

Amending Capital Project No. 539 – Shawangunk Kill Bridge Rehabilitation In The Town Of Shawangunk (PIN 8762.16) To Increase Funding For Construction – 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 (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 Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chair Manna Jo Greene 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 CR 18 over Shawangunk Kill Bridge Rehabilitation (BIN 3347510) in the Town of Shawangunk, Ulster County, P.I.N. 8762.16 (the Project) 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 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Project may become eligible for New York State Marchiselli Aid, and if this aid becomes available, then Ulster County's financial obligation to the Project will be diminished from its present 5% share; and

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

WHEREAS, Ulster County will design, let and construct the Project; and

WHEREAS, the 2021 – 2026 Capital Program includes the full cost for the construction and construction inspection phases for the Shawangunk Kill Bridge; and

WHEREAS, Ulster County has been awarded \$4,780,320 with a 5% 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

Resolution No. 212 May 18, 2021

Amending Capital Project No. 539 – Shawangunk Kill Bridge Rehabilitation In The Town Of Shawangunk (PIN 8762.16) To Increase Funding For Construction – 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)

WHEREAS, Ulster County was approved by New York State for grant funding in the amount of \$4,780,320.00 and total project costs are currently estimated at \$3,352,910.94; and

WHEREAS, Capital Project No. 539 was established pursuant to Resolution No. 157 dated April 16, 2019, in the amount of \$595,000.00 for the design of the Shawangunk Kill Bridge Rehabilitation; and

WHEREAS, the Commissioner of Public Works requests Capital Project No. 539 be amended for the construction and construction inspection phases of the Project in the amount of \$2,757,910.94 for a total project cost of \$3,352,910.94; and

WHEREAS, the additional monies being requested by the Commissioner of Public Works may be offset by future grants funds appropriated through the Bridge NY Program, 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

Resolution No. 212 May 18, 2021

Amending Capital Project No. 539 – Shawangunk Kill Bridge Rehabilitation In The Town Of Shawangunk (PIN 8762.16) To Increase Funding For Construction – 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)

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 and right of way incidental work 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 \$2,757,910.94, (\$3,352,910.94 minus \$595,000), is appropriated from serial bond funding and made available to cover the cost of participation in the above 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

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 hereby agrees that construction of the Project shall begin no later than Twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and, be it further

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 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

Resolution No. 212 May 18, 2021

Amending Capital Project No. 539 – Shawangunk Kill Bridge Rehabilitation In The Town Of Shawangunk (PIN 8762.16) To Increase Funding For Construction – 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)

RESOLVED, that in addition to the Chair 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 Municipality 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 all phases of the project; 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

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

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

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0539-4300.4505 (App. #)	Fees for Prof Services - Inspection	\$ 445,471.00
HH.5197.0539-2300.2550 (App. #)	Construction Services	\$2,312,440.00
HH.5197.0539-3500.5710 (Rev. #)	Serial Bonds	\$2,757,911.00

and move its adoption.

Resolution No. 212 May 18, 2021

Amending Capital Project No. 539 – Shawangunk Kill Bridge Rehabilitation In The Town Of Shawangunk (PIN 8762.16) To Increase Funding For Construction – 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)

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Legislator Ronk arrived at 7:47 PM)

Passed Committee: Public Works and Capital Projects on May 5, 2021

Passed Committee: Ways and Means on May 11, 2021

FINANCIAL IMPACT:

\$2,757,911.00 - COUNTY CAPITAL FUND APPROPRIATIONS

\$2,757,911.00 - COUNTY REVENUE – SERIAL BONDS

(95% REIMBURSABLE FROM BRIDGE NY FUNDS)

Resolution No. 212 May 18, 2021

Amending Capital Project No. 539 – Shawangunk Kill Bridge Rehabilitation In The Town Of Shawangunk (PIN 8762.16) To Increase Funding For Construction – 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)

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 18th Day of May 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 20th Day of May in the year Two Thousand Twenty-One.

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

Submitted to the County Executive this
20th Day of May 2021.

Approved by the County Executive this
25th Day of May 2021.

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

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