

Amending Capital Project No. 262, A Project For The Bridge Replacement On Mud Tavern Road Over The Dwaarkill – Transportation Improvement Project (TIP) Not On The State Highway System – 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 Gregorius, Harris, Maio, Maloney, 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 the Bridge Replacement on Mud Tavern Road over the Dwaarkill (BIN 3347210), for PIN 8756.66 (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, Ulster County desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of the right-of-way acquisition work; and

WHEREAS, the Project was approved and included in the 2013-2018 Capital Program 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 \$225,000.00 pursuant to Resolution No. 296 dated October 14, 1999 which also authorized the execution of an agreement with the New York State Department of Transportation (NYSDOT); and

WHEREAS, it was subsequently found necessary to add a Right-of-Way Acquisition Phase to the Project and increase the funding of the Project for this Phase, that was not included in the original agreement with NYSDOT which was authorized by the previously mentioned resolution; and

WHEREAS, is has been found necessary to extend the existing Agreement and increase the Federal and non-Federal share of costs for the additional Right-of-Way Acquisition for the Project in the amount of \$18,983.00; now,

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THEREFORE, the Ulster County Legislature, duly convened does hereby

RESOLVE, 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 right-of-way acquisition work for the Project or portions thereof; and, it is hereby further

RESOLVED, that the Ulster County 2013-2018 Capital Program is amended to increase the Project by \$18,983.00 from \$225,000.00 to \$243,983.00, and made available to cover the cost of participation in the above phase of the Project; and, it is 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, it is further

RESOLVED, that the Chairman of the Ulster County Legislature 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 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, it is further

RESOLVED, that in addition to the Chairman of the Ulster County Legislature, 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 County with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and, it is 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, it is further

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RESOLVED, that Ulster County Capital Project No. 262 is hereby amended as follows:

	<u>ADD</u>	<u>AMOUNT</u>
H4-0262-2901 (App. #)	Land Acquisition/Right-of-Way Capital Project No.262 Bridge Replacement - Mud Tavern Road	\$ 18,983.00
H3-0262-5710 (Rev. #)	Serial Bond Proceeds	\$ 18,983.00

and, it is further

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Aiello, Briggs and
Richard Parete)

Passed Committee: Public Works and Capital Projects on April 3, 2013

Passed Committee: Ways and Means on April 9, 2013

FINANCIAL IMPACT:

\$18,983.00 – ADDITIONAL APPROPRIATION DOLLARS

\$15,186.40 – SERIAL BOND PROCEEDS (80% REIMBURSABLE FROM
FEDERAL FUNDS)

\$ 3,796.60– SERIAL BOND PROCEEDS (20% 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 16th Day of April, 2013, 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 19th Day of April in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
19th Day of April, 2013.

Approved by the County Executive this
24th Day of April, 2013.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

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