

**Amending Capital Project No. 508, Fantinekill Bridge Replacement, For Anticipated Engineering Costs – Amending The 2018 – 2023 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, Nolan, and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works – (Highways & Bridges); and

WHEREAS, a project for the Fantinekill Bridge Replacement, in the Town of Rochester, PIN 8761.75 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, Capital Project No. 508 was established pursuant to Resolution No. 311, dated July 18, 2017, in an amount of \$191,000 to provide authorization and funding for preliminary engineering and right-of-way incidental work at \$191,000 for the Project; and

WHEREAS, Resolution No. 177 dated May 15, 2018 amended such capital project for the additional preliminary engineering, Right-of-Way Work and Construction Inspection for the Project in the amount of \$80,810.00, of which such costs may be reimbursable up to 80% with federal funds, bringing the total project cost to \$271,810.00; and

WHEREAS, due to the scope of such projects, it is now necessary to increase the total cost of Capital Project No. 508, to fund anticipated additional engineering costs due to additional in house work in the scoping phase of the projects; and

WHEREAS, the project was approved by the Ulster County Transportation Council in the 2018-2022 Transportation Improvement Program; and

WHEREAS, the County desires to advance the Project by making a commitment of 100% of the non-federal share of the additional preliminary engineering work; now

THEREFORE, the Ulster County Legislature, duly convened, it is hereby

**Resolution No. 374      September 20, 2018**

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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 engineering work for the Project or portions thereof; and, be it further

RESOLVED, that, as funded, the Project is a Type II Action as defined under 6 NYCRR 617.5(c) (18) and does not require any determination or procedure under the State Environmental Quality Review Act (SEQRA) and, be it further

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the construction of the project will constitute an Unlisted Action; and the County will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); 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

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 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

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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 2018 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0508-4300.4355 (App. #)	Engineer Services Capital Project No. 508 Fantinekill Br. Replacement (TIP)	\$10,000.00
HH.5197.0508-3500.5710 (Rev. #s)	Revenue – Serial Bonds	\$10,000.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(Legislator Petit arrived at 8:53 PM)  
(Absent: Legislator Fabiano)

Passed Committee: Public Works and Capital Projects on September 5, 2018

Passed Committee: Ways and Means on September 12, 2018

FINANCIAL IMPACT:

\$10,000.00 – CAPITAL PROJECT NO. 508 ADDITIONAL APPROPRIATION  
DOLLARS

\$10,000.00 – 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 20<sup>th</sup> Day of September 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 21<sup>st</sup> Day of September in the year Two Thousand and Eighteen.

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

Submitted to the County Executive this  
24<sup>th</sup> Day of September, 2018.

Approved by the County Executive this  
1<sup>st</sup> Day of October, 2018.

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

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