

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 20, 2015

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

**Re: Tonawanda Rails to Trails
NYSDOT Supplemental Agreement No. 2
Federal-Aid Highway Local Project
Tonawanda Rails to Trails, PIN 5756.84
Town & City of Tonawanda, County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a supplemental agreement with the New York State Department of Transportation for continued participation in the Tonawanda Rails to Trails federal aid project.

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 Poloncarz", is written over a horizontal line.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ec/dab

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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Tonawanda Rails to Trails
NYSDOT Supplemental Agreement No. 2
Federal-Aid Highway Local Project
Tonawanda Rails to Trails, PIN 5756.84
Town & City of Tonawanda, County of Erie
Date: March 20, 2015

SUMMARY

This resolution is seeking authorization for the County Executive to execute a supplemental agreement with the New York State Department of Transportation for continued participation in the Tonawanda Rails to Trails federal aid project

FISCAL IMPLICATIONS

The supplemental agreement with NYSDOT adjusts the funding for design, ROW and construction to reflect actual and projected costs. Cost are split 80% federal and 20% County. The County must in the first instance pay 100% of project costs and then apply to NYSDOT for reimbursement for the federal share.

The total cost of the Design phase of the project is \$455,000.00. This represents an increase of \$115,000.00 over the existing contract amount of \$340,000.00. The increase of \$115,000.00 requires a local share (LS) of \$23,000.00. With the addition of federal funds, this increase is available from SAP project B.13011, 2013 Tonawanda Rails to Trails.

The cost of the ROW phase of the project is \$82,000.00. This represents an increase of \$72,000.00 over the existing contract amount of \$10,000.00. The increase of \$72,000.00 requires a local share of \$14,400.00. With the addition of federal funds, this increase is available from SAP projects B.13016.6, 2013 Capital Road Program (PAYGO) (\$4,400.00 LS); and B.14006, (\$10,000.00 LS).

The cost of the Construction phase of the project is \$2,682,000.00. The local share of the cost is \$536,400.00. This amount with the addition of federal revenue is available from SAP projects B.13016.6, 2013 Capital Road Program (PAYGO) (\$86,400.00 LS) and B.14009, 2014 Tonawanda Rails To Trails Construction (\$450,000.00 LS).

A separate resolution entering into contracts for the Tonawanda Rails to Trails project is being transmitted to the Legislature.

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REASONS FOR RECOMMENDATION

The supplemental agreement with NYSDOT brings federal and local project funding in line with actual and projected project costs and allows the project to go forward.

BACKGROUND INFORMATION

The supplemental agreement with NYSDOT brings the funding in the County's contract with NYSDOT in line with actual and projected costs and allows execution of agreements with C&S Companies (Consultant) and Northeast Diversification, Inc. (Contractor), the low bidder.

CONSEQUENCES OF NEGATIVE ACTION

The project will not go forward.

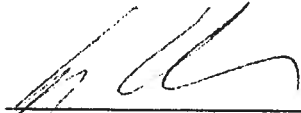
STEPS FOLLOWING APPROVAL

The supplemental agreement with NYSDOT will be executed by the County and returned to NYSDOT for full execution

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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

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

**Re: Tonawanda Rails to Trails
NYSDOT Supplemental Agreement No. 2
Federal-Aid Highway Local Project
Tonawanda Rails to Trails, PIN 5756.84
Town & City of Tonawanda, County of Erie**

WHEREAS, the Tonawanda Rails to Trails Project PIN 5756.84 is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design; Right of Way via Legislative Communication 13E-39 of June 24, 2004; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which includes increases to the Design, Right of Way, and the Construction phases of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$3,219,000.00 an increase of \$2,869,000.00 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the County is required to pay the estimated local share for the increase in Project costs in the amount of \$573,800.00 which is available from the SAP projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Tonawanda Rails to Trails 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 in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals, Right of Way Acquisition and Construction phases of the Project or portions thereof; and be it further

RESOLVED, that the Project budgets be adjusted to reflect the anticipated federal revenue for each phase as follows:

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Fund 420, BA 123, B.13011, 2013 Tonawanda Rails To Trails Project (Design):

