

Amending Capital Project No. 508 – Fantinekill Bridge (PIN 8761.75) Replacement Construction Phase - Authorizing Agreements, Certifications Or Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The New York State Department Of Transportation, And Appropriating Funds - Department Of Public Works (Highways And Bridges)

Referred to: The Public Works, Capital Projects and Transportation Committee (Chair Nolan and Legislators Donaldson, Kovacs, Litts, and McCollough), and the Ways and Means Committee (Chairman Gavaris and Legislators Collins, Hansut, Kovacs, Nolan, and Roberts)

Chair of the Public Works, Capital Projects and Transportation Committee, Kathy Nolan, 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 Public Works; and

WHEREAS, a Project for the Fantinekill Bridge Replacement PIN 8761.75 (the "Project") along CR 3 (Samsonville Road) over Mombaccus Creek, in the Town of Rochester, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Project will replace the existing Fantinekill Bridge that has reached the end of its service life; and

WHEREAS, Resolution No. 311 adopted by the Ulster County on July 18, 2017 established Capital Project No. 508 and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work; and

WHEREAS, Resolution No. 312 adopted by the Ulster County on July 18, 2017 amended Capital Project No. 508 authorizing engineering services in connection with Fantinekill Bridge in the amount of \$191,000.00, and

WHEREAS, Resolution No. 177 adopted by the Ulster County on May 15, 2018 amended Capital Project No. 508 authorizing engineering services in connection with Fantinekill Bridge in the amount of \$80,810.00, and

WHEREAS, Resolution No. 374 adopted by the Ulster County on September 20, 2018 amended Capital Project No. 508 authorizing additional engineering services in connection with Fantinekill Bridge in the amount of \$10,000.00, and

Resolution No. 121 March 19, 2024

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WHEREAS, Resolution No. 584 adopted by the Ulster County on October 17, 2023 amended Capital Project No. 508 authorizing construction services in connection with Fantinekill Bridge in the amount of \$1,657,000.00 for a project total in the amount of \$1,938,810.00; and

WHEREAS, the County of Ulster desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of additional construction and construction inspection; and

WHEREAS, based upon examination by the Ulster County Legislature, the County's funding of this Project constitutes a Type II action as defined under Section 2.1 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010; and

WHEREAS, Ulster County has determined that this funding action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA, and does not require any further determination or procedure under SEQRA; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby approves the Project; and, be it further

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

RESOLVED, the Project is a Type II Action as defined under 6 NYCRR 617.5(c) (2.2) and does not require any determination or procedure under the State Environmental Quality Review Act (SEQRA) and, be it further

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

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RESOLVED, that the Chair of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the County of Ulster with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and, be it further

RESOLVED, that in addition to the Chair of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works, County Engineer, and County Attorney are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; 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 the Ulster County Commissioner of Finance is authorized to make payments associated with all phases of the project; and, be it further

RESOLVED, that the 2024-2029 Ulster County Capital Improvement Program is amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
Capital Project No. 508	Fantinekill Bridge Replacement	\$1,719,086.00

and, be it further

RESOLVED, that Capital Project No. 508 for the Fantinekill Bridge Replacement be amended as follows:

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	<u>INCREASE</u>	<u>AMOUNT</u>
Capital Project No. 508	Fantinekill Bridge Replacement	\$1,209,000.00

and, be it further

RESOLVED, that the 2024 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0508-4300.4505 (App. #)	Construction Insp Services Capital Project No. 508	\$ 404,060.00
HH.5197.0508-2300.2550 (App. #)	Construction Services Capital Project No. 508	\$ 804,940.00
HH.5197.0508-3500.5710 (Rev. #),	Serial Bond	\$1,209,000.00

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Litts)

Passed Committee: Public Works, Capital Projects and Transportation on March 11, 2024

Passed Committee: Ways and Means on March 14, 2024

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FINANCIAL IMPACT:

\$1,209,000.00 - COUNTY CAPITAL FUND APPROPRIATION

\$1,209,000.00 - COUNTY REVENUE - SERIAL BONDS

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 20th Day of March in the year Two Thousand Twenty-Four, 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 20th Day of March in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
20th Day of March 2024.

Approved by the County Executive this
28th Day of March 2024.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

[s] Jen Metzger
Jen Metzger, County Executive