

Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Lease Renewal Agreement With Bernard A. Smith d/b/a/ Van Dale Properties For A Fabrication Facility To Be Used By The Ulster County Department Of Public Works – Department Of Public Works (Buildings and Grounds)

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Maloney, Roberts, Briggs and Parete) and The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman John Parete offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, the Ulster County Department of Public Works, Highways and Bridges Division, currently utilizes space consisting of 3.413 acres and includes a 15,146 square foot building located at 316 Van Dale Road, West Hurley, New York, as a fabrication facility; and

WHEREAS, this space is leased from Bernard A. Smith d/b/a/ Van Dale Properties, pursuant to a lease with a term of July 1, 2008 through June 30, 2013; and

WHEREAS, the Commissioner of Public Works requests that the lease be renewed for a five year term commencing July 1, 2013 and ending June 30, 2018, at an annual rent of \$90,876 (\$6.00/sq. ft.); now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to enter into a lease renewal agreement, and any amendments thereto, with Bernard A. Smith d/b/a/ Van Dale Properties, for space located at 316 Van Dale Road, West Hurley, New York, for a term of three (5) years commencing July 1, 2013 and ending June 30, 2018, at an annual cost of \$90,876.00, as filed with the Clerk of the Legislature or as modified with the approval of the County Attorney; and, be it further

RESOLVED, the County Executive shall do due diligence in the examination of the possibility of placing this operation at another location, County-owned or leased, and shall provide a cost/benefit analysis therefor and file the report with the Clerk of the Legislature; and, be it further

RESOLVED, that the compensation to the Landlord may be increased pursuant to lease terms satisfactory to the County Attorney by not more than \$6,000.00 per year to cover the additional cost incurred by the Landlord to provide an insurance policy (hereinafter known as “additional insurance

Resolution No. 128 May 14, 2013

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costs”), which names the County of Ulster as an additional insured; and, be it further

RESOLVED, that the aforesaid \$6,000 shall be the maximum annual additional cost but shall not be cumulative per year (by way of illustration, if the first year’s payment for the County’s required insurance is \$3,811.00 and the second year’s costs increase a further \$1,000.00, the County shall pay \$3,811.00 in the first year and \$1,000.00 in the second year as additional insurance costs and if in the third year the additional insurance costs rise from \$4811 to \$7811, the County shall pay \$3,000 in the third year as additional insurance costs; and in the fourth year the additional insurance costs rise from \$7811 to \$20,000, the County shall pay \$6,000.00 in additional insurance costs; and in the fifth year the additional insurance costs to not increase beyond the aforesaid \$20,000, the County shall pay nothing in additional insurance costs),

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 2
(Noes: Legislators Aiello and Richard Parete)
(Absent: Legislator Gregorius)

Passed Committee: Public Works and Capital Projects on May 1, 2013

Passed Committee: Ways and Means as amended on May 14, 2013

FINACIAL IMPACT:

\$45,438.00 – 2013 BUDGETED COUNTY DOLLARS
\$90,876.00 – 2014 ANTICIPATED APPROPRIATION DOLLARS
\$90,876.00 – 2015 ANTICIPATED APPROPRIATION DOLLARS
\$90,876.00 – 2016 ANTICIPATED APPROPRIATION DOLLARS
\$90,876.00 – 2017 ANTICIPATED APPROPRIATION DOLLARS
\$45,438.00 – 2018 ANTICIPATED APPROPRIATION DOLLARS

