

Amending Capital Project No. 261 - Tongore Bridge Replacement (PIN 8757.13) - Funding Right-Of-Way Acquisition and Incidentals Phase and Authorizing The Chairman 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 – Amending The 2017 Capital Fund Budget - Public Works (Highways And Bridges)

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

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 Bridge Replacement of Route 213 Extension (CR 4) over Tongore Creek (BIN 3041140) in the Town of Olive, Ulster County, identified as PIN 8757.13, is eligible for funding under a Title 23, US Code, as amended, and calls for the costs for such Project to be borne at the ratio of 80% Federal funds and 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 an amount to be determined by New York State; and

WHEREAS, Capital Project No. 261 was established pursuant to Resolution No. 298, dated October 14, 1999, to provide authorization and funding for preliminary engineering and right-of-way incidental work for the Project; and

WHEREAS, the project's progress was delayed primarily due to Right-of-Way issues which required a complete redesign of the bridge, as well as limited engineering resources due to a shift in priorities after Hurricane Irene; and

WHEREAS, the delay created an inability to meet milestone requirements causing the Project to be dropped from the plan; and

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WHEREAS, a request for a time extension for PIN 8757.13 preliminary engineering was submitted and approved by the Federal Highway Administration with a revised Project schedule for right-of-way acquisition to be complete by April 30, 2017; 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 costs of right-of-way acquisition; and

WHEREAS, the Commissioner of Public Works requests funds from serial bonds for the Project, PIN 8757.13 for the right-of-way acquisition and incidental work in the amount of \$160,000.00; now, therefore be it

RESOLVED, the real property acquisitions in conjunction with the Tongore Bridge Replacement (PIN 8757.13) constitute a Type II action under section 4.5.3 of the County of Ulster's State Environmental Quality Review Act (hereinafter "SEQRA") Type II List that was adopted in Resolution No. 118 on April 20, 2010; and, be it further,

RESOLVED, that the Ulster County Legislature hereby approves the further progress of the above-subject Project; and, be it further

RESOLVED, that the Ulster County Legislature hereby authorizes Ulster County to pay in the first instance 100% of the cost of right-of-way acquisition work for the Project, or portions thereof; and, be it further

RESOLVED, that the sum of \$160,000.00 is appropriated from serial bond funding and made available to cover the cost of participation in the right-of-way acquisition and incidental work of the Project; and, be it further

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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 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, be it further

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, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the right-of-way acquisitions; and, be it further

RESOLVED, the Ulster County Legislature hereby authorizes the Chairman of the Ulster County Legislature to execute, on behalf of the County of Ulster, any and all documents related to the right-of-way acquisitions as approved by the County Attorney; 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

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RESOLVED, that the 2017 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0261-4300.4355 (App. #)	Professional Services/Engineering Right-Of-Way Acquisition/Incidentals Capital Project No. 261	\$160,000.00
HH.5197.0261-3500.5710 (Rev. #s)	Serial Bond Proceeds	\$160,000.00

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 0
(Absent: Legislators Gerentine, Maio, Roberts and Ronk)

Passed Committee: Public Works and Capital Projects on February 1, 2017

Passed Committee: Ways and Means on February 7, 2017

FINANCIAL IMPACT:

\$160,000.00 – CAPITAL PROJECT NO. 261 APPROPRIATIONS

\$160,000.00 – COUNTY FUNDS – SERIAL BONDS

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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 15th Day of February in the year Two Thousand and Seventeen, 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 17th Day of February in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this
17th Day of February, 2017.

Approved by the County Executive this
23rd Day of February, 2017.

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

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