share of the project of a minimum 5% (should Marchiselli funding be available) to a maximum of 20% (with no Marchiselli funding) would be split evenly between the City and County. The current estimated total cost of the project is \$6,660,000.00, not including right-of-way (ROW). The County portion of the local share would then range between \$166,500.00 and \$666,000.00. The County's share of the ROW cost is estimated to be \$9,000.00. Funding for the County's share of the non-Federal project costs is available from B.15004.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 and funding for the County's individual share of the ROW cost is available from B.15002.1, 2015 Kenmore Avenue Right of Way, PIN 5757.18.

REASONS FOR RECOMMENDATION

Kenmore Avenue is jointly owned by the City of Buffalo and the County of Erie with the dividing line running down the center of the road. The subject project provides needed reconstruction along with upgrades to drainage, lane configurations, and traffic signals. Two five foot wide bike lanes, one in each direction, are also included in the project.

BACKGROUND INFORMATION

Kenmore Avenue is heavily traveled and has been in need of repair for some time. The City and County agreed to pursue a federal aid project to reconstruct Kenmore with the City being the lead agency and the City and County splitting the local share of the project costs.

CONSEQUENCES OF NEGATIVE ACTION

The County's share of the project funding will not be available and completion of the project will be jeopardized.

STEPS FOLLOWING APPROVAL

The County Executive will execute an intermunicipal agreement with the City of Buffalo for the subject project providing for the County's participation in the project and its provision of 50% of the local share of the project costs and the County's share of the ROW costs.

COMPTROLLER'S OFFICE 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 appropriations for the action proposed.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

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

Re: Intermunicipal Agreement with the City of Buffalo
Federal-Aid Highway Local Project
Kenmore Avenue Reconstruction
Klauder Avenue to Main Street, PIN 5757.18
Town of Tonawanda - City of Buffalo - County of Erie

WHEREAS, Kenmore Avenue is jointly owned by the City of Buffalo (“City”) and the County of Erie (“County”) with the dividing line being the center of the road; and

WHEREAS, Kenmore Avenue is in need of repair and reconstruction; and

WHEREAS, the City and the County have agreed to participate in a locally administered federal aid project to reconstruct Kenmore Avenue from Klauder Avenue to Main Street; and

WHEREAS, the Kenmore Avenue Reconstruction Project PIN 5757.18 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the Project may be eligible for New York State Marchiselli funding up to a maximum amount of 15% of the project costs; and

WHEREAS, the non-Federal share of the Project costs may vary from 5% to 20% depending upon the availability of New York State Marchiselli funding; and

WHEREAS, the City and the County have agreed to each bear 50% of the non-Federal costs of the project and their individual shares of the cost of required right-of-way (“ROW”); and

WHEREAS, an intermunicipal agreement (“IMA”) has been negotiated and approved by the City’s Corporation Counsel and the County Attorney setting forth the terms of participation in the project for both the City and the County: and

WHEREAS, it has been agreed that the City shall be the lead agency for the project and will enter into the federal aid project agreement with the New York State Department of Transportation; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 50% of the estimated maximum non-Federal share of the costs of the Project and the County’s individual share of the estimated ROW costs through an intermunicipal agreement with the City of Buffalo; and

WHEREAS, the County’s share of the estimated maximum non-Federal share of the costs of the Project is \$660,000.00 is available from Project Fund Center 123, Fund 420, B.15004.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18; and

WHEREAS, the County's estimated individual ROW cost of \$9,000.00 is available from Project Fund Center 123, Fund 420, B.15002.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 Right of Way.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Kenmore Avenue reconstruction federal aid project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 50% of the non-Federal share of the cost of the Project and the County's individual share of the ROW cost according to the terms of the IMA; and be it further

RESOLVED, that the estimated maximum total sum of the County's share of the Project cost in the amount of \$660,000.00 is hereby appropriated from Project Fund Center 123, Fund 420, B.15004.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 and made available to cover the cost of participation in the Project; and be it further

RESOLVED, that the County's estimated individual share of the cost of acquiring the required ROW in the amount of \$9,000.00 is hereby appropriated from Project Fund Center 123, Fund 420, B.15002.1, 2015 Kenmore Avenue Reconstruction, PIN 5757.18 Right of Way and made available to cover the cost of participation in the Project; and be it further

RESOLVED, that in the event the amount required to pay the County's estimated share of the non-Federal costs, and the County's individual share of the ROW costs exceeds \$660,000.00 and/or \$9,000.00 respectively the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, should additional Federal or State aid become available for this Project, Erie County is authorized to accept the funds and adjust the respective Project budgets accordingly; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with and from the City on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's funding of its share of the non-Federal Project costs and its individual share of the ROW costs; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an IMA with the City of Buffalo setting forth the terms of participation in the project for both the City and County; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME City of Buffalo
2. AMOUNT OF CONTRACT \$660,000.00 Reconstruction, Local Share
\$9,000.00 ROW Cost, Local Share
3. PROJECT NUMBER B.15004.1 Kenmore Ave Reconstruction,
PIN 5757.18
B.15002.1 Kenmore Ave Reconstruction,
PIN 5757.18 ROW
4. PROJECT TITLE Kenmore Avenue Reconstruction
Klauder Avenue to Main Street, PIN 5757.18
5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS B.15004 \$ 660,000.00
B.15002 \$ 70,000.00
7. PERFORMED BY Don Urban
- Date Sent to Comptroller's Office: June 8, 2015

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