

**Amending Capital Project No. 336 – South Putt Corners Road (PIN 8759.90) – Increasing Funding for Construction, Construction Supervision and Construction Inspection Phase and – Amending the 2017- 2022 Capital Improvement Program – Public Works (Highways and Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, a Project for the South Putt Corners Road Pavement, in the Town of New Paltz, Ulster County, 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 if this aid becomes available, then Ulster County’s financial obligation to the Project may be diminished from its present 20% share to a 5% share; and

WHEREAS, Capital Project No. 336 was established pursuant to Resolution No. 7, dated January 4, 2011, to provide authorization and funding for preliminary engineering and right-of-way incidental work for the Project; and

WHEREAS, Resolution No, 7, dated January 4, 2011 established Capital Project No. 336 in the amount of \$178,000.00 for preliminary engineering services; and Resolution No. 315, dated December 18, 2012, amended the Project to increase the Federal and non-federal share of costs for additional preliminary engineering work and right-of-way incidentals from \$178,000.00 to \$341,000.00 an increase of \$163,000.00; and Resolution No. 433, dated November 17, 2015 to provide authorization and funding for Right-Of-Way Acquisition phase in the amount of \$176,260.00 resulting in a total project cost of \$517,260, and; Resolution No. 340, dated July 19, 2016 to provide authorization for Acquisition of Right-of-Way Interests Over Certain Real Property; and Resolution No. 260, dated June 20, 2017 authorizing the Chairman of the Legislature to sign certain documentation on behalf of the Legislature and funding construction, construction supervision and construction inspection in the amount of \$3,435,000.00 resulting in a total project cost of \$3,952,260.00; and

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WHEREAS, the Ulster County Legislature approved and agreed to advance the Project by committing 100% of the federal and non-federal shares of the costs of preliminary engineering, right-of-way incidental work, right-of-way acquisition, construction, construction supervision and construction inspection in the first instance; and

WHEREAS, Ulster County received construction bids with a low bid of \$3,658,300.00, an increase of \$223,300.00; and

WHEREAS, pursuant to Resolution 253 dated June 20, 2016 C13-00008 with Hudson Valley Engineering Associates P.C was amended to increase the contract scope to include construction inspection, an increase of \$412,026.00, for a total contract cost of; and

WHEREAS, it is necessary to increase the construction, construction inspection/supervision and construction phase costs for the Project in the amount of \$635,326.00, of which such costs may be reimbursable up to the 80% threshold, bringing the total project cost to \$4,587,586.00; and

WHEREAS, Ulster County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction supervision and construction inspection; and

WHEREAS, the Commissioner of Public Works requests funds from serial bonds for the Project, PIN 8758.90 for the project cost in the amount of \$4,587,586.00; and

THEREFORE, the Ulster County Legislature, duly convened does hereby

RESOLVE, the South Putt Corners Road Pavement Project (PIN 8759.90) constitute a Type II action under section 4.5.3 of the County of Ulster's State Environmental Quality Review Act (hereinafter "SEQRA") Type II List that was adopted in Resolution No. 118 on April 20, 2010; and, be it further,

RESOLVED, that the Ulster County Legislature hereby approves the further progress of the above-subject Project; and it is hereby further

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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 for the Project, or portions thereof; and it is further

RESOLVED, that the sum of \$4,587,586.00 is appropriated from serial bond funding and made available to cover the cost of participation in the construction, construction supervision and construction inspection 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 thereof; 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 (NYSDOT) 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 Attorney, and Director of Purchasing, 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 it is further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the construction, construction supervision and construction inspection; and it is further

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RESOLVED, that a certified copy of this Resolution will 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

RESOLVED, that the Ulster County 2017-2022 Capital Program be amended to increase the Capital Project No. 336 – South Putt Corners Road from \$3,952,260.00 to \$4,587,586.00, an increase of \$635,326.00; and it is further

RESOLVED, that the 2017-2022 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0336-2300.2550 (App. #)	Other Equipment & Capital Outlays Construction Capital Project No.336	\$635,326.00
HH.5197.0336-3500.5710 (Rev. #s)	Serial Bond Proceeds	\$635,326.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Delaune)

Passed Committee: Public Works and Capital Projects on October 4, 2017

Passed Committee: Ways and Means on October 10, 2017

FINANCIAL IMPACT:  
\$635,326.00 – CAPITAL PROJECT NO. 336 APPROPRIATIONS  
\$635,326.00 – SERIAL BOND PROCEEDS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of October in the year Two Thousand and Seventeen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of October in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this  
19<sup>th</sup> Day of October, 2017.

Approved by the County Executive this  
25<sup>th</sup> Day of October, 2017.

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

[s] Michael P. Hein  
Michael P. Hein, County Executive