



George Latimer
County Executive

Department of Planning

Norma V. Drummond,
Commissioner

August 13, 2019

Marshall Gioia
Local Projects Unit – Region 8
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

Re: Playland Parkway Pathway
City of Rye, New York
Supplement Agreement #2
Federal Aid Project – Pin 8780.25

Dear Mr. Gioia:

We are transmitting to you (3) signed original copies of the Supplemental Agreement #2 including municipal resolution for the above project. Please execute the agreement and send back one copy of the original signed agreement to us.

Feel free to contact me if you have any questions or comments. Thank you.

Sincerely,

Robert Lopane
Landscape Architect

Attachments

cc: without attachments:

Anthony Zaino, Assistant Commissioner
John Estrow, Application Support Specialist



Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: Westchester County

PIN: 8780.25

Comptroller's Contract No: D032404

Supplemental Agreement No. 2

Date Prepared & By: 10/01/2015 dh

SUPPLEMENTAL AGREEMENT NO 2 to D032404

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Westchester County (the Municipality/Sponsor)

Acting by and through the **County Executive**

With its office at **148 Martine Avenue, 4th Floor, White Plains, NY 10601**

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

☐ amending a project description

X amending the contract end date

X amending the scheduled funding by:

X adding additional funding:

X adding **Construction** phase which covers eligible costs incurred on/after

☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx

☐ increasing funding for a project phases(s)

☐ adding a pin extension

☐ change from Non-Marchiselli to Marchiselli

☐ deleting/reducing a project phase(s)

☐ other -

☐ Amends a previously adopted Schedule "B"

X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

☐ Amends the Text of the Agreement as follows:

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

By: *Norma V. Drummond*
Print Name: NORMA V. DRUMMOND
Title: WC Commr of Planning
Date: 7/31/19

Municipality/Sponsor Attorney:

By: _____
Print Name: _____

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this 31st day of JULY, 2019 before me personally came NORMA V. DRUMMOND to me known, who, being by me duly sworn did depose and say that he/she resides at WAPPINGER FALL, NY; that he/she is the COMMISSIONER OF PLANNING of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the BOARD OF ACQUISITION & CONTRACT of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on JULY 11, 2019 and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

DANIELA INFELD
Notary Public, State of New York
No. 02IN6071659
Qualified in Westchester County
Term Expires March 18, 2020

Daniela Infeld
Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112

APPROVED AS TO FORM.

Ms

ASST.

COUNTY ATTORNEY

70319

DATE June 19, 2019

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing a third amendment to the agreement between the County of Westchester ("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"), in order to change the expiration date and increase the dollar amount.

On November 5, 2009, your Honorable Board authorized a grant agreement with the New York State Department of Transportation (NYS DOT), in an amount not-to-exceed \$296,250.00, under 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 NYS DOT 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 rehabilitation and expansion of Playland Park Pathway to connect it to the Harrison and Rye railroad stations, Playland Park and the Edith Read Sanctuary.

On January 28, 2011, your Honorable Board authorized the County to amend the grant agreement with NYSDOT to change the funding allocation. The total funding provided by NYSDOT for design of this project will cover 95% and the County share of the project design cost will be reduced from a 20% match to a 5% match. The amendment changed the not-to-exceed amount of the County's cash 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 do a second amendment the grant agreement with 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, in order to change 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 this project by \$1,840,000.00. This increases the total project (including non-county shares) to \$3,815,000.

The attached resolution authorizes the County to approve a third amendment to the grant agreement with NYSDOT in order to change the expiration date from September 30, 2015 to December 30, 2021 and

increase the dollar amount of the 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 NYSDOT. The remaining \$350,563 represents the County share of the agreement.

This amendment is needed as the Project was delayed by a lengthy review process, permitting delays and the need to procure additional consulting services needed to address issues brought up by NYSDOT comments. 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 Westchester 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/cp/RL/AZ
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT DATE 12/19/18 MR. J. SECKMAN

RESOLUTION

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

RESOLVED, that the County of Westchester ("County") is authorized to approve a third amendment to the agreement between the County and the New York State Department of Transportation 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, in order 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; and it is 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 or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement \$ 296,250.00
Second Amendment 0.00
First Amendment 0.00
This Amendment \$1,328,187.00

Total Amount \$1,624,437.00

Account to be
Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund 372	Dept 42	Or Unit RPA01-03-C	9634	N/A	\$1,328,187.00

Budget Funding Year(s) FY 2010 Start Date September 24, 2007 End Date December 30, 2021

(must match resolution)

Funding Source Tax Dollars _____

State Aid \$1,328,187

\$1,328,187.00

(must match resolution)

Federal Aid _____

Other _____

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements **NYSDOT/ State-Local Agreement - Schedule A for PIN 8780.25**

OSC Municipal Contract #: D032404 **Contract Start Date:** 9/24/2007 (mm/dd/yyyy) **Contract End Date:** 12/30/2021 (mm/dd/yyyy)
☐ Check, if date changed from the last Schedule A

Purpose: ☐ Original Standard Agreement ☒ Supplemental Schedule A No. 2

Agreement Type: ☒ Locally Administered Municipality/Sponsor (Contract Payee): Westchester County
 Other Municipality/Sponsor (if applicable):

☐ State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

Authorized Project Phase(s) to which this Schedule applies: ☒ PE/Design ☐ ROW Incidentals
☐ ROW Acquisition ☒ Construction/CI/CS

Work Type: BIKE/PED./FACILITIES **County (If different from Municipality):** Westchester County

Marchiselli Eligible ☐ Yes ☒ No (Check, if Project Description has changed from last Schedule A): ☐

Project Description: Playland Parkway Pathway, Town/Village of Harrison, City of Rye, Westchester County

Marchiselli Allocations Approved FOR ALL PHASES All totals will calculate automatically.

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$	\$	\$44,438.00	\$44,438.00
<input type="checkbox"/>	Current SFY	\$0.00	\$	\$0.00	\$ 0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$44,438.00	\$44,438.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8780.25.321	Current	TEP (80%)	\$1,975,000.00	\$1,580,000.00	\$44,438.00	\$350,562.00	\$0.00
	Old	TEP (80%)	\$296,250.00	\$237,000.00	\$44,438.00	\$14,812.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$1,975,000.00	\$1,580,000.00	\$44,438.00	\$350,562.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

C. Local Deposit(s) from Section A:

	\$ 0.00
Additional Local Deposit(s)	\$
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$1,580,000.00	\$44,438.00	\$ 0.00	\$350,562.00	\$1,975,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

 Name: Doreen Holsopple
 Phone No: 845-431-5977

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

[illegible]