

**Authorizing The Implementation And Funding In The First Instance 100% Of The Federal-Aid Eligible Costs, Of A Transportation Federal-Aid Project, And Appropriating Funds Therefor (Kingston Rail Trail)**

Legislator James Maloney, Chairman of the Economic Development and Tourism Committee and Co-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) offer the following:

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

WHEREAS, a Project for the Kingston Rail Trail, PIN 8758.04 (the "Project") is 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 ratio of 80% Federal funds and 20% non-federal funds (earmarked state dedicated funds), and

WHEREAS, Ulster County has established Capital Project No. 334 by Resolution No. 58 on March 16, 2010, authorizing \$140,000.00 for the participation in the project, and

WHEREAS, the project constitutes a Type II action under section 4.2.2 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution No. 118 on April 20, 2010, and

WHEREAS, as per section 3 of the County's Type II List, this 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 SEQRA, now, therefore, be it

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, and

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

RESOLVED, that the Ulster County Legislature hereby approves the preliminary design and environmental reviews for this Project, 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 preliminary engineering and right-of-way incidental work for the Project or portions thereof, and be it further

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RESOLVED, that the sum of \$140,000.00 is hereby available from Capital Project No. 334 to cover the cost of participation in the above phase of the Project, and be it further

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 it is further

RESOLVED, that the County Executive of Ulster County be and is hereby authorized to execute the Federal-Aid Highway and Marchiselli-Aid Local Project Agreement in the form as filed with the Clerk of the Legislature or as modified with the approval of the County Attorney as well as all necessary additional agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid and any amendments thereto 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 County Executive, the following municipal titles: Director of Purchasing, Commissioner of Public Works and Planning Director 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,

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 29                      NOES: 0  
(Absent: Legislators Frey, Richard Parete and  
Provenzano)  
(Legislator Petit left at 8:00 PM)

**FINANCIAL IMPACT:**

\$140,000.00 – CAPITAL APPROPRIATIONS – 100% REIMBURSABLE  
\$112,000.00 – BUDGETED FEDERAL REVENUE DOLLARS  
\$ 28,000.00 – BUDGETED STATE REVENUE DOLLARS

0721

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 20<sup>th</sup> day of July, 2010, 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 22<sup>nd</sup> Day of July in the year Two Thousand and Ten.

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

Submitted to the County Executive this  
22<sup>nd</sup> Day of July, 2010.

Approved by the County Executive this  
29<sup>th</sup> Day of July, 2010.

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

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