

Establishing Capital Project No. 506 – Lucas Turnpike Shoulder Improvements (PIN 8761.77) - Transportation Improvement Project (TIP) On The Secondary Federal Highway System – 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 2017 – 2022 Capital Program – Department Of Public Works (Highways And Bridges)

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

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

WHEREAS, a Project for the Lucas Turnpike Shoulder Improvements in the Town of Rochester, PIN 8761.77 (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 80% Federal funds and 20% 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 20% share; and

WHEREAS, the Project was approved by the Ulster County Transportation Council in the 2016 - 2020 Transportation Improvement Program; and

WHEREAS, the Project will construct four (4) foot wide asphalt shoulders on both sides of Lucas Turnpike from NYS Route 209 to Kyserike Road; and

WHEREAS, Ulster County desires 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 incidentals; and

WHEREAS, the Commissioner of Public Works requests funds for the preliminary engineering and right-of-way incidentals for the Project in the amount of \$38,000.00; 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 4.5.6 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

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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 Capital Project No. 506 be established for the Lucas Turnpike Shoulder Improvements Project; and be it further

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 and right of way incidental work for the Project, or portions thereof; and be it further

RESOLVED, that the sum of \$38,000.00 is appropriated from serial bond funding and made available to cover the cost of participation in the preliminary engineering and right of way incidentals 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 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 or reimbursement requests for Federal Aid and/or applicable Marchiselli 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

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RESOLVED, that in addition to the Chairman 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 preliminary engineering and right of way incidental work; 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 2017-2022 Capital Improvement Program is amended as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
Capital Project No. 506	Lucas Shoulder Improvements	\$478,000.00

and, be it further

RESOLVED, that Capital Project No. 506, Lucas Shoulder Improvements, is hereby established; and be it further

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RESOLVED, that the 2017 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0506-4300.4355 (App. #)	Engineer Services Capital Project No. 506 Lucas Turnpike Shoulder Improvements	\$38,000.00
HH.5197.0506-3500.5710 (Rev. #)	Serial Bond (80% Reimbursable- Federal Funds)	\$38,000.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 0
(Absent: Legislators Delaune and Maloney)

Passed Committee: Public Works and Capital Projects on July 5, 2017

Passed Committee: Ways and Means on July 11, 2017

FINANCIAL IMPACT:

\$38,000.00 - CAPITAL PROJECT NO. 506 APPROPRIATION DOLLARS

\$38,000.00 - SERIAL BOND PROCEEDS (80% REIMBURSABLE FROM
FEDERAL FUNDS)

\$ 7,600.00 - 20% COUNTY SHARE

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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 July in the year Two Thousand and Seventeen, 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 19th Day of July in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this
19th Day of July, 2017.

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

Approved by the County Executive this
20th Day of July, 2017.

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