

72115

DATE: October 21, 2019

TO: Board of Acquisition and Contract

FROM: Norma V. Drummond, Commissioner of Planning
Kathleen O'Connor, Commissioner of Parks, Recreation & Conservation

SUBJECT: Resolution amending a resolution dated July 11, 2019 ("Resolution") which authorized a third amendment to the agreement between the County of Westchester ("County") and the New York State Department of Transportation ("NYSDOT") for design of rehabilitation and expansion of Playland Park Pathway to connect to the Harrison and Rye railroad stations, Playland Park and the Edith Read Sanctuary ("Project"), by adding certain provisions to the Resolution as required by NYSDOT.

On November 5, 2009, your Honorable Board authorized the County to enter into a grant agreement with NYSDOT ("Grant Agreement"), in an amount not to exceed \$296,250.00, pursuant to which the County would agree to expend in the first instance \$296,250.00 on design and right-of-way incidental work for the Project, with \$237,000.00 (80 % of the total cost) to be reimbursed to the County by NYSDOT from federal funding under Title 23 of the U.S. Code for which the Project is eligible, and \$59,250.00 (20 % of the total cost) to be borne by the County as the County's local match, for the period commencing on September 24, 2007 and continuing through November 30, 2011. The agreement would allow the County to design the Project.

On January 28, 2011, your Honorable Board authorized the County to amend the Grant Agreement to change the funding allocation to allow the total funding provided by NYSDOT for design of the Project to cover 95% and the County share to be reduced from a 20% match to a 5% match. The amendment changed the not-to-exceed amount of the County's matching contribution from \$59,250.00 to \$14,812.50, a reduction of \$44,437.50. The NYSDOT contribution increased from \$237,000.00 to \$281,437.50, an increase of \$44,437.50.

On July 18, 2013, your Honorable Board authorized the County to enter into a second amendment the Grant Agreement to extend the expiration date from November 30, 2011 to September 30, 2015.

On May 21, 2018, your Honorable Board authorized the County to amend the County's 2018 Capital Budget by increasing the County Share for the Project by \$1,840,000.00 to a total project cost, including non-county shares, of \$3,815,000.

On July 11, 2019 your Honorable Board authorized the County to enter into a third amendment to the Grant Agreement with NYSDOT change the expiration date from September 30, 2015 to December 30, 2021 and increase the amount of the Grant Agreement from \$296,250.00 to \$1,975,000.00, an increase of \$1,678,750.00. Of the total contract amount of \$1,975,000, \$1,624,437 will be reimbursed back to the County by the State. The remaining \$350,563 represents the County share of the contract agreement.

It has now come to the attention of the County that NYSDOT requires additional clarification as to the County's funding obligations for the Project.

Specifically, NYSDOT is requiring that the July 11, 2019 Resolution be amended to reflect the fact that the County will be responsible in the first-instance for funding \$1,678,750 of the cost of the construction, construction inspection and construction supervision, as the non-County share of \$1,343,000 will be paid to the County on a reimbursement basis, and not simply given in advance as a grant.

Accordingly, the County now seeks to amend the July 11, 2019 Resolution to authorize the County to enter into an agreement with NYSDOT, in an amount not to exceed \$1,975,000, under which the County will agree to expend in the first instance \$1,678,000 on construction, construction inspection and construction supervision work for the Project, with \$1,343,000 to be reimbursed to the County by NYSDOT from federal funding under Title 23 of the U.S. Code for which the Project is eligible, and \$335,750 to be borne by the County as the County's local match, for the period commencing on September 24, 2007 and continuing through December 30, 2021.

Except as specifically amended hereby, all remaining terms and conditions of the July 11, 2019 Resolution shall remain in full force and effect.

This amendment is needed as the Project was delayed by a lengthy review process, permitting delays and the need to procure additional consulting services required to address issues raised by NYSDOT. The time extension is needed to complete the construction phase of the Project.

The goal and objective of the proposed agreement is to provide for safe inter-modal transit for pedestrians and cyclists through the County's Long Island Shore communities. It is in the best interests of the County in terms of health and the environment because County residents will be encouraged to use this environmentally friendly means of transportation and, in so doing, may increase year-round usage of Playland Park and Edith Read Sanctuary. The project will be monitored by the Planning and Parks, Recreation & Conservation staff who will review and approve plans as they are developed by Planning Department staff and consultants to ensure all contractual requirements are met.

We recommend approval of this amendment.

NVD/MG/AZ/RL/cp
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE COMMISSIONER OF PARKS, RECREATION AND CONSERVATION, BE IT HEREBY

RESOLVED, that all clauses within the resolution approved on July 11, 2019 (the “July 11th Resolution”), which authorized the County of Westchester (the “County”) to enter into a third amendment to the agreement between the County and the New York State Department of Transportation (“NYSDOT”) to design the rehabilitation and expansion of Playland Park Pathway to connect it to the Harrison and Rye railroad stations, Playland Park and the Edith Read Sanctuary (“Project”), to change the expiration date from September, 30, 2015 to December 30, 2021 and increase the dollar amount from \$296,250.00 to \$1,975,000.00 an increase of 1,678,750.00, are hereby deleted, and replaced as follows:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement with the New York State Department of Transportation (“NYSDOT”), in an amount not to exceed \$1,975,000, under which the County will agree to expend in the first instance \$1,678,000 on construction, construction inspection and construction supervision work for the rehabilitation and expansion of Playland Park Pathway to connect it to the Rye railroad stations, Playland Park, and the Edith Read Sanctuary (the “Project”), with \$1,343,000 to be reimbursed to the County by NYSDOT from federal funding under Title 23 of the U.S. Code for which the Project is eligible, and \$335,750 to be borne by the County as the County’s local match, for the period commencing on September 24, 2007 and continuing through December 30, 2021; and be it further

RESOLVED, that in the event the full costs of the Project exceed \$1,975,000, the County will apply to its Legislature as soon as possible to request appropriation of said excess amount; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

; and be it further

RESOLVED, that all the other terms and conditions of the agreement will remain the same; and it is further

RESOLVED, that the County Executive, and/or the Commissioner of Planning or the Commissioner of Parks, Recreation and Conservation, are is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement	\$ 296,250.00
Third Amendment	\$1,328,187.00
Second Amendment	0.00
First Amendment	0.00
This Amendment	0.00
 Total Amount	 \$1,624,437.00

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
372	42	RPA01-03-C	9634	N/A	\$0.00

Budget Funding Year(s) FY2010 Start Date September 24, 2007 End Date December 30, 2021

(must match resolution)

Funding Source

Tax Dollars _____

State Aid \$0.00 _____

\$0.00

(must match resolution)

Federal Aid _____

Other _____

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Playland Park way Pathway.docx

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/31/2019 - LISA MRIJAJ, SECRETARY