

**Authorizing The Chairman Of The Ulster County Legislature To Sign A Modification Agreement With The City Of Kingston Wherein The County Agrees To Provide Canopies Over Four Of The Six Dumpsters At The City's Transfer Station And To Repave And/Or Repair The Existing Paved Area At The Transfer Station**

The Public Works Committee (Chairman Berardi and Legislators Bischoff, Cahill, Dart, Lomita, Stoeckeler, Fabiano, Felicello and McAfee) and the Ways and Means Committee (Chairman Lomita, and Legislators Bartels, Berardi, Gregorius, Provenzano, Zimet, Cummings, Gerentine and Noonan) offer the following:

WHEREAS, on July 29, 2002, the County and the City of Kingston entered into an Agreement relating to the County's construction of the Law Enforcement Facility under which certain arrangements were made between the County and the City relating to: (i) improvements to be made to the Transfer Station Driveway (also known as Albert Street); (ii) maintenance of said driveway and location of certain public utility services during and after the construction of the facility; (iii) certain minor changes to the City's transfer station; (iv) and new public utility structures in the area that might be required in order to service the facility, and

WHEREAS, on April 11, 2002 said Agreement was approved by Resolution No. 165 of the Ulster County Legislature, and

WHEREAS, paragraph 8 of the Agreement provided that the County "will provide water and sewer lines to the City property," and

WHEREAS, as a result of unanticipated difficulties in providing a water connection to the City's transfer station, it appears that certain principals of the City and County thereafter entered into a verbal modification of the above-quoted portion of paragraph 8 under which the City agreed to waive the County's obligation under paragraph 8 to provide water lines to the City property at an estimated cost of \$75,000.00 and in consideration therefore, the County agreed to provide a canopy over four of the six dumpsters at the City's transfer station at the estimated equivalent cost of \$75,000.00, and to repave and/or repair the existing paved area at the transfer station, and

WHEREAS, it appears that a writing is required to satisfy this verbal agreement, and

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

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

Resolution No. 368 November 14, 2007

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RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute a Modification Agreement to embody the verbal agreement referenced in the fifth "WHEREAS" clause, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32                      NOES: 0  
(Absent: Legislator Felicello)

FINANCIAL IMPACT:

\$75,000.00 – BUDGETED COUNTY DOLLARS

CAPITAL PROJECT NO. 236 (H4-0236-2907)

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