

Amending Resolution No. 160 Of 2019, Establishing Capital Project No. 540 – For The Samsonville Road Culvert In The Town of Rochester (PIN 8762.35) – Bridge NY Program – Authorizing The Chair 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– Department Of Public Works (Highways And Bridges)

Referred to: The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, Joseph Maloney, Petit, Rodriguez, and Ronk)

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

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, Resolution No. 160 dated April 16, 2019 established Capital Project No. 540 – Samsonville Road Culvert in the amount of \$550,000.00 to provide authorization for all project phases regarding the Samsonville Road Culvert replacement; and

WHEREAS, the New York State Department of Transportation (“NYSDOT”) provided a sample resolution to the County which did not contain a clause required for eligibility for reimbursement through the Bridge NY Program; and

WHEREAS, an amendment to Resolution No. 160 is now required to include two omitted clauses; now, therefore, be it

RESOLVED, that the RESOLVED clauses contained within Resolution No. 160 dated April 16, 2019 shall read in entirety as follows:

“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, right of way incidental work and construction for the Project, or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state- aid, or reimbursement from Bridge NY funds; and, be it further

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RESOLVED, that the sum of \$550,000.00 is appropriated from serial bond funding and made available to cover the cost of participation in the preliminary engineering and right of way incidental phases of the Project; and, be it further

RESOLVED, that the Ulster County Legislature hereby grants NYSDOT permission to directly apply Bridge NY funds to reimburse costs incurred by NYSDOT on the Project; and, be it further

RESOLVED, that the Ulster County Legislature hereby agrees that Ulster County shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to Ulster County; 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 Ulster County Legislature hereby agrees that Ulster County hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and, be it further

RESOLVED, that Ulster County will be responsible for all maintenance of the Project; and, be it further

RESOLVED, that the Chair of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State 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 Chair 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 County 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, right of way incidental and construction phases; 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 Capital Project No. 540, Samsonville Road Culvert is hereby established as follows:

| | <u>CREATE</u> | <u>AMOUNT</u> |
|-------------------------|--------------------------|---------------|
| Capital Project No. 540 | Samsonville Road Culvert | \$550,000.00 |

and, be it further

RESOLVED, that the 2019 Ulster County Capital Fund Budget is hereby amended as follows:

| | <u>INCREASE</u> | <u>AMOUNT</u> |
|------------------------------------|---|---------------|
| HH.5197.0540-4300.4355 (App. #) | Engineering Services Capital Project No. 540 Samsonville Road Culvert | \$ 80,000.00 |

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| | | |
|------------------------------------|---|---------------|
| HH.5197.0540-4300.4505 (App. #) | Professional Services Other Fees Capital Project No. 540 Samsonville Road Culvert | \$ 10,000.00 |
| HH.5197.0540-4100.4100 (App. #) | Highway Materials Capital Project No. 540 Samsonville Road Culvert | \$460,000.00 |
| HH.5197.0540-3500.5710 (Rev. #) | Serial Bond Revenue | \$550,000.00” |

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Collins, Delaune, and Fabiano)

Passed Committee: Public Works and Capital Projects on September 4, 2019

Passed Committee: Ways and Means on September 10, 2019

FINANCIAL IMPACT:
NONE

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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 17th Day of September in the year Two Thousand and Nineteen, 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 September in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this
19th Day of September, 2019.

Approved by the County Executive this
25th Day of September, 2019.

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

[s] Patrick K. Ryan
Patrick K. Ryan, County Executive