

Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To Contract C02-00559, With The City Of Kingston, To Provide A Final Payment In Lieu Of Construction Work On City Property Adjacent To The Ulster County Law Enforcement Center – Department Of Public Works

The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Felicello, Maloney, Roberts, Hochberg, Loughran and Provenzano) offers the following:

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

WHEREAS, Resolution No. 165 of April 11, 2002 approved an agreement with the City of Kingston (County Contract #C02-00559, the “Agreement”), which authorized the County to provide infrastructure improvements, including water and sewer lines to the City property located adjacent to the then new Law Enforcement Facility at 380 Boulevard, Kingston, New York, and

WHEREAS, the County encountered unanticipated difficulties related to construction of the water and sewer lines, and

WHEREAS, Resolution No. 368 of November 14, 2007, approved a modification (“Amendment No. 1”) to the Agreement, pursuant to which the City waived the County’s obligation related to sewer and water lines in exchange for the County providing canopies over the Transfer Station dumpsters, at an estimated cost of \$75,000.00, and repaving/repairing the then existing paved area at the Transfer Station, and

WHEREAS, the County and the City of Kingston now wish to further modify and to terminate the original Agreement by executing Amendment No. 2, pursuant to which the County shall pay to the City of Kingston a lump sum amount of \$75,000.00 as full and final compensation for any and all work included in or contemplated by the original Agreement and/or Amendment No. 1, and

WHEREAS, in exchange for such full and final payment, the City will release the County from any and all further obligations relative to the Agreement and/or Amendment No. 1, and/or Amendment No. 2, and

WHEREAS, the Public Works and Capital Projects Committee has met and reviewed said request with a majority of members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of members voting approval, now, therefore, be it

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RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute Amendment No. 2 wherein the County shall pay over to the City of Kingston a lump sum amount of \$75,000.00 as compensation and full and final payment in lieu of any work defined in the original Agreement and/or Amendment No. 1, and be it further

RESOLVED, that pursuant to the fully executed agreement and upon receipt of the \$75,000.00 payment, the City shall make no claim relative to the Agreement or any Amendment thereto, and that any and all improvements, whether completed or not, shall thereafter be the sole responsibility of the City, and that the County shall have no responsibility, financial or otherwise, relative to the subject City-owned property,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Felicello, Frey and Richard Parete)

FINANCIAL IMPACT:

\$75,000.00 – BUDGETED COUNTY DOLLARS

CAPITAL PROJECT NO. 236 – H4-0236-2907

0804

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of August, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19th Day of August in the year Two Thousand and Eleven.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this
19th Day of August, 2011.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this
25th Day of August, 2011.

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