

AMENDING CAPITAL PROJECT NUMBER 236 FOR CONSTRUCTION OF A NEW LAW ENFORCEMENT FACILITY AND AMENDING THE 2004 CAPITAL FUND BUDGET – CAPITAL PROJECTS FUND

Chairman Gerentine offers the following:

WHEREAS, the Ulster County Legislature approved the building of a new jail facility and a feasibility study, pursuant to Resolution Numbers 170 and 171, dated May 14, 1998, and

WHEREAS, land acquisition, in the amount of \$310,000.00 and State Environmental Quality Review was performed pursuant to Resolution Number 338, dated November 10, 1999, and

WHEREAS, a capital project was authorized for the construction of a new jail, pursuant to Resolution Numbers 131 and 132, dated April 13, 2000, which also provided funding for the cost of planning and design of a new county jail, in the amount of \$4,046,000, and to be located at Albert Street, and

WHEREAS, the project was amended to provide authorization and additional funding in the amount of \$5,000,000 pursuant to Resolution Number 95, February 14, 2002 to proceed with costs of site preparation, relocation of underground transmission lines, extension of the water system located at the Golden Hill Complex and site blasting and excavation for site preparation, and

WHEREAS, the project was amended to provide authorization and additional funding in the amount of \$62,482,195 pursuant to Resolution No. 280 dated August 8, 2002 to proceed with the cost of the building construction, including necessary machinery and equipment, technology, infrastructure, and associated costs of the law enforcement facility, and

WHEREAS, the project was amended to provide authorization and additional funding in the amount of \$150,000 pursuant to Resolution No. 197, dated June 10, 2004 to proceed with the costs to engage a consultant and specialized counsel familiar with construction practices standards to assist in evaluating the performance of the various contractors engaged by the County and to property defend against claims and prosecute any that the County may have, and

WHEREAS, it has been determined that it is necessary to provide authorization and funding to proceed with the construction of a new law enforcement facility to include legal fees and claims evaluation costs payments.

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RESOLVED, that Capital Project No. 236 is hereby amended in the amount of \$8,000,000.00 as follows:

INCREASE	BY
Revenues	H3 0236 5710 Serial Bonds \$8,000,000.00
Appropriations	H4 0236 2979 Additional Potential \$8,000,000.00
	Project Costs
	(\$4,730,000.00 projected for additional construction costs;
	\$1,800,000.00 projected for legal fees/claims analysis;
	\$1,470,000.00 claims contingency)

FURTHER RESOLVED, that the following approval process shall be employed by the County to approve claims of any contractors for additional compensation from the claims contingency fund for claims based upon delays of construction or which cannot be resolved through the contractual change order process within the budget for construction of the project as originally provided and the additional \$4.75 million provided.

1. Claims which are proposed to be resolved for amounts up to \$250,000.00 shall be approved by the County Administrator upon the prior approval of the County Attorney and the positive recommendations of Hill International and Special Counsel employed by the County for the handling of claims. A monthly report of any such claims resolved shall be provided by the County Administrator's Office to the Special Law Enforcement Center Project Committee, the Chairman of the Ulster County Legislature and the Majority and Minority Leaders, and the Jail Claims Committee, as hereby constituted.
2. Claims which are proposed to be resolved for an amount of \$250,000.00 to \$1,000,000.00 shall be approved upon recommendation of the County Administrator, County Attorney, Special Counsel and Hill International, four affirmative votes of the members of the Jail Claims Committee hereinafter constituted.
3. Claims proposed to be resolved for \$1,000,000.00 and above shall be approved by a 2/3 vote of the Ulster County Legislature.

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4. The Jail Claims Committee shall be composed of the Chairman and two other Members appointed by the Chairman, and the Minority Leader and two other Members appointed by the Minority Leader.

FURTHER RESOLVED, that the Ulster County Treasurer is hereby authorized to make the necessary budgetary adjustments as per the attached addendum.

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 24 NOES: 3
(Legislators: Bartels, R.A.
Parete, and Shapiro)

FINANCIAL IMPACT:

\$8,000,000.00 – SERIAL BONDS – CAPITAL FUND REVENUES

\$8,000,000.00 – APPROPRIATIONS – CAPITAL FUND

Legislator R. A. Parete made a motion, seconded by Legislator Bartels, to amend the resolution to contain a “pay go” provision.

DEFEATED BY THE FOLLOWING VOTE:

AYES: 5 NOES: 22
(Legislators: Bartels, Berardi, Kraft, R.A. Parete,
and Stoeckeler)