

Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04) - Authorizing The Chairman 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 Right-Of-Way Acquisition And – Amending The 2018 Capital Fund Budget - Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman James Maloney and Legislators Archer, Delaune, Litts, Maio, Rodriguez, and Woltman), The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Donaldson, Haynes, Heppner, and James Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, James Maloney, Joseph Maloney, and Petit)

Chairman of Legislature Kenneth J. Ronk Jr. offers the following:

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

WHEREAS, a Project for the Kingston Rail Trail, PIN 8758.04, to construct an approximately 1.8 mile shared-use path (“rail trail”) connecting the Hurley (O&W) Rail Trail in the Town of Hurley to Washington Avenue 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. 334- Kingston Rail Trail- was established pursuant to Resolution No. 58 of March 16, 2010 and was amended pursuant to Resolution No. 291 of August 19, 2014 to provide authorization and funding for engineering and right-of-way incidentals work for the Project in the amount of \$245,000.00; 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 cost of engineering and right-of-way incidentals work in the first instance; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 168 on March 15, 2016 pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State (hereinafter “SEQRA”) thereby adopting and issuing a determination of non-significance under SEQRA (hereinafter the “Negative Declaration”); 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 right-of-way acquisition for the Project; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby approves the further progress of the above-subject Project for the right-of-way acquisition 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 the right-of-way acquisition phase for the Project or portions thereof; and, be it further

RESOLVED, that the additional sum of \$60,000.00 is hereby appropriated and made available from Capital Project No. 334 to cover the cost of participation in the right-of-way acquisition phase of the Project; 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 Ulster County Executive thereof; and, be it further

RESOLVED, that the Chairman 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 Chairman 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 right-of-way acquisition; 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 the 2018 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0334.2300.2555 (App.#)	Land Acquisition	\$60,000.00
HH.7197.0334.3500.5710 (Rev.#)	Serial Bonds	\$60,000.00

and, be it further

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

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Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on June 5, 2018

Passed Committee: Laws and Rules, Governmental Services on June 18, 2018

Passed Committee: Ways and Means on June 19, 2018

FINANCIAL IMPACT:

\$ 60,000.00 – ADDITIONAL CAPITAL PROJECT APPROPRIATIONS

\$ 60,000.00 – ADDITIONAL SERIAL BONDS

(100% REIMBURSABLE - \$ 48,000.00 FEDERAL/ \$ 12,000.00 STATE)

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 19th Day of June in the year Two Thousand and Eighteen, 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 22nd Day of June in the year Two Thousand and Eighteen.

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

Submitted to the County Executive this
22nd Day of June, 2018.

Approved by the County Executive this
29th Day of June, 2018.

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

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