

Amending Resolution No. 125 of April 7, 2009, Related To Capital Project No. 242, Replacement Of New Paltz Road (CR 159) Over Conrail (BIN 3224270 And BIN 3224280), PIN 8755.14, An Economic Recovery Project In The Town of Lloyd, In Ulster County, To Include Language Required by the New York State Department of Transportation

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

WHEREAS, the New York State Department of Transportation has provided Ulster County with language that it requires in reference to Ulster County Resolution No. 125, which was adopted on April 7, 2009, and

WHEREAS, in order to comply with these DOT requirements, Resolution No. 125, adopted on April 7, 2009 is amended to include the following language:

“WHEREAS, the Replacement of New Paltz Road (CR 159) over Conrail (BIN 3224270 and BIN 3224280) Identified as PIN 8755.14, an Economic Recovery Project (hereinafter “the Project”) in the Town of Lloyd, in Ulster County (hereinafter “the Municipality/Sponsor”), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor’s resources and agrees that the Municipal/Sponsor’s Legislature hereby authorizes the Municipal/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases (s) or portions thereof.

RESOLVED, that the Municipality/Sponsor’s Legislature makes a 100% commitment of the non-federal share (if any) of the costs of Construction/ Construction Inspection phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (“NYSDOT”) pursuant to the State/Local Agreement; and it is hereby further,

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

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RESOLVED, that in the event the full federal and non-federal share of the Project exceeds the amount of \$2,600,000.00 as appropriated in Resolution No. 125, April 7, 2009, the Municipality/Sponsor's Legislature shall convene as soon as possible to appropriate said excess amount immediately; and, it is hereby further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor's first instance funding of the non-federal share 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, it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project: and, it is further

RESOLVED, that this Resolution shall take effect immediately" and it is further

RESOLVED, that Resolution No. 125, which was adopted on April 7, 2009, is hereby amended to include the bolded, quoted, language set forth above,

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:

\$2,600,000.00 – BUDGETED CAPITAL PROJECT APPROPRIATION DOLLARS

\$2,600,000.00 – BUDGETED SERIAL BONDS –

100% REIMBURSABLE FEDERAL (ARRA) DOLLARS

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