

Amending Capital Project No. 488, Installation Of Shoulders Along Route 299, Towns Of New Paltz And Gardiner – Transportation Improvement Project (TIP) Not On The State Highway System - Department Of Public Works (Highways And Bridges)

Referred to: The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Erner, Maloney, and Stewart), 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)

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

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

WHEREAS, a project for shoulder widening and reconstruction on Route 299 (County Route 7 & 8) from Libertyville Road to Route 44/55 in the Town of New Paltz and Gardiner, PIN 8051.11 (herein after 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, the Project will help improve the safety of motorists, bicyclists, pedestrians and other users of this segment of Route 299; and

WHEREAS, Capital Project No. 488 was established pursuant to Resolution No. 545, dated December 20, 2016, in an amount of \$487,000 to provide authorization and funding for preliminary engineering at \$312,000 and right-of-way incidental work at \$175,000 for the Project; and

WHEREAS, Resolution No. 142 dated April 17, 2018 amended such capital project for the additional preliminary engineering, Right-of-Way Work and Construction Inspection for the Project in the amount of \$262,397.00, of which such costs may be reimbursable up to 80% with federal funds, bringing the total project cost to \$749,397.00; and

WHEREAS, Resolution No. 310 dated July 17, 2018 amended such capital project due to the scope of such project, to increase the total cost of Capital Project No. 488, Installation of Shoulders along Route 299, Towns of New Paltz and Gardiner to fund additional engineering costs related to such project; and

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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; and

WHEREAS, pursuant to Resolution No. 310 dated July 17, 2018, the Ulster County Legislature 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 that 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

WHEREAS, Ulster County has determined that this funding action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA), and does not require any further determination or procedure under SEQRA; now, therefore be it

RESOLVED, based upon examination by the Ulster County Legislature, after modifications were made to the project plans which avoid the need for wetland mitigation measures as previously required pursuant to Resolution No. 310 dated July 17, 2018, the Ulster County Legislature has determined that this action does not pose a significant environmental impact and may be progressed as a Type II action as defined under Sections 4.5.3 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010; 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 engineering work for the Project or portions thereof; and, be it further

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RESOLVED, that the Chair 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 Chair 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

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 move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

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

Passed Committee: Energy, Environment and Sustainability on September 8, 2022

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

Passed Committee: Ways and Means on September 13, 2022

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FINANCIAL IMPACT:

\$749,397.00 – CAPITAL PROJECT BUDGETED APPROPRIATIONS

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 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.

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

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

[s] Johanna Contreras
Johanna Contreras, Acting County Executive