

Amending Capital Project No. 451- Hudson Valley Rail Trail West: Phase 4 (PIN 8761.21) - 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 Construction and Construction Inspection Phase And – Amending The 2017 Capital Fund Budget - Department of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio and Rodriguez), 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 Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chairman Hector Rodriguez offer 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 Hudson Valley Rail Trail West: Phase 4, PIN 8761.21 in the Town of Lloyd (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. 451 was established pursuant to Resolution No. 139 of 2015 to provide authorization and funding for engineering and right-of-way incidentals work for the Project in the amount of \$175,000.00; and

WHEREAS, Capital Project No. 451 was amended pursuant to Resolution No. 238 of 2016 to provide authorization and funding for right-of-way acquisition for the Project in the amount of \$84,835.00; 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, right-of-way incidentals work and right-of-way acquisition in the first instance; and

WHEREAS, Capital Project No. 451 was amended pursuant to Resolution No. 466 of 2016 authorizing and funding additional expenses for engineering and right-of-way incidentals work in the amount of \$41,040.00; and

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WHEREAS, Capital Project No. 451 was amended pursuant to Resolution No. 52 of 2017 authorizing and funding additional right-of-way acquisition funds in the amount of \$36,715.00 and authorizing the Chairman of the Ulster County Legislature to execute, on behalf of the County of Ulster, any and all documents related to the right-of-way acquisitions as approved by the County Attorney; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 45 of 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

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 construction and construction inspection work for the Project; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby approves the further progress of the above-subject Project for the construction and construction inspection 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 construction and construction inspection work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$1,734,069.00 is hereby appropriated and made available from Capital Project No. 451 to cover the cost of participation in the construction and construction inspection 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

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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

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 the construction and construction inspection; 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 2017 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0451. 2300.2550 (Appr.#)	Construction	\$1,734,069.00
HH.7197.0451.3500.5710 (Rev.#)	Serial Bonds	\$1,734,069.00

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and be it further

RESOLVED, this Resolution shall take effect immediately,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on August 1, 2017

Passed Committee: Public Works and Capital Projects on August 3, 2017

Passed Committee: Ways and Means on August 8, 2017

FINANCIAL IMPACT:

**\$1,734,069.00 – CAPITAL PROJECT NO. 451 APPROPRIATIONS –
80% REIMBURSABLE
(\$1,387,255.00- BUDGETED FEDERAL REVENUE DOLLARS,
\$346,814.00 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 15th Day of August 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 17th Day of August in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this
17th Day of August, 2017.

Approved by the County Executive this
21st Day of August, 2017.

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

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