

September 29, 2016

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 15

ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 17E-13 (2016)  
**MILLS & RATH:** "Follow-Up Letter to Commissioner of Public Works Regarding Report Utilization of the PAVE NY Fund"  
(5-0) Legislator Loughran not present for vote.
  - b. COMM. 18D-2 (2016)  
**DEPARTMENT OF PUBLIC WORKS:** "2016 Highway Project Status Report"  
(6-0)
2. COMM. 18E-22 (2016)  
**COUNTY EXECUTIVE**  
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 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 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 and Construction Phases via Legislative Communications 13E-39 of June 24, 2004 and 16E-10 of April 16, 2015; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which includes an increase to the Construction phase 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 \$3,619,000.00, an increase of \$400,000.00 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 \$80,000.00 which is available.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Tonawanda Rails to Trails, PIN 5756.84 Federal-Aid Highway Local Project and supplemental agreement number 3; 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 Construction phase of the Project or portions thereof; and be it further

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

Fund 420, BA 123, B.16008, 2016 Federal Aid Projects Construction:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
<u>REVENUES</u>				
Account	Description			
414000	Federal Aid	\$2,012,000.	\$320,000.	\$2,332,000.
475000	Gen Oblig Bond Proc	<u>\$500,000.</u>		<u>\$ 500,000.</u>
TOTAL REVENUES		<u>\$2,512,000.</u>	<u>\$320,000.</u>	<u>\$2,832,000.</u>
<u>APPROPRIATIONS</u>				
Capital Projects	Capital Project Exp	\$500,000.	\$320,000.	\$820,000.
Unallocated	Unallocated Capital	<u>\$2,012,000.</u>		<u>\$2,012,000.</u>
TOTAL APPROPRIATIONS		<u>\$2,512,000.</u>	<u>\$320,000</u>	<u>\$2,832,000.</u>

; and be it further

RESOLVED, that the estimated total cost increase of the Construction Phase of the Project, \$400,000.00, is hereby appropriated from Fund 420 SAP Projects B.16008, 2016 Federal Aid Projects Construction 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

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.

(6-0)

**EDWARD A. RATH, III**  
**CHAIR**