

Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04) - Authorizing The Chair Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The New York State Department Of Transportation For Construction And Construction Inspection – Amending The 2022 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 Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairman of the Economic Development, Planning, Education, Employment, Arts and Agriculture Committee, Brian B. Cahill, and Deputy Chair Herbert Litts, III 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

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

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

Resolution No. 455 September 20, 2022

**Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04)
- Authorizing The Chair Of The Ulster County Legislature To Execute
Agreements, Certifications And Reimbursement Requests For
Federal Aid On Behalf Of Ulster County With The New York State
Department Of Transportation For Construction And Construction
Inspection – Amending The 2022 Capital Fund Budget - Department
Of Planning**

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 associated with design and right-of-way acquisition for the Project; 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

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 herby authorized to execute any Agreements, certifications, and reimbursement requests on behalf of the County with NYSDOT in

Resolution No. 455 September 20, 2022

**Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04)
- Authorizing The Chair Of The Ulster County Legislature To Execute
Agreements, Certifications And Reimbursement Requests For
Federal Aid On Behalf Of Ulster County With The New York State
Department Of Transportation For Construction And Construction
Inspection – Amending The 2022 Capital Fund Budget - Department
Of Planning**

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 additional sum of \$ 2,957,000.00 is hereby appropriated and made available for Capital Project No. 334 to cover the cost of participation in the Construction phase of the Project; and, be it further

RESOLVED, that the 2022 Ulster County Capital Fund Budget is hereby amended and funded as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0334.4300.4355 (App.#)	Engineering Services	\$ 76,000.00
HH.7197.0334.2300.2550 (App.#)	Construction	\$2,881,000.00
HH.7197.0334.3500.5710 (Rev.#),	Serial Bonds	\$2,957,000.00

and, be it further

RESOLVED, this Resolution shall take effect immediately,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

Resolution No. 455 September 20, 2022

**Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04)
- Authorizing The Chair Of The Ulster County Legislature To Execute
Agreements, Certifications And Reimbursement Requests For
Federal Aid On Behalf Of Ulster County With The New York State
Department Of Transportation For Construction And Construction
Inspection – Amending The 2022 Capital Fund Budget - Department
Of Planning**

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

Passed Committee: Economic Development, Planning, Education, Employment, Arts
and Agriculture on September 6, 2022

Passed Committee: Public Works, Capital Projects and Transportation on September
12, 2022

Passed Committee: Ways and Means on September 13, 2022

FINANCIAL IMPACT:

\$ 2,957,000.00 – COUNTY CAPITAL FUND APPROPRIATIONS

\$ 2,957,000.00 – COUNTY REVENUE – SERIAL BONDS

(100% REIMBURSABLE - \$ 2,365,600.00 FEDERAL/ \$ 591,400.00 STATE)

Resolution No. 455 September 20, 2022

**Amending Capital Project No. 334 - Kingston Rail Trail (PIN 8758.04)
- Authorizing The Chair Of The Ulster County Legislature To Execute
Agreements, Certifications And Reimbursement Requests For
Federal Aid On Behalf Of Ulster County With The New York State
Department Of Transportation For Construction And Construction
Inspection – Amending The 2022 Capital Fund Budget - Department
Of Planning**

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 20th Day of September in the year Two Thousand Twenty-Two, 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 22nd Day of September in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
22nd Day of September 2022.

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

Approved by the Acting County Executive this
23rd Day of September 2022.

|s| Johanna Contreras
Johanna Contreras, Acting County Executive