

**Amending Capital Project No. 336 - South Putt Corners Road (PIN 8759.90) - Funding Right-Of-Way Acquisition Phase And Authorizing The County Executive To Execute Agreements, Certifications Or Reimbursement Requests For Federal Aid On Behalf of Ulster County With The New York State Department of Transportation – Amending The 2015 Capital Fund Budget - Public Works (Highways And Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

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; and

WHEREAS, a Project for the South Putt Corners Road Pavement, in the Town of New Paltz, Ulster County, PIN 8759.90 (the “Project”) is 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, the 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, Capital Project No. 336 was established pursuant to Resolution No. 7, dated January 4, 2011, to provide authorization and funding for preliminary engineering and right-of-way incidental work for the Project; and

WHEREAS, Resolution No. 315, dated December 18, 2012, amended the Project to increase the Federal and non-federal share of costs for additional preliminary engineering work and right-of-way incidentals; 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 costs of preliminary engineering and right-of-way incidental work, in the first instance; and

WHEREAS, Ulster County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition; and

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WHEREAS, the Commissioner of Public Works requests funds from serial bonds for the Project, PIN 8758.90 for the right-of-way acquisition in the amount of \$176,260.00; now

THEREFORE, the Ulster County Legislature, duly convened does hereby

RESOLVE, that the Ulster County Legislature hereby approves the further progress of the above-subject Project; and it is hereby 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 right-of-way acquisition work for the Project, or portions thereof, and it is further

RESOLVED, that the sum of \$176,260.00 is appropriated from serial bond funding and made available to cover the cost of participation in the right-of-way acquisition phase of the Project, and it is 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 it is further

RESOLVED, that the Chairman of the Ulster County Legislature be and is hereby 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 (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 it is further

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RESOLVED, that in addition to the Chairman of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works and Director of Purchasing, 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 it is 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 it is further

RESOLVED, that this Resolution shall take effect immediately.

RESOLVED, that the 2015-2020 Capital Program be amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0336-4300.4355 (App. #)	Professional Services/Engineering Right-Of-Way Acquisition Capital Project No.336	\$ 176,260.00
HH.5197.0336-3400.4597 (Rev. #s)	Federal Aid, Capital Highway Projects	\$141,008.00
HH.5197.0336-3300.3591	State Aid, Capital Highway Projects	\$ 35,252.00

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(Legislator R. Parete arrived at 7:21 PM)  
(Absent: Legislator Ronk)

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Passed Committee: Public Works and Capital Projects on November 5, 2015

Passed Committee: Ways and Means on November 10, 2015

**FINANCIAL IMPACT:**

**\$176,260.00 – CAPITAL PROJECT NO. 336 APPROPRIATIONS**

**\$141,008.00 – REIMBURSABLE FROM FEDERAL FUNDS**

**\$35,252.00 – REIMBURSABLE FROM STATE FUNDS**

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 17<sup>th</sup> Day of November in the year Two Thousand and Fifteen, 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 19<sup>th</sup> Day of November in the year Two Thousand and Fifteen.

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

Submitted to the County Executive this  
19<sup>th</sup> Day of November, 2015.

Approved by the County Executive this  
24<sup>th</sup> Day of November, 2015.

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

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