

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2014203

RE: AUTHORIZING INTERMUNICIPAL AGREEMENT WITH THE TOWN OF LAGRANGE FOR (PIN 8755.41) REHABILITATION OF CR 21 (NOXON RD), NYS 55 TO TITUSVILLE ROAD AND (PIN 8758.69) REHABILITATION OF CR 21 (NOXON RD) AND CR 49 (TITUSVILLE ROAD) INTERSECTION, TOWN OF LAGRANGE

Legislators HUTCHINGS, BOLNER, and BORCHERT offer the following and move its adoption:

WHEREAS, the County of Dutchess (County) and Town of LaGrange (Town) desire to enter into an Intermunicipal Agreement wherein the County will construct pedestrian sidewalks, as shown on Exhibit "A" and a gravity sewer pipe crossing CR 21 as shown on Exhibit "B," and

WHEREAS, the Town will maintain and repair the said pedestrian sidewalks and gravity sewer pipe at its own cost and expense, and

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the County and the Town are authorized to enter into such agreement, and

WHEREAS, the Town has already approved the Intermunicipal Agreement, a copy of which is attached hereto, and

WHEREAS, the proposed agreement will benefit both the Town and the County, now, therefore, be it

RESOLVED, that this Legislature hereby approves the proposed Intermunicipal Agreement and authorizes the County Executive to execute such Agreement with the Town of LaGrange in substantially the same form attached hereto.

CA-128-14

CAB/ca/R-0907-HHH

7/14/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess 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 11th day of August 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of August 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS *(To be completed by requesting department)*

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$ 0

Net County Cost (this year): \$ 0
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request form seeking authorization to enter into the accompanying intermunicipal agreement between the County of Dutchess and the Town of LaGrange for the projects identified as PIN 8758.69 and PIN 8755.41.

Prepared by: Matthew W. Davls EX. 2929

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW ENGINEERING

Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works

From: Matthew W. Davis, Assistant Civil Engineer I *MD*

Date: July 7, 2014

**Re: RESOLUTION REQUEST
INTERMUNICIPAL AGREEMENT WITH TOWN OF LAGRANGE
PIN 8755.41 REHABILITATION OF CR 21 (NOXON RD), NYS 55 TO
TITUSVILLE ROAD, TOWN OF LAGRANGE
PIN 8758.69 REHABILITATION OF CR 21 (NOXON RD) AND CR 49
(TITUSVILLE ROAD) INTERSECTION, TOWN OF LAGRANGE**

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to enter into the accompanying intermunicipal agreement between the County of Dutchess and the Town of LaGrange. As stated in the agreement, Dutchess County will construct pedestrian sidewalks, as shown on Exhibit "A" and a gravity sewer pipe crossing CR 21 as shown on Exhibit "B" and the Town agrees to maintain and repair the said pedestrian sidewalks and gravity sewer at its own cost and expense.

Attached for your review, is the documentation required for the Resolution Request submittal. Please contact me if you have any questions or require any additional information.

INTERMUNICIPAL AGREEMENT

This Agreement entered into this day of 2014, between the County of Dutchess, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York, 12601 (hereinafter referred to as the County) and the Town of LaGrange, a municipal corporation, with offices at 120 Strlingham Road, LaGrangeville, New York, 12540 (hereinafter referred to as the Town).

WHEREAS, the County is the sponsor of the Local Administered Federal Aid Project: PIN 8758.69-Intersection Reconstruction CR-21 (Noxon Road) at CR 49 (Titusville Road) in the Town of LaGrange, and

WHEREAS, the County is the sponsor of a companion Local Administered Federal Aid Project: PIN 8755.41-to Resurface, Restore and Rehabilitate Approximately 1.8 miles of Noxon Road, and

WHEREAS, both PINs are referred to collectively as the Project, and

WHEREAS, the County has included the construction of pedestrian sidewalks, as part of the construction, reconstruction or improvement of the above intersection in accordance with NYS Highway Law Section 102 (15), in the contract plans relating to the Project, and

