

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
Federal-Aid Highway Local Project
Utility Work Agreement with National Grid and Purchase of Wetland
Credits -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 utility work agreement with National Grid and to execute a contract for the purchase of wetland credits for the Tonawanda Rails to Trails 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 C. Poloncarz", with a long, sweeping horizontal line extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ec/dab

SUSPENSION

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Tonawanda Rails to Trails
Federal-Aid Highway Local Project
Utility Work Agreement with National Grid and Purchase of Wetland Credits -
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 utility work agreement with National Grid and to execute a contract for the purchase of wetland credits for the Tonawanda Rails to Trails project.

FISCAL IMPLICATIONS

The Utility Work Agreement with National Grid is in the amount of \$100,000.00. This amount is available from SAP project B.13016.17.321, 2013 Capital (PAYGO) Road Program.

The availability and price of wetland credits varies according to location, availability and owner. It is anticipated that the required 0.3 wetland credits will be acquired from Ducks Unlimited at a price less than or equal to \$25,000.00. This amount is available from SAP project B.14006.1.1, 2014 Tonawanda Rails to Trails Project.

REASONS FOR RECOMMENDATION

The project requires that National Grid make adjustments to some of its transmission facilities. As the facilities requiring adjustment are on right of way (ROW) not owned by Erie County National Grid is entitled to reimbursement for the work. This work is considered part of the overall project and the cost is split 80% federal and 20% local (County). NYSDOT and FHWA require that a Utility Work Agreement be in place.

A condition of the environmental project permit issued by the U.S. Army Corps of Engineers is that the County purchase 0.3 wetland credits (1 credit = 1 acre) to offset project impacts to federally defined wetlands. These credits will be purchased where currently available. It is anticipated that they will be acquired from Ducks Unlimited.

BACKGROUND INFORMATION

The authorizations requested herein are required for advancement of the Tonawanda Rails to Trails project.

CONSEQUENCES OF NEGATIVE ACTION

The project will not go forward.


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STEPS FOLLOWING APPROVAL

The Utility Work Agreement with National Grid will be executed and a contract for the purchase of 0.3 wetland credits will be executed.

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 will be sufficient appropriations for the action proposed pending the adoption of the authorization to enter into a Supplemental Agreement with the New York State Department of Transportation which includes the addition of anticipated Federal revenue.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

SUSPENSION

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

Re: Tonawanda Rails to Trails
Federal-Aid Highway Local Project
Utility Work Agreement with National Grid and Purchase of Wetland Credits -
Tonawanda Rails to Trails, PIN 5756.84
Town & City of Tonawanda, County of Erie

WHEREAS, the Tonawanda Rails to Trails Project PIN 5756.84 ("Project") 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, to advance the Construction phase of the Project, Erie County is required to execute a Utility Work Agreement with National Grid in the amount of \$100,000.00 which is available from SAP Project B.13016.17.321, Fund Center 123, Fund 420; and

WHEREAS, to advance the Construction phase of the Project, Erie County is required to execute a contract for the purchase of 0.3 wetland credits in the estimated amount of \$25,000.00 which is available from SAP Project B.14006.1, Fund Center 123, Fund 420; and

WHEREAS, execution of a supplemental agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the \$100,000 total sum of the Utility Work Agreement with National Grid is hereby appropriated from SAP Project B.13016.17.321, 2013 Capital (PAYGO) Road Program and made available to cover the cost of participation in the Utility Work Agreement; and be it further

RESOLVED, that the \$25,000 estimated total sum of the cost of purchasing the required 0.3 wetland credits is hereby appropriated from SAP Project B.14006.1, 2014 Tonawanda Rails To Trails and made available to cover the cost of the required credits; and be it further

RESOLVED, that the Erie County Executive, pending approval and execution of the supplemental agreement with NYSDOT, is hereby authorized to execute all necessary Agreements and certifications on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with National Grid and/or the selected vendor of the required wetland credits in connection with the advancement or approval of the Project; and be it further

RESOLVED, that three (3) 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.

SUSPENSION

TO: GREGORY GACH - COMPTROLLER'S OFFICE

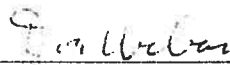
PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	National Grid Vendor for wetland credits to be selected
2. AMOUNT OF CONTRACT	\$100,000.00 National Grid \$25,000.00 Wetland Credits
3. PROJECT NUMBER	B.13016.17.321.2 = \$100,000.00 B.14006.1 = \$ 25,000.00
4. PROJECT TITLE	2013 Capital (PAYGO) Road Program 2014 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.13016 \$ 403,074.82 B.14006 \$ 25,000.00
7. PERFORMED BY	
Date Sent to Comptroller's Office:	March 9, 2015

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