



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

July 9, 2021

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Authorize an Intermunicipal Agreement with the New York State Department of Transportation for the Operation and Maintenance of the Colonel Patrick O'Rorke Bridge

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement with the New York State Department of Transportation for the operation and maintenance of the Colonel Patrick O'Rorke Bridge in an amount not to exceed \$500,000, commencing on October 1, 2021 and ending September 30, 2023, with the option to renew for two (2) additional two-year terms in an amount not to exceed \$500,000 for each additional term upon mutual consent of both parties and with the approval of the New York State Attorney General's Office and the Office of the New York State Comptroller.

As a result of jurisdictional transfers from Monroe County to New York State that were finalized on November 26, 2007, the New York State Department of Transportation has assumed jurisdictional responsibility for the Colonel Patrick O'Rorke Bridge and its highway approaches. Since that time, the State has utilized Monroe County's experience in the operation of the bridge and would like to continue to do so. Therefore, to assist in this effort, the Monroe County Department of Transportation will be responsible for the operation and maintenance of the Colonel Patrick O'Rorke Bridge on behalf of the New York State Department of Transportation and will be reimbursed 100% of the related costs up to \$500,000.

The specific legislative actions required are:

1. Authorize the County Executive, or his designee, to execute an intermunicipal agreement, and any amendments thereto, with the New York State Department of Transportation for reimbursement to the County of appropriate costs relating to the operation and maintenance of the Colonel Patrick O'Rorke Bridge, in an amount not to exceed \$500,000, commencing on October 1, 2021 and ending September 30, 2023, with the option to renew for two (2) additional two-year terms in an amount not to exceed \$500,000 for each additional term upon mutual consent of both parties and with the approval of the New York State Attorney General's Office and the New York State Comptroller.
2. Incorporate by reference and adopt the attached resolution required by New York State for the Operation and Maintenance of the Colonel Patrick O'Rorke Bridge Project.

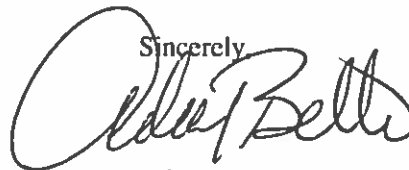
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Committee Assignment	
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3. Amend the 2021 operating budget of the Department of Transportation by appropriating the sum of \$500,000 into road fund 9302, funds center 8005020000 O'Rorke Bridge Operations.
4. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within grant guidelines to meet contractual commitments.
5. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to review under the State Environmental Quality Review Act.

Funding for this agreement will be 100% reimbursed by the New York State Department of Transportation. No additional net County support is required in the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,


Adam J. Bello
Monroe County Executive

ATTACHMENT TO REFERRAL

RESOLUTION INCORPORATED WITHIN AND ATTACHED TO RESOLUTION NO. ____ OF 2021

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.

WHEREAS, a Project for the Operation and Maintenance of the Colonel Patrick O'Rourke Memorial Bridge, P.I.N. 4T39.22 (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 0% Federal funds and 100% non-federal funds; and

WHEREAS, the County of Monroe desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project.

NOW, THEREFORE, the Legislature of the County of Monroe ("Legislature"), duly convened does hereby

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

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

RESOLVED, that the sum of \$500,000 is hereby appropriated pursuant to the annual Monroe County Operating Budget 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 Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County of Monroe thereof, and it is further

RESOLVED, that the County Executive, or designee, of the County of the Monroe be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of the Monroe 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 therefor 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, this Resolution shall take effect immediately.