WHEREAS, the County will construct, or cause to be constructed a gravity sewer pipe crossing of CR 21 as part of PIN 8755.41, and

WHEREAS, the County will provide the local share of funding for the construction of the Project, and

WHEREAS, the Town has approved the construction of the pedestrian sidewalks and has agreed to maintain or cause to be maintained the pedestrian sidewalks as shown on the contract plans, including the control of snow and ice in a Resolution adopted by the Town Board of the Town of LaGrange on May 23, 2007,

WHEREAS, the County and the Town wish to formalize their understanding with regard to this Project by entering into an Intermunicipal Agreement, now, therefore, the parties agree as follows:

1. The County will construct, or cause to be constructed, pedestrian sidewalks as outlined in Plan Sheet Nos. GP-18 and GP-20, attached hereto as Exhibit "A".
2. The Town agrees to maintain and repair, or cause to have maintained and repaired, at its own cost and expense, said pedestrian sidewalks in a manner satisfactory to the County. Maintenance includes snow and ice removal.

3. The County will construct, or cause to have constructed, a gravity sewer pipe crossing of CR 21, capped at both ends as shown on Plan DUP-5, attached hereto as Exhibit "B". The pipe material will be SDR 35, 10" in diameter. It is anticipated that this crossing will become part of a planned future town sewer.
4. The Town agrees to maintain, or cause to have maintained, at its own cost and expense, this gravity sewer pipe crossing in a manner satisfactory to the County. Maintenance includes future repair or replacement, if necessary.
5. The Town, having been briefed about the Project, hereby approves of and supports the Project.

APPROVED AS TO FORM:

County Attorney

ACCEPTED : COUNTY OF DUTCHESS

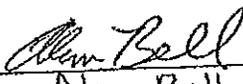
By: _____
Marcus J. Molinaro
County Executive

APPROVED AS TO CONTENT:



Department of Public Works
(PA)

