

By Legislators Morris and Smith

Intro. No. ____

RESOLUTION NO. ____ OF 2023

BOND RESOLUTION DATED MAY 9, 2023

RESOLUTION AUTHORIZING THE ISSUANCE OF \$457,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF HIGHWAY PREVENTIVE MAINTENANCE #11, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$457,000

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF **NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH** OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of Highway Preventive Maintenance #11, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$457,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid class of objects or purposes. The period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20 (c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$457,000, and the plan for the financing thereof is by the issuance of \$457,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, the County Executive, or his designee, is hereby authorized to accept and shall use such funds to redeem any outstanding indebtedness incurred for such purpose or apply it, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance,

sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and
an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Transportation Committee; April 25, 2023 - CV: 7-0
Ways and Means Committee; April 25, 2023 - CV: 9-0
File No. 23-0127.br

ADOPTION: Date: _____

Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 7, 2023

OFFICIAL FILE COPY	
No.	<u>230127</u>
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
TRANSPORTATION	-L
WAYS & MEANS	

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

Subject: Amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget to Add a Project Entitled "Highway Preventive Maintenance #11;" Authorize Financing for the Project; Authorize a Contract with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for Engineering Services, and the New York State Department of Transportation for the Highway Preventive Maintenance #11 Project in the Towns of Greece and Irondequoit

Honorable Legislators:

I recommend that Your Honorable Body amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget to add a project entitled "Highway Preventive Maintenance #11" in the amount of \$457,000; authorize financing for the project in the amount of \$457,000; authorize contracts with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. in the amount of \$436,771.91 for engineering services, and with the New York State Department of Transportation for the Highway Preventive Maintenance #11 Project in the Towns of Greece and Irondequoit.

The Highway Preventive Maintenance #11 Project consists of the following highway locations: Stone Road from Mt. Read Boulevard to Lynette Drive, Culver Road from the City/Irondequoit Town Line to Irondequoit Bay Outlet, East Ridge Road from Marburger Street to Ridgewood Drive, Winton Road from the City/Irondequoit Town Line to Empire Boulevard, and North Goodman Street from the City/Irondequoit Town Line to East Ridge Road. This project will involve preventive maintenance including milling and resurfacing, storm sewer cleaning, curb and/or gutter repairs, ADA ramp replacements, and replacement of pavement markings and signal loops with traffic detection cameras at each location. The current schedule is to conduct preliminary engineering and final design during 2023/24 with an anticipated construction start in 2025. The current total project estimate is \$5,301,000.

Major funding will be provided by Federal and New York State Department of Transportation funds for approximately 95% of the project cost with overall project administration by Monroe County.

A request for proposals was issued for these services with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. selected as the most qualified for this project.

A cost breakdown of these services is as follows:

Design Services	\$362,169.12
Special Services	\$ 37,500.00
Construction Support Services	<u>\$ 37,102.79</u>
Total	\$436,771.91

The specific legislative actions required are:

1. Amend the 2023-2028 Capital Improvement Program to add a project entitled "Highway Preventive Maintenance #11" in the amount of \$457,000.
2. Amend the 2023 Capital Budget to add a project entitled "Highway Preventive Maintenance #11" in the amount of \$457,000.
3. Authorize financing for the project entitled "Highway Preventive Maintenance #11" in the amount of \$457,000.
4. Authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., 255 Woodcliff Drive, Suite 200, Fairport, New York 14450, in the amount of \$436,771.91 for engineering services for the Highway Preventive Maintenance #11 Project in the Towns of Greece and Irondequoit.
5. Authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with the New York State Department of Transportation for the Highway Preventive Maintenance #11 Project in the Towns of Greece and Irondequoit.
6. Incorporate by reference and adopt the attached resolution required by New York State for the Highway Preventive Maintenance #11 Project.


This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site") and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract, consistent with authorized uses, will be included in the capital fund to be created and in any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Todd Leibert, CEO
Richard Henry, III, President
Daniel Duprey Jr., Chairman and Principal
Timothy Knapp, Vice Chairman, Executive Vice President
Kevin McOmber, Executive Vice President
Richard Edinger, Vice President

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 2023

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 Highway Preventive Maintenance #11, P.I.N. 4MN017 (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, 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 approves the above-subject project; and it is 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 \$457,000 is hereby appropriated pursuant to Resolution No. ____ of 2023 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 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, this Resolution shall take effect immediately.