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

RE: Two Mile Creek Greenway Trail

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution authorizing the County to contract professional services directly with Wendel Companies to revise construction documents they previously completed for the relocation of a segment of the Two Mile Creek Greenway Multi-Use Trail. In 1999 Erie County entered a license agreement with National Grid for the Two Mile Creek Greenway Trail to be located on National Grid property. A segment of approximately 300’ was disrupted in 2019 because of National Grid’s necessity to build an electric substation expansion on their property. As part of the license agreement, Erie County is now required to reconstruct the trail around National Grid’s new structure.

The proposed resolution will provide authorization for Wendel to conduct a survey and revise their existing construction documents for the Two Mile Creek Greenway Trail. The revisions are needed as a result of changes to the site topography following the construction of the new National Grid electrical substation facility.

Should your Honorable Body require further information, I encourage you to contact Commissioner Thomas R. Hersey, Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely Yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mw
Enclosure
cc: Thomas R. Hersey, Jr.
     Vicki L. Haas
MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Two Mile Creek Greenway Trail
Date: January 15, 2021

SUMMARY
In 1999, Erie County entered into a license agreement with Niagara Mohawk Power Corporation (now "National Grid" or “NGRID”) to utilize National Grid owned property for the purposes of constructing Erie County’s Two Mile Creek Greenway Multi-Use Trail. Pursuant to the agreement, in the event that National Grid needs usage of their property, the County is responsible for relocation/ reconstruction of multi-use trail improvements. In 2018, National Grid notified Erie County that they planned to construct a new electrical substation to service the increased electrical needs of nearby North Youngmann Commerce Park and Riverview Solar Technology Park, necessitating that the County’s Multi-use trail be relocated. The Department of Environment & Planning utilized Wendel Companies to prepare engineering and construction documents to permanently relocate the Two Mile Creek Greenway trail around NGRID’s new facility. After completion of the new substation in 2020, a site visit revealed that the topography of the site had changed after NGRID’s construction activities. As a result of the varied site conditions, it is necessary for DEP to conduct a topographical survey and revise the construction plans to adjust the trail relocation reflecting current conditions. We are asking for direct payment of these proposed services since the encumbrance to do the original design work has been closed out.

FISCAL IMPLICATIONS
The cost of survey and construction plan revisions will be paid from the Capital Project budget A.19053 – Two Mile Creek Multi-Use Trail Reconstruction that was established for this work.

REASONS FOR RECOMMENDATION
The Two Mile Creek Greenway Trail is an important connector multi-use trail between the population centers of the City and Town of Tonawanda and the waterfront trail system known as the Shoreline Trail. A temporary trail detour was put in place to maintain the County’s trail connection while National Grid completed its new electrical substation. Now that NGRID’s substation is complete, DEP is required to construct a permanent multi-use trail realignment, keeping the Shoreline Trail intact. Additionally, since Wendel Companies owns the initial construction documents for the permanent trail relocation, it would be extremely cost prohibitive to seek another firm to conduct this work, since they would not be permitted to utilize Wendel’s stamped construction documents. Another firm would have to start from scratch to re-draw the already completed plans for their own use to revise for current conditions.
BACKGROUND INFORMATION
The County's Two Mile Creek Greenway Trail was constructed on National Grid property through a license agreement. National Grid has since utilized their property at the location of a section of approximately 300' of the Two Mile Creek Greenway Trail to construct an electrical substation expanding their service to the area. An amendment to the license agreement was executed to implement the temporary trail detour and for relocation for the Two Mile Creek Greenway Trail. The County is now responsible for reconstructing a permanent realignment of the approximately 300' feet of trail to re-connect the Shoreline Trail.

CONSEQUENCES OF NEGATIVE ACTION
The Two Mile Creek Greenway Trail connection cannot be constructed without the necessary authorization for Wendel Companies to perform a site topographical survey and revise construction documents that will reflect current site conditions. Since Wendel Companies owns the completed stamped construction drawings, it would be extremely cost prohibitive to hire another firm to perform the survey and start over with a new set of construction drawings that reflect current site conditions.

If the attached resolution is not approved, the Two Mile Creek Trail will sever the trail since the temporary detour does not provide the long-term safety and stability required for a County multi-use trail as part of the Shoreline Trail System.

STEPS FOLLOWING APPROVAL
The County will authorize Wendel Companies to conduct a topographical survey and make revisions to their existing construction documents that are needed to construct the permanent Two Mile Creek Greenway Multi-Use Trail relocation improvements.
COMPTROLLER’S OFFICE REVIEW
The proposed legislation has been reviewed by the Comptroller’s Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Gregory Gach
Comptroller’s Office
A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Two Mile Creek Greenway Trail

WHEREAS, in 1999 Erie County entered into a license with Niagara Mohawk Power Corporation d/b/a “National Grid” for usage of National Grid’s property located along Two Mile Creek Road in the City of Tonawanda and Town of Tonawanda to construct a multi-use trail known as the Two Mile Creek Greenway Trail;

WHEREAS, pursuant to the 1999 license agreement, in the event National Grid required usage of their property the County would be responsible for relocating the Two Mile Creek Greenway; and

WHEREAS, National Grid notified the County of the need to relocate the Two Mile Creek Trail; and

WHEREAS, National Grid constructed a new electrical substation on the location of a section of the existing Two Mile Creek Greenway Trail to service increased electrical needs in North Youngman Commerce Park and Riverview Solar Technology Park; and

WHEREAS, the Two Mile Creek Greenway Trail is a critical connection between the population centers of the Town and City of Tonawanda and the waterfront trail network known as the Shoreline Trail; and

WHEREAS, the County desires to maintain the Two Mile Creek Greenway Trail connection; and

WHEREAS, through the scope of work associated with the Parks Master Plan update the County utilized Wendel Companies to prepare construction documents for the new location of the Two Mile Creek Greenway Trail; and

WHEREAS, the original encumbrance from the Parks Master plan project has been expanded and closed, it is necessary to direct pay Wendel from the new capital account for the Trail reconstruction (A.19053);

WHEREAS, the construction activities of the NGRID’s new electrical substation changed the topography of the site, necessitating a new site survey and revisions to completed construction drawings;

NOW, THEREFORE, BE IT

RESOLVED, that the County Comptroller is authorized through direct pay from Capital Budget Account A.19053 to provide Wendel an amount not to exceed $3,500.00 to conduct a topographical survey and revise its prepared construction drawings to reflect current site
conditions after NGRID’s construction of a new substation facility allowing for construction of the County’s permanent greenway trail realignment as part of the Shoreline Trail System; and

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Public Works; the Commissioner of the Department of Environment and Planning; County Attorney and the Commissioner of Parks, Recreation and Forestry.
TO: JOHN SOLECKI, COMPTROLLER’S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

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<tr>
<th>REQUESTING DEPARTMENT</th>
<th>COMPLETE ITEMS 1 THROUGH 5</th>
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<tr>
<td>1. CONTRACTOR’S NAME</td>
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<td>5. DEPARTMENT CONTACT</td>
<td>Vicki Haas (x4613)</td>
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<td>7. PERFORMED BY</td>
<td>Betsy Hall</td>
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Date Sent to Comptroller’s Office: 1/13/2021