

**Amending Capital Project No. 260 - Bailey Bridge (BIN 3347090) - Construction Phase – Authorizing the Chairman 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 – Amending the 2014 Capital Fund Budget - Public Works (Highways And Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Allen, Greene, Loughran and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Provenzano and Rodriguez)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, a Project for Denning Road over the East Branch of the Neversink Creek in the Town of Denning: the Bailey Bridge (BIN 3347090), PIN 8758.79 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds 20% non-federal funds; and

WHEREAS, the Project is 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 20% share to a 5% share; and

WHEREAS, Capital Project No. 260 was established pursuant to Resolution 284, dated November 13, 2003, to provide authorization and funding for preliminary engineering and right-of-way incidental work for the Bailey Bridge (BIN 3347090, PIN 8758.79), over the east Branch of the Neversink Creek, located on Denning Road in the Town of Denning; and

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

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

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WHEREAS, the Commissioner of Public Works requests funds from serial bonds for the Denning Road over the East Branch of the Neversink Creek: the Bailey Bridge Project, PIN 8758.79 for construction, construction inspection and construction supervision, in the amount of \$3,005,000.00; now

THEREFORE, the Ulster County Legislature, duly convened does hereby:

RESOLVE, that the Ulster County Legislature hereby approves the further progress of the above-subject project; and, it is 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, construction inspection, and construction supervision work for the Project, or portions thereof; and, it is further

RESOLVED, that the sum of \$3,005,000.00 is appropriated from serial bond funding and made available to cover the cost of participation in the above 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 County Executive thereof; and, it is further

RESOLVED, that the Chairman of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, and any amendments thereto, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli 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 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, it is further

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RESOLVED, that in addition to the Chairman of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works 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, it is 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 this Resolution shall take effect immediately; and, it is further

RESOLVED, that Capital Project #260 is hereby increased by \$3,050,000.00 to allow for the construction phase of the Project; and, be it further

RESOLVED, that the 2014 Capital Fund Budget is amended as follows:

|                                    | <u>INCREASE</u>                             | <u>AMOUNT</u>  |
|------------------------------------|---|----------------|
| HH.5197.0260-4300.4355             | Const. Inspection and<br>Const. Supervision | \$ 455,000.00  |
| HH.5197.0260-2300-2550<br>(App. #) | Construction<br>Capital Project No.260      | \$2,550,000.00 |

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|  | <u>INCREASE</u> | <u>AMOUNT</u>  |
|--|-----------------|----------------|
| HH.5197.0260-3400-4597 Federal Aid, Capital Highway Projects |                 | \$2,404,000.00 |
| HH.5197.0260-3300-3591 State Aid, NYS Marchiselli Funding    |                 | \$ 362,000.00  |
| HH.5197.0260-3500-5710 Serial Bond Proceeds<br>(Rev. #s)     |                 | \$ 239,000.00  |

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(Absent: Legislators Loughran and Roberts)

Passed Committee: Public Works and Capital Projects on July 3, 2014

Passed Committee: Ways and Means on July 9, 2014

**FINANCIAL IMPACT:**

\$3,005,000.00 – CAPITAL PROJECT NO. 260 APPROPRIATIONS  
\$2,404,000.00 – 80% REIMBURSABLE FROM FEDERAL FUNDS  
\$ 362,000.00 – 15% REIMBURSABLE NYS MARCHISELLI FUNDING  
\$ 239,000.00 – 5% SERIAL BOND PROCEEDS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15<sup>th</sup> Day of July, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 16<sup>th</sup> Day of July in the year Two Thousand and Fourteen.

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

Submitted to the County Executive this  
17<sup>th</sup> Day of July, 2014.

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

Approved by the County Executive this  
23<sup>rd</sup> Day of July, 2014.

|s| Michael P. Hein  
Michael P. Hein, County Executive