TOWN OF LAGRANGE

By: 
Name: Alan Bell
Title: Supervisor

DESIGNED BY
ESTIMATED BY
DRAFTED BY
CHECKED BY
DATE: 10/13/11
SCALE: AS SHOWN

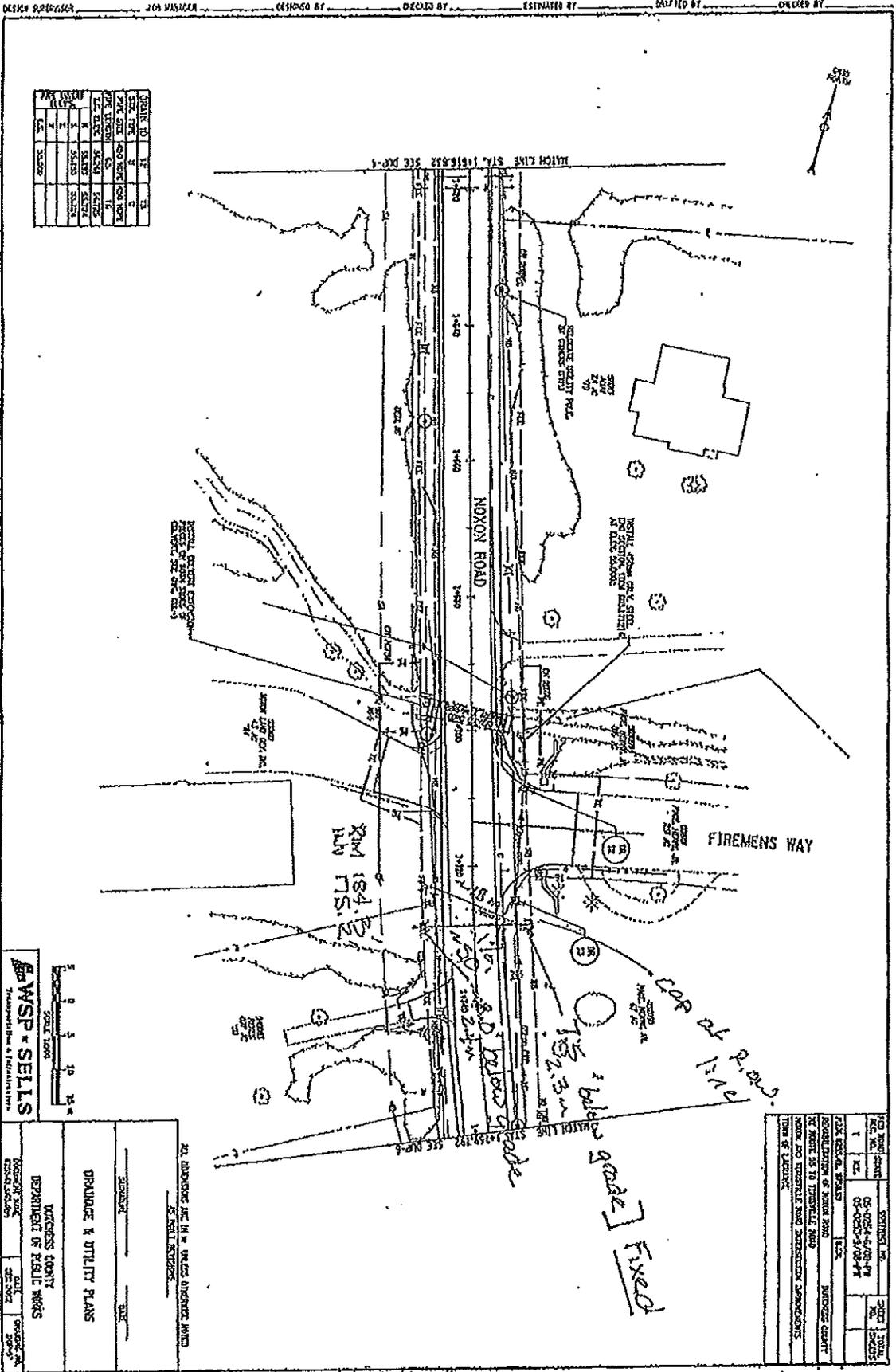


Exhibit. B

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 5-G. Municipal Cooperation (Refs & Annos)

McKinney's General Municipal Law § 119-n

§ 119-n. Definitions

Effective: July 18, 2012

Currentness

As used herein:

a. The term "municipal corporation" means a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, fire district or a school district.

b. The term "district" means a county or town improvement district for which the county or town or towns in which such district is located is or are required to pledge its or their faith and credit for the payment of the principal of and interest on all indebtedness to be contracted for the purposes of such district. The term "district" shall also mean, for the purposes of joining a municipal cooperative health benefit plan authorized under article forty-seven of the insurance law, a soil and water conservation district established under the soil and water conservation districts law.

c. The term "joint service" means joint provision of any municipal facility, service, activity, project or undertaking or the joint performance or exercise of any function or power which each of the municipal corporations or districts has the power by any other general or special law to provide, perform or exercise, separately and, to effectuate the purposes of this article, shall include extension of appropriate territorial jurisdiction necessary therefor.

d. The term "joint water, sewage or drainage project" means a joint project to provide for a common supply of water, the common conveyance, treatment and disposal of sewage or a common drainage system, as described in paragraphs B, D and F of section two-a of article eight of the constitution.

e. The term "voting strength" means the aggregate number of votes which all the members of the local governing body of a municipal corporation or district are entitled to cast.

Credits

(Added L.1960, c. 102, § 1, eff. Feb. 23, 1960. Amended L.1961, c. 681, § 2; L.1963, c. 15, § 1; L.1964, c. 355, § 1; L.1970, c. 331, § 1; L.1973, c. 171, § 1; L.1991, c. 413, § 77; L.2012, c. 191, § 1, eff. July 18, 2012.)

Notes of Decisions (5)

McKinney's General Municipal Law § 119-n, NY GEN MUN § 119-n