

RESOLUTION NO. 2016188

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE FOR CHESTNUT RIDGE ROAD OVER COOPERTOWN BROOK IN THE TOWN OF DOVER (PIN 8757.37)

Legislators PULVER, MICCIO, BOLNER, and SURMAN offer the following and move its adoption:

WHEREAS, a Project for the Chestnut Ridge Road over Cooperstown Brook (BIN 3342950) in the Town of Dover, Dutchess County, PIN 8757.37 (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 ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 2015044 adopted by this Legislature on March 9, 2015, approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work, and

WHEREAS, it was subsequently found necessary to undertake additional construction and construction inspection work not contemplated to the original agreement authorized by the previous Resolution, and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the project, and, be it

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes the County of Dutchess to pay in the first instance 100% of the federal and non-federal share of the cost of the increase of construction and construction inspection work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$304,000 (\$1,644,000 minus previous \$1,340,000) is hereby appropriated and made available from Capital Project H0289.5120.3450.213 - 2000 Bridges (ISTEA/TEA21) 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 Dutchess 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 County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced 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 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

RESOLVED, that this resolution shall take effect immediately.

CA-1022-16
CAB/kvh/R-0944
7/14/16
Fiscal Impact: See attached statement
Supplement #3

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

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 8th day of August 2016, 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 8th day of August 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Fiscal Impact Statement

Resolution Request Number

1022

No Fiscal Impact Projected

Total Current Year Cost

\$304,000.00

Total Current Year Revenue and Source

\$243,200.00

Source of County Funds (if OTHER is selected, please explain below.)

EXISTING APPROPRIATIONS



Explanation / Identify Line Item(s)

H0289.5120.3450.213

Amount and Nature of Related Expenses

\$0.00

Anticipated Savings to County
\$0.00

Net County Cost for Current Year
\$60,800.00

Net County Cost Over Five Years
\$0.00

Additional Comments / Explanation

Related to request to accept Supplemental Agreement #3 for additional funds for Construction & Construction Inspection funds from NYSDOT for PIN 8757.37 Ridge Road over Coopertown Brook, Town of Dover, Bridge D-32, BIN 3342950

Prepared By
Rosanne Hall

Date Submitted
7/12/2016

SUPPLEMENTAL AGREEMENT NO 3 to D024758

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Dutchess County (the Municipality/Sponsor)

Acting by and through the County Executive

With its office at 22 Market Street, Poughkeepsie, Dutchess County, New York

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

amending a project description

amending the contract end date

X amending the scheduled funding by:

X adding additional funding:

adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx

adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx

X increasing funding for a project phases(s) - Construction

adding a pin extension

change from Non-Marchiselli to Marchiselli

deleting/reducing a project phase(s)

other (xxxxx)

Amends a previously adopted Schedule "B"

X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

Amends the Text of the Agreement as follows:

Press F1 to read instructions in blank fields

NYS DOT/State-Local Agreement - Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8757.37.121	Current	STP	\$160,000.00	\$128,000.00	\$0.00	\$32,000.00
	Old	STP	\$160,000.00	\$128,000.00	\$0.00	\$32,000.00
8757.37.221	Current	STP	\$5,447.98	\$4,358.38	\$0.00	\$1,089.60
	Old	STP	\$5,447.98	\$4,358.38	\$0.00	\$1,089.60
8757.37.222	Current	HBRRP	\$5,698.02	\$4,558.62	\$0.00	\$1,139.40
	Old	HBRRP	\$5,698.02	\$4,558.62	\$0.00	\$1,139.40
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$171,146.00	\$136,917.00	\$ 0.00	\$34,229.00

C. Total Local Deposit(s) Required for State Administered Projects: \$0.00

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$1,452,117.00	\$201,000.00	\$0.00	\$162,089.00	\$1,815,216.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed) Name: Doreen Holsopple
Phone No: 845-431-5977

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

APPENDIX 2-S
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2015044

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR (PIN 8757.37)

Legislators HUTCHINGS, HORTON, SURMAN, and FARLEY offer the following and move its adoption:

WHEREAS, the project for the replacement of Ridge Road over Coopertown Brook (BIN 3342950), in the Town of Dover, Dutchess County, PIN 8757.37 (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 ratio of 80% Federal funds and 20% non-federal funds, and

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

NOW THEREFORE, the Dutchess County Legislature, duly convened does hereby

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes the County of Dutchess to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$1,340,000 is hereby appropriated and made available from Capital Project H0289.5120.3450.213 - 2000 Bridges (ISTEA/TEA21) 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 Dutchess 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 County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced 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 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

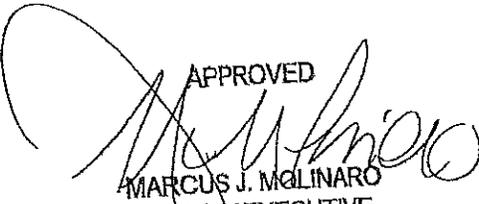
RESOLVED, that this resolution shall take effect immediately.

