

**Resolution No. 315    December 18, 2012**

**Amending Capital Project No. 336, Repaving South Putt Corners Road, Town Of New Paltz – Transportation Improvement Project (TIP) Not On The State Highway System And Authorizing The County Executive To Execute An Agreement With The New York State Department Of Transportation – Department Of Public Works (Highways And Bridges)**

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 Harris, Maio, Maloney, Gregorius, 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 (Highways and Bridges); and

WHEREAS, a Project for South Putt Corners Road: South Putt Corners Road Roadway Paving Project, PIN 8759.90 (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 ration of 80% federal funds 20% non-federal funds; and

WHEREAS, the Project is eligible for New York State Marchiselli Aid, and \$28,000 of Marchiselli Aid has become available, and Ulster County’s financial obligation to the Project will be diminished from its present 20% share to an overall 11.8% share; and

WHEREAS, the Project was approved by the Ulster County Transportation Council in the 2008 – 2012 Transportation Improvement Program; and

WHEREAS, the Project was designated as part of the 2011-2016 Ulster County Capital Program, pursuant to Resolution No. 299, dated December 6, 2012; and

WHEREAS, the Project will provide major improvements to the existing road conditions and enhance both driving safety and the safety of pedestrians and bicyclists; and

WHEREAS, the Project was approved and it was 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 in the amount of \$178,000.00 pursuant to Resolution No. 7 dated January 4, 2011; and

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

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 in the amount of \$88,000.00 and additional right-of-way incidentals in the amount of \$75,000.00, totaling \$163,000.00; and

WHEREAS, the addition of \$28,000.00 of State Marchiselli Aid (17.18% of the \$163,000.00) will result in a reduction of the County's share of this \$163,000.00 Amendment to \$4,600.00, (2.82% of the additional \$163,000.00); and

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

THEREFORE, the Ulster County Legislature, duly convened, it is hereby

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 the additional preliminary engineering and right-of-way incidentals work for the Project or portions thereof; and, be it further

RESOLVED, that the Ulster County 2012-2017 Capital Program be amended to increase the Project by \$163,000.00 from \$178,000.00 to \$341,000.00; 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; and, be it further

RESOLVED, that the County Executive of Ulster County 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 Ulster

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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: 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 with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and, be it further~~

**RESOLVED, that in addition to the County Executive, the person holding the following municipal title is also hereby authorized to execute any necessary agreements or certifications on behalf of the Municipality with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement: County Attorney; and, the persons holding the following municipal titles are hereby authorized to execute any necessary certifications on behalf of the Municipality in connection with the advancement or approval of the Project identified in the State/Local Agreement: Commissioner of Public Works, County Engineer, and, upon approval of the County Executive or County Attorney, the Commissioner of Public Works or County Engineer may execute any municipal agreements with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and, be it further**

**RESOLVED, that nothing herein shall preclude the County Comptroller from performing any duty he or she is authorized under law to so perform; 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

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RESOLVED, that the 2012 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
H4-0336-2962 (App. #)	Engineer Services Capital Project No.336 South Putt Corners Road Roadway Paving	\$ 163,000.00
H3-0336-5710 (Rev. #s)	Serial Bond Proceeds	\$ 163,000.00

and be it further

RESOLVED, that this resolution shall take effect immediately,  
and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 0  
(Absent: Legislators Gregorius and John Parete)

Legislator Maio motioned, seconded by Legislator Gerentine, to strike the 5<sup>th</sup> RESOLVED and insert the following language as indicated in the resolution in bold font:

“RESOLVED, that in addition to the County Executive, the person holding the following municipal title is also hereby authorized to execute any necessary agreements or certifications on behalf of the Municipality with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement: County Attorney; and, the persons holding the following municipal titles are hereby authorized to execute any necessary certifications on behalf of the Municipality in connection with the advancement or approval of the Project identified in the State/Local Agreement: Commissioner of Public Works,

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County Engineer, and, upon approval of the County Executive or County Attorney, the Commissioner of Public Works or County Engineer may execute any municipal agreements with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and, be it further  
RESOLVED, that nothing herein shall preclude the County Comptroller from performing any duty he or she is authorized under law to so perform; and, be it further”

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(Absent: Legislators Gregorius and John Parete)

Passed Committee: Public Works and Capital Projects on November 28, 2012

Passed Committee: Ways and Means on December 11, 2012

FINANCIAL IMPACT:

\$163,000.00 – CAPITAL PROJECT NO. 336 APPROPRIATION DOLLARS

\$130,400.00 – SERIAL BOND PROCEEDS (80% REIMBURSABLE FROM  
FEDERAL FUNDS)

\$ 28,000.00 – SERIAL BOND PROCEEDS (17.18 % REIMBURSABLE FROM  
STATE MARCHISELLI FUNDS)

\$ 4,600.00– SERIAL BOND PROCEEDS (2.82% COUNTY SHARE)

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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 18<sup>th</sup> day of December, 2012, 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 19<sup>th</sup> day of December in the year Two Thousand and Twelve.

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

Submitted to the County Executive this  
19<sup>th</sup> day of December, 2012.

Approved by the County Executive this  
\_\_\_\_\_ day of December, 2012.

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

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Michael P. Hein, County Executive