

Amending Capital Project No. 260 - Bailey Bridge (BIN 3347090), A Project For The Bridge Replacement On Denning Road Over The East Branch Of The Neversink Creek – Transportation Improvement Project (TIP) Not On The State Highway System – Amending The 2017 – 2022 Capital Improvement 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, this resolution has been submitted by the County Executive on behalf of the Department of Public Works (Highways and Bridges); 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”) may be 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 ration of 80% federal funds 20% non-federal funds; and

WHEREAS, this 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, Ulster County desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of the construction work; and

WHEREAS, the Project was approved and it was resolved to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction work in the amount of \$220,000.00 for right of way acquisition and engineering services pursuant to Resolution No. 284 dated November 13, 2003; as amended by Resolution No. 200 dated June 14, 2006 thereby providing an additional \$110,000.00 for engineering related costs resulting in a total project cost of \$330,000.00; as amended by Resolution No. 172 dated July 17, 2012 increasing Right of Way acquisition by \$14,610.00 resulting in a total project cost of \$344,610.00; as amended by Resolution No. 263 dated July 15, 2014 increasing construction inspection and construction supervision by \$455,000.00 and advancing the project to the construction phase thereby increasing construction costs by \$2,550,000.00 resulting in a total project cost of \$3,349,610.00; as amended in Resolution No. 218 dated May 19, 2015 increasing the construction phase of the project by \$483,000.00 resulting in a total project cost of \$3,856,610.00, further

Resolution No. 365 September 19, 2017

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amended in Resolution No. 98 dated February 16, 2016 reflecting an increase of \$24,000.00 for additional preliminary and detailed design engineering resulting in a total project cost of \$3,856,610.00, and as further amended in Resolution No. 242 dated April 19, 2016 increasing total construction costs by \$242,000.00 to relocate the temporary bridge resulting in a total project cost of \$4,098,610.00; and

WHEREAS, the Contractor has identified a survey error which has been confirmed by the Consultant Engineer, C&S Companies, who was responsible for said survey, which has resulted in the unanticipated need to relocate the existing temporary bridge in order to progress the Project; and

WHEREAS, the project experienced construction delays due to difficulties in drilling for pile installation resulting in the shut-down of the project during the winter months with re-mobilization of construction in the spring of 2017; and

WHEREAS, the shut-down and re-mobilization of the project resulted in an increase in costs for construction inspection in the amount of \$119,830.00; and

WHEREAS, it has been found necessary to increase the existing Capital Project for additional construction inspection costs for the Project in the amount of \$119,830.00, of which such costs may be reimbursable up to the 80% threshold, bringing the total project cost to \$4,218,440.00; and,

WHEREAS, the County has received \$3,157,031.69 to date in State and Federal revenue related to such project; now, therefore be it

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 work 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 County Executive; and, be it further

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RESOLVED, that the Chairman of the Ulster County Legislature be authorized to execute all necessary agreements, 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 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

RESOLVED, that in addition to the Chairman of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works, County Engineer, County Comptroller, and County Attorney are also hereby authorized to execute and 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 a certified copy of this resolution 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 Ulster County 2017-2022 Capital Program be amended to add Capital Project No. 260 – Bailey Bridge

	<u>ADD</u>	<u>AMOUNT</u>
Capital Project No. 260	Bailey Bridge	\$4,218,440.00

and be it further;

RESOLVED, that Ulster County Capital Project No. 260 is hereby amended as follows:

Resolution No. 365 September 19, 2017

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	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0260-4300-4355 (App. #)	Professional Services Engineering Capital Project No.260	\$119,830.00
HH.5197.0260-3500-5710 (Rev. #s)	Serial Bond Proceeds	\$119,830.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Fabiano)

Passed Committee: Public Works and Capital Projects on September 6, 2017

Passed Committee: Ways and Means on September 13, 2017

FINANCIAL IMPACT:

\$ 119,830.00 – CAPITAL PROJECT NO. 260 APPROPRIATION DOLLARS

\$ 119,830.00 – SERIAL BOND PROCEEDS

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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 19th Day of September 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 20th Day of September in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this
20th Day of September, 2017.

Approved by the County Executive this
26th Day of September, 2017.

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

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