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	0	\$92,400.00	\$92,400.00
445070	PremOn Obligations	7,501.46	0	7,501.46
475000	Gen Oblig Bond Proc	<u>47,898.54</u>	<u>0</u>	<u>47,898.54</u>
TOTAL REVENUES		<u>\$55,400.00</u>	<u>\$92,400.00</u>	<u>\$147,800.00</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$55,400.00</u>	<u>\$92,400.00</u>	<u>\$147,800.00</u>
TOTAL APPROPRIATIONS		<u>\$55,400.00</u>	<u>\$92,400.00</u>	<u>\$147,800.00</u>

Fund 420, BA 123, B.13016, 2013 Capital (PAYGO) Road Program:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	0	\$363,200.00	\$363,200.00
486000	Gen Oblig Bond Proc	<u>\$ 7,900,000.</u>	<u>\$0</u>	<u>\$ 7,900,000.</u>
TOTAL REVENUES		<u>\$7,900,000.</u>	<u>\$363,200.00</u>	<u>\$8,263,200.00</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$7,900,000.</u>	<u>\$363,200.00</u>	<u>\$8,263,200.00</u>
TOTAL APPROPRIATIONS		<u>\$7,900,000.</u>	<u>\$363,200.00</u>	<u>\$8,263,200.00</u>

Fund 420, BA 123, B.14006, 2014 Tonawanda Rails To Trails Project (ROW):

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	40,000.00	\$0	40,000.00
445070	PremOn Obligations	1,336.76	0	1,336.76

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475000	Gen Oblig Bond Proc	<u>8,663.24</u>	<u>0</u>	<u>8,663.24</u>
TOTAL REVENUES		<u>\$50,000.00</u>	<u>\$0</u>	<u>\$50,000.00</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$10,000.00	\$40,000.00	\$50,000.00
Unallocated	Unallocated Capital	<u>\$40,000.00</u>	<u>(\$40,000.00)</u>	<u>0</u>
TOTAL APPROPRIATIONS		<u>\$50,000.00</u>	<u>\$0</u>	<u>\$50,000.00</u>

Fund 420, BA 123, B.14009, 2014 Tonawanda Rails To Trails Project (Construction):

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	1,800,000.	\$0	1,800,000.
445070	PremOn Obligations	60,154.11	0	60,154.11
475000	Gen Oblig Bond Proc	<u>389,845.89</u>	<u>0</u>	<u>389,845.89</u>
TOTAL REVENUES		<u>\$2,250,000.</u>	<u>\$0</u>	<u>\$2,250,000.</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$450,000.	\$1,800,000.00	\$2,250,000.00
Unallocated	Unallocated Capital	<u>\$1,800,000.</u>	<u>(\$1,800,000.00)</u>	<u>0</u>
TOTAL APPROPRIATIONS		<u>\$2,250,000.</u>	<u>\$0</u>	<u>\$2,250,000.</u>

; and be it further

RESOLVED, that the estimated total cost increase of the Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction Phase of the Project, \$2,869,000.00, is hereby appropriated from Fund 420 SAP Projects B.13011, 2013 Tonawanda Rails to Trails, B.13016, 2013 Capital PAYGO Road Projects B.14006, 2014 Tonawanda Rails to Trails and B.14009 Tonawanda Rails to Trails, and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Phases as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

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RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; 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.

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TO: GREGORY GACH - COMPTROLLER'S OFFICE

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

NYS Department of Transportation

2. AMOUNT OF CONTRACT

Total Contract = \$3,219,000.00
Increase over existing Contract = \$2,869,000.00
(REQUIRED LOCAL SHARE= \$573,800.00)

3. PROJECT NUMBER

See Proposed Revenue schedules in attached
B.13011 LS = \$23,000.00 (excess locked)
B.13016 LS = \$90,800.00
B.14006 LS = \$10,000.00
B.14009 LS = \$450,000.00
TOTAL LS = \$573,800.00

4. PROJECT TITLE

5756.84 Tonawanda Rails to Trails

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.13011 \$ 147,500.00
B.13016 \$ 757,074.87
B.14006 \$ 50,000.00
B.14009 \$ 2,250,000.00

7. PERFORMED BY

Don Wilson

Date Sent to Comptroller's Office:

March 9, 2015