

**Amending Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.21) - Authorizing The Chair Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The New York State Department Of Transportation For Funding Construction And Construction Inspection Phase And – Amending The 2021 Capital Fund Budget - Department Of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Cahill and Legislators Archer, Corcoran, Delaune, Litts, Maio, and Uchitelle), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Cahill, Greene, Heppner, and Litts), and The Ways and Means Committee (Chairman Gavaris and Legislators Archer, Bartels, Haynes, Maio, Parete, Ronk, and Walter)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian B. Cahill, and Deputy Chair Herbert Litts, III, offer the following:

WHEREAS, this Resolution has been submitted at the request of the County Executive on behalf of the Department of Planning; and

WHEREAS, a Project for the Ulster County Midtown Linear Park, PIN 8761.82 in the City of Kingston (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such project to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, Capital Project No. 479 was established pursuant to Resolution No. 503 of 2017 and was amended pursuant to Resolution No. 390 of 2019 to provide for a total authorization and funding for engineering and right-of-way incidentals work for the Project in the amount of \$197,945.00; and

WHEREAS, pursuant to Resolution No. 391 of 2019, the Ulster County Legislature adopted and issued a Negative Declaration Under the State Environmental Quality Review Act (SEQRA) for the construction of the Project; and

WHEREAS, Capital Project No. 479 was amended pursuant to Resolution No. 540 of 2019 authorizing right-of-way acquisition funding in the amount of 110,000.00; and

WHEREAS, the Ulster County Legislature has approved and agreed to advance the Project by committing 100% of the federal and non-federal shares of the cost of engineering, right-of-way incidentals work and right-of-way acquisition in the first instance; and

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WHEREAS, Ulster County desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of construction and construction inspection work for the Project; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby approves the further progress of the above-subject Project for the construction and construction inspection phase; and, be it further

RESOLVED, that the Ulster County Legislature hereby authorizes Ulster County to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$1,744,275.00 is hereby appropriated and made available from Capital Project No. 479 to cover the cost of participation in the construction and construction inspection phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Ulster County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Ulster County Executive thereof; and it is further

RESOLVED, that the Chair of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for federal aid on behalf of Ulster County with the New York State Department of Transportation (“NYSDOT”) in connection with the advancement or approval of the Project 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

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RESOLVED, that in addition to the Chair of the Ulster County Legislature, the following municipal titles-- Director of Purchasing, Director of Planning, and Deputy Director of Planning—are also hereby authorized to execute any Agreements, certifications and reimbursement requests on behalf of the County with NYSDOT in connection with the advancement or approval of the Project identified in the Federal-Aid Local Project Agreement; and, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the construction and construction inspection; and, be it further

RESOLVED, that a certified copy of this Resolution will be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, it is further

RESOLVED, that the 2021 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0479.2300.2550 (App.#)	Construction	\$1,744,275.00
HH.7197.0479.3500.5710 (Rev.#)	Serial Bonds	\$1,341,644.00
HH.7197.0479.3120.2797 (Rev.#)	Other Local Sources	\$ 402,631.00

and, be it further

RESOLVED, this Resolution shall take effect immediately,  
and move its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES:    23                      NOES:    0

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on March 2, 2021

Passed Committee: Public Works and Capital Projects on March 3, 2021

Passed Committee: Ways and Means on March 9, 2021

FINANCIAL IMPACT:

\$1,744,275.00 - COUNTY CAPITAL FUND APPROPRIATIONS

\$ 402,631.00 - LOCAL SOURCE CAPITAL REVENUES

\$1,341,644.00 - COUNTY CAPITAL REVENUE - SERIAL BONDS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 16<sup>th</sup> Day of March in the year Two Thousand Twenty-One, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of March in the year Two Thousand Twenty-One.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
18<sup>th</sup> Day of March 2021.

Approved by the County Executive this  
23<sup>rd</sup> Day of March 2021.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

|s| Patrick K. Ryan  
Patrick K. Ryan, County Executive