

**Establishing Capital Project No. 540 – For The Samsonville Road Culvert In The Town of Rochester (PIN 8762.35) – Bridge NY Program – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements, Certifications Or Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The New York State Department Of Transportation– Department Of Public Works (Highways And Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, James Maloney, Joseph Maloney, Petit, and Rodriguez)

Chairwoman of the Public Works and Capital Projects Committee, Laura Petit, and Deputy Chair Dean J. Fabiano, and Legislator Nolan offer the following:

WHEREAS, a project for the Samsonville Road over Tributary to the Mombaccus Creek Culvert Replacement in the Town of Rochester, Ulster County, P.I.N. 8762.35 (the “Project”) is eligible for reimbursement of qualified cost from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Project will replace the existing Samsonville Road Culvert; and

WHEREAS, the New York State Department of Transportation (NYSDOT) will design, let, and administer all phases of the Project; and

WHEREAS, the 2019 – 2024 Capital Program includes the full cost of for the preliminary engineering, right of way incidental, and construction phases for the Samsonville Road Culvert Replacement; and

WHEREAS, Ulster County has been awarded \$550,000 with a 0% local share through the Bridge NY Program; and

WHEREAS, Ulster County desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, Ulster County has currently has been appropriated \$550,000.00 through the Bridge NY Program for the preliminary engineering, right of way incidental and construction phases; and

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WHEREAS, the Commissioner of Public Works requests funds for the preliminary engineering, right of way incidental and construction phases for the Project in the amount of \$550,000.00; 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 Sections 4.5.5 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, that the Ulster County Legislature hereby approves the Project 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 preliminary engineering, right of way incidental work and construction for the Project, or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state- aid, or reimbursement from Bridge NY funds; and, be it further

RESOLVED, that the sum of \$550,000.00 is appropriated from serial bond funding and made available to cover the cost of participation in the preliminary engineering and right of way incidental phases of the Project; and, be it further

RESOLVED, that the Ulster County Legislature hereby agrees that Ulster County shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to Ulster County; and, be it further

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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 County Executive thereof; and, be it further

RESOLVED, that Ulster County will be responsible for all maintenance of the Project; and, be it further

RESOLVED, that the Chairwoman of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid if available 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 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 Chairwoman of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works, County Attorney, and Director of Purchasing, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the County with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the preliminary engineering, right of way incidental and construction phases; 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, be it further

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RESOLVED, that this Resolution shall take effect immediately; and, be it further

RESOLVED, that Capital Project No. 540, Samsonville Road Culvert is hereby established as follows:

	<u><b>CREATE</b></u>	<u><b>AMOUNT</b></u>
Capital Project No. 540	Samsonville Road Culvert	\$550,000.00

and, be it further

RESOLVED, that the 2019 Ulster County Capital Fund Budget is hereby amended as follows:

	<u><b>INCREASE</b></u>	<u><b>AMOUNT</b></u>
HH.5197.0540-4300.4355 (App. #)	Engineering Services Capital Project No. 540 Samsonville Road Culvert	\$ 80,000.00
HH.5197.0540-4300.4505 (App. #)	Professional Services Other Fees Capital Project No. 540 Samsonville Road Culvert	\$ 10,000.00
HH.5197.0540-4100.4100 (App. #)	Highway Materials Capital Project No. 540 Samsonville Road Culvert	\$460,000.00
HH.5197.0540-3500.5710 (Rev. #)	Serial Bond Revenue	\$550,000.00

and move its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 19                      NOES: 0  
(Absent: Legislators Donaldson, Maio, James Maloney, and Petit)

Passed Committee: Public Works and Capital Projects on April 3, 2019

Passed Committee: Ways and Means on April 9, 2019

**FINANCIAL IMPACT:**

\$550,000.00 - COUNTY CAPITAL FUND APPROPRIATIONS

\$550,000.00 - COUNTY REVENUE – SERIAL BONDS

(100% REIMBURSABLE FROM BRIDGE NY FUNDS)

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 April in the year Two Thousand and Nineteen, 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 April in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this  
18<sup>th</sup> Day of April, 2019.

Approved by the Acting County Executive this  
25<sup>th</sup> Day of April, 2019.

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

s| Adele B. Reiter  
Adele B. Reiter, Acting County Executive