CA-032-15

CAB/kvh/C-7127

2/9/15

Fiscal Impact: See attached statement
Supplement #2

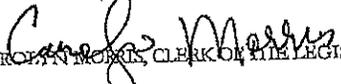
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 3/10/15

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

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 9th day of March 2015, 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 9th day of March 2015.


CAROLYN ROBERTS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

Total Current Year Cost \$ 1,340,000

Total Current Year Revenue \$ 1,273,000
and Source

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

Identify Line Item(s):
H0289.5120.3450.213

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$67,000
Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 2 for Construction & Construction Inspection funds and to extend the contract from NYSDOT for PIN 8757.37 Ridge Road over Cooperstown Brook (BIN 3342950), in the Town of Dover, Dutchess County (Bridge D-32)

Prepared by: Rosanne M. Hall

Prepared On: 02/05/2015

Press F1 to read instructions in blank fields

SCHEDULE A - Description of Project Phase, Funding and Deposit Requirements
 NYSBOT/ State-Local Agreement - Schedule A for PIN 8757.37

SC Municipal Contract #: D024758 Contract Start Date: 3/16/2008 Contract End Date: 9/30/2019
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 2

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): Dutchess County
 State Administered Other Municipality/Sponsor (if applicable):

List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.

Municipality: % of Cost share
 Municipality: % of Cost share
 Municipality: % of Cost share

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: BR REPLACE County (if different from Municipality): Dutchess County

Marchiselli Eligible Yes No (Check, if Project Description has changed from last Schedule A):
 Project Description: BIN 2242960 - Ridge Road over Cooperstown Brook, Town of Dover, Dutchess County

Marchiselli Allocations Approved FOR ALL PHASES To compute Total Costs in the last row and column, right click in each field and select "Update Field."

Check box to indicate change from last Schedule A.	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$	\$	\$	\$ 0.00
<input checked="" type="checkbox"/>	Current SFY 14/15	\$	\$	\$201,000.00	\$ 0.00
	Authorized Allocations to Date	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old". To compute Total Current Costs in the last row, right click in each field and select "Update Field."

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.37.321	Current	STP (80%)	\$1,340,000.00	\$1,072,000.00	\$201,000.00	\$67,000.00	\$0.00
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$1,340,000.00	\$1,072,000.00	\$201,000.00	\$67,000.00	\$ 0.00

NYS DOT/State-Local Agreement - Schedule A

Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old". To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8757.37.121	Current	STP	\$160,000.00	\$128,000.00	\$0.00	\$32,000.00
	Old					
8757.37.221	Current	STP	\$10,000.00	\$8,000.00	\$0.00	\$2,000.00
	Old					
8757.37.222	Current	HBRRP	\$1,146.00	\$917.00	\$0.00	\$229.00
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
TOTAL CURRENT COSTS:			\$171,146.00	\$136,917.00	\$ 0.00	\$34,229.00

C. Total Local Deposit(s) Required for State Administered Projects:	\$0.00
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D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$1,208,917.00	\$201,000.00	\$0.00	\$101,229.00	\$1,511,146.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>Doreen Holsoopie</u> Phone No: <u>845-431-5977</u>
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Agreement (or Supplemental Agreement Cover) for required contract signatures.

SAMPLE RESOLUTION BY MUNICIPALITY
(Locally Administered Project)
RESOLUTION NUMBER: _____

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the replacement of Ridge Road over Coopertown Brook (BIN 3342950), in the Town of Dover, Dutchess County, PIN 8757.37 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

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

NOW, THEREFORE, the Dutchess County Legislature, duly convened does hereby

RESOLVE, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes Dutchess County to pay in the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection, and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,340,000 is hereby appropriated from _____ [or, appropriated pursuant to _____] 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 Dutchess 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 Dutchess County Executive 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 Dutchess 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

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: Dutchess County

PIN: 8757.37

BIN: N/A

Comptroller's Contract No: D024758

Supplemental Agreement No. 2

Date Prepared & By: 01/26/2015dh

SUPPLEMENTAL AGREEMENT NO 2 to D024758

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Dutchess County (the Municipality/Sponsor)
Acting by and through the County Executive
With its office at 22 Market Street, Poughkeepsie, Dutchess County, New York

This amends the existing Agreement between the parties in the following respects only:

- X Amends a previously adopted Schedule A by:
 - amending a project description
 - X amending the contract end date
 - X amending the scheduled funding by:
 - X adding additional funding:
 - X adding Construction phase which covers eligible costs incurred on/after _____
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - increasing funding for a project phases(s)
 - adding a plan extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing a project phase(s)
 - other (xxxxx)
- Amends a previously adopted Schedule "B"
- X Amends a previously adopted agreement by adding Appendix 2-S -- Iran Divestment Act
- Amends the Text of the Agreement as follows:

APPENDIX 2-S
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.