

Resolution No. 34 February 14, 2023

**Amending The 2023 - 2028 Capital Improvement Program -
Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04)
To Provide Funding For Construction – Amending The 2023 Capital
Fund Budget - Department Of Planning**

Referred to: The Economic Development, Planning, Education, Employment, Arts and Agriculture Committee (Chairman Cahill and Legislators Corcoran, Criswell, Hewitt, Litts, Maloney and Sperry) The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Erner, Fabiano, Litts, and Nolan), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Roberts, Ronk, and Walter)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean J. Fabiano offer the following:

WHEREAS, this Resolution has been submitted at the request of 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, 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 amended pursuant to Resolution No. 276 of June 19, 2018 for additional funding for right of way in the amount of \$60,000.00, and amended pursuant to Resolution No. 455 of September 20, 2022 to provide funding for engineering and construction in the amount of \$2,957,000.00 of which \$335,305.00 was required for construction inspection; and

WHEREAS, the Ulster County Legislature in approving the increase in funding as provided for in the above cited resolutions approved and agreed to advance the Project by committing 100% of the federal and non-federal shares of the cost of for construction and construction inspection and additional design costs pursuant to work in the first instance; and

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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

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 as well as increased costs the cost of construction for the Project; and

WHEREAS, the Planning Director requests that Capital Project No. 334 be amended and funded for \$605,235.00 for a total project cost of \$3,867,235.00; now, therefore be it

RESOLVED, the Ulster County Legislature hereby approves the further progress of the above-subject Project for the construction phase of 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 the construction phase for the Project or portions thereof; 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 Chair 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 Chair 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 construction phase 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 the 2023-2028 Ulster County Capital Improvement Program is amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
Capital Project No. 334	Kingston Rail Trail	\$605,235.00

and, be it further

RESOLVED, that Capital Project No. 334 is hereby established as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
Capital Project No. 334	Kingston Rail Trail	\$605,235.00

and, be it further

RESOLVED, that the 2023 Ulster County Capital Fund budget is hereby amended as follows:

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	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0334-2300.2550 (App. #)	Construction	\$605,235.00
HH.7197.0334-3500.5710 (Rev. #),	Serial Bonds	\$605,235.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 2
(Noes: Legislators Maloney and Petit)

Passed Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on January 31, 2023

Passed Committee: Public Works, Capital Projects and Transportation on February 6, 2023

Passed Committee: Ways and Means on February 7, 2023

FINANCIAL IMPACT:

\$ 605,235.00 – COUNTY CAPITAL FUND APPROPRIATIONS

\$ 605,235.00 – COUNTY REVENUE – SERIAL BONDS

(COUNTY FUNDS \$605,235.00; TOTAL PROJECT COST \$3,867,235.00;

COUNTY SHARE 15.7%)

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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 14th Day of February in the year Two Thousand Twenty-Three, 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 February in the year Two Thousand Twenty-Three.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
17th Day of February 2023.

Approved by the County Executive this
23rd Day of February 2023.

[s] Victoria A Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

[s] Jen Metzger
Jen Metzger, County Executive