

Amending The 2023-2028 Capital Improvement Program - Amending Capital Project No. 508 – Replacement Of The Fantinekill Bridge (PIN 8761.75) CR 3 (Samsonville Road) Over Mombaccus Creek In The Town Of Rochester - Authorizing The Implementation, And Funding In The First Instance 100% Of The Federal-aid And State "Marchiselli" Program-Aid Eligible Costs, Of A Transportation Federal-aid Project, And Appropriating Funds - Amending The 2023 Capital Fund Budget - Department Of Public Works (Highways And Bridges)

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Erner, Fabiano, Litts, and Nolan), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Criswell, Roberts, and Ronk)

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; and

WHEREAS, a Project for the Fantinekill Bridge Replacement, in the Town of Rochester, PIN 8761.75 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 311 adopted by the Ulster County on July 18, 2017 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work; and

WHEREAS, Capital Project No. 508 was further amended pursuant to Resolution No. 177 dated May 15, 2018, in the amount of \$80,810.00 for a total project cost of \$271,810.00, and

WHEREAS, Capital Project No. 508 was further amended pursuant to Resolution No. 374 dated September 20, 2018, in the amount of \$10,000.00 for a total project cost of \$281,810.00, and

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement authorized by the previous Resolution; and

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WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the project; and

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

WHEREAS, the Commissioner of Public Works requests that Capital Project No. 508 be amended to increase the funding available for design services and construction inspection services, and construction services in the amount of \$1,657,000.00 for a total project cost of \$1,938,810.00; now

THEREFORE, the Ulster County Legislature, duly convened does hereby

RESOLVED, the Ulster County Legislature hereby approves the Project; and, be it further

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

RESOLVED, the Project is a Type II Action as defined under 6 NYCRR 617.5(c) (2.2) and does not require any determination or procedure under the State Environmental Quality Review Act (SEQRA); and, be it further

RESOLVED, that the sum of \$1,657,000 (\$1,848,000.00 minus \$191,000.00) is hereby appropriated from serial bond funding and made available to cover the cost of Capital participation in the above phase 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 County of Ulster 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 Ulster County Executive 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 the County of Ulster 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 County Executive, 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/Sponsor, 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, be it further

RESOLVED, this Resolution shall take effect immediately; and, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the all phases of the project; and, be it further

RESOLVED, that the 2023-2028 Ulster County Capital Improvement Program is amended as follows:

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	<u>INCREASE</u>	<u>AMOUNT</u>
Capital Project No. 508	Fantinekill Bridge	\$510,330.00

and, be it further

RESOLVED, that Capital Project No. 508 for the Fantinekill Bridge be amended as follows:

	<u>AMEND</u>	<u>AMOUNT</u>
Capital Project No. 508	Fantinekill Bridge	\$1,657,000.00

and, be it further

RESOLVED, that the 2023 Ulster County Capital Fund budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH. 5197.0508-4300.4505 (App. #)	Professional Services	\$ 281,350.00
HH. 5197.0508-2300.2550 (App. #)	Construction Services	\$1,375,650.00
HH. 5197.0508-3500.5710 (Rev. #),	Revenue- Serial Bonds	\$1,657,000.00

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

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

Passed Committee: Public Works, Capital Projects and Transportation as amended on October 11, 2023

Passed Committee: Ways and Means on October 17, 2023

FINANCIAL IMPACT:

\$1,657,000.00 - COUNTY CAPITAL FUND APPROPRIATIONS

\$1,657,000.00 - COUNTY REVENUE - SERIAL BONDS

(REIMBURSED BY 80% FEDERAL REVENUES AND 15% STATE REVENUES)

TOTAL PROJECT COST \$1,938,810.00 REIMBURSED BY FEDERAL AND STATE DOLLARS UP TO \$1,755,600.00

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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 October in the year Two Thousand Twenty-Three, 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 October in the year Two Thousand Twenty-Three.

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

Submitted to the County Executive this
19 Day of October 2023.

Approved by the County Executive this
27th Day of October 2023.

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

[s] Jen Metzger
Jen Metzger, County Executive