



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 22, 2016

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

RE: Utility Work Agreements – Revised Funding Source 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 right of way required to construct Evans Lakeshore Trail – Phase 1B. This action was previously approved by the Legislature on October 24, 2013 via communication 17E-12(2013).

Since a change in the funding source for the utility work has occurred, it is necessary to submit a new resolution.

Should your honorable body require any further information, I encourage you to contact Deputy Commissioner, Thomas Hersey at 858-7674. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz". The signature is written in a cursive style.

Mark C. Poloncarz, Esq.
Erie County Executive

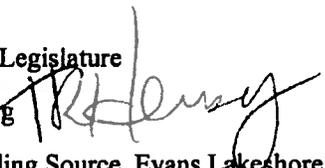
MCP/mw
Enclosure

C: Deputy County Executive Maria R. Whyte

MEMORANDUM

COMPTROLLER'S
RECEIVED

16 APR 18 AM 10:29

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning 
Re: Utility Work Agreement – Revised Funding Source, Evans Lakeshore Trail
Date: April 15, 2016

SUMMARY

On October 24, 2013 the Erie County Legislature approved Comm. 17E-12(2013) authorizing the County Executive to execute utility work agreements, in an amount not exceed \$40,000, with National Grid and other applicable utilities which would be undertaking service relocation work to accommodate Phase 1B of the Evans Lakeshore Trail (aka Shoreline Trail Beaches Section) in the Town of Evans. Comm. 17E-12(2013) also identified the funding source for the action as SAP Account A.00213. Since this account has been fully committed to actual construction and design work for the trail, it is requested that the funding source be changed to A.00344. This would insure that the utility companies are compensated for their work. Contracts have been executed with the applicable utilities.

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.00344. The source 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 utilities can be reimbursed for work completed in 2014 and 2015.

BACKGROUND INFORMATION

As noted above, it is necessary to revise the funding source that will be used to reimburse utility companies for infrastructure relocation work associated with the Evans Lakeshore Trail. The original capital account A.00213 identified in Comm. 17E-12(2013) was in error due to those capital funds being consumed by the primary construction contractor expenses.

CONSEQUENCES OF NEGATIVE ACTION

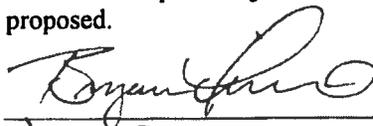
The utilities will not be reimbursed for work completed as part of the various utility work agreements executed in 2013 and 2014.

STEPS FOLLOWING APPROVAL OF RESOLUTION

Payments will be made to the 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.00344 for which there are sufficient account balances for the action proposed.



Gregory Gach
Deputy Comptroller



BRYAN FIUME
Associate Deputy Comptroller

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

RE: Utility Work Agreements – Revised Funding Source 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, contracts have been executed with each applicable utility in 2013 and 2014 and all necessary infrastructure work has been completed; and

WHEREAS, the Erie County Legislature on October 13, 2013 adopted Communication 17E-12(2013) which identified SAP Account No. A.00213 as the funding source not to exceed \$40,000 for those costs to be incurred by various utilities including but not limited to Verizon, Time Warner Cable and National Grid; and

WHEREAS, said utilities have since completed infrastructure relocation work associated with the Evans-Lakeshore Trail; and

WHEREAS, it has been determined that adequate funds are not available in SAP Account No. A.00213 due to the consumption of said funds by the primary construction contractor; and

WHEREAS, it is now necessary to revise the funding source for the cost of the utility work not to exceed \$40,000 from SAP Account No. A.00213 to SAP No. A.00344;

NOW, THEREFORE, BE IT

RESOLVED, that the funds for said utility infrastructure work not to exceed \$40,000 is available within the Erie County Department of Environment and Planning Budget in SAP Account No. A.00344; and it be it further

RESOLVED, that the 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.