

211  
By Legislators Howland and Drawe

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2017

BOND RESOLUTION DATED APRIL 11, 2017

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$287,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF VARIOUS IMPROVEMENTS TO COUNTY HIGHWAYS, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$287,000.**

**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 class of objects or purposes of financing the cost of various improvements to County highways, including Creek Street, Gravel Road, Holt Road, Klem Road, Sweet Fern Road, Lake Shore Boulevard, Durand Boulevard, and Phillips Road, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$287,000 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 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$287,000, and the plan for the financing thereof is by the issuance of \$287,000 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, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, 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.

21.3

Transportation Committee; March 30, 2017 - CV: 7-0  
Ways and Means Committee; March 30, 2017 - CV: 10-0  
File No. 17-0107.br

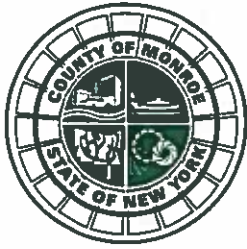
ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



# Office of the County Executive

MONROE COUNTY, NEW YORK

**Cheryl Dinolfo**  
*County Executive*

March 10, 2017

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

<b>OFFICIAL FILE COPY</b>	
No.	<u>170107</u>
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
<b>TRANSPORTATION</b>	<b>-L</b>
<b>WAYS &amp; MEANS</b>	

**Subject:** Amend the 2017-2022 Capital Improvement Program and the 2017 Capital Budget to Add a Project Entitled "Highway Preventive Maintenance #5;" Authorize Financing for the Project; Authorize Contracts with Clark Patterson Engineers, Surveyor, and Architects, P.C. for Engineering Services and the New York State Department of Transportation for the Highway Preventive Maintenance #5 Project in the Towns of Irondequoit, Penfield, and Webster

Honorable Legislators:

I recommend that Your Honorable Body authorize an amendment to the 2017-2022 Capital Improvement Program and the 2017 Capital Budget to add a project entitled "Highway Preventive Maintenance #5;" authorize financing for the project; and authorize contracts with Clark Patterson Engineers, Surveyor, and Architects, P.C., in the amount of \$194,798.06, for engineering services, and with the New York State Department of Transportation, for the Highway Preventive Maintenance 5 Project in the Towns of Penfield, Irondequoit, and Webster.

The Highway Preventive Maintenance #5 Project consists of the following highway locations: Creek Street from Browncroft Boulevard to Plank Road in the Town of Penfield; Gravel Road from north of New York State Route 104 to Klem Road in the Town of Webster; Holt Road from Ridge Road to Klem Road in the Town of Webster; Klem Road from Bay Road to Holt Road in the Town of Webster; Sweet Fern Road, Lake Shore Boulevard, and Durand Boulevard from Zoo Road to Seabreeze Drive in the Town of Irondequoit and Phillips Road from State Road to north of New York State Route 104 in the Town of Webster. This project will involve preventive maintenance including overlay or milling and resurfacing of existing pavement, storm sewer cleaning, curb and/or gutter repairs and replacement of pavement markings and signal loops at each location. The current total project estimate is \$4,772,000.

This project is scheduled to be considered by the Monroe County Planning Board on March 23, 2017.

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

Several consultants were considered, with Clark Patterson Engineers, Surveyor, and Architects, P.C. rated the most qualified for this project. Clark Patterson Engineers, Surveyor, and Architects, D.P.C. proposes to provide these services in the amount of \$194,798.06.

A cost breakdown of these services is as follows:

Design Services	\$175,826.34
Special Services	5,312.29
Construction Support	<u>13,659.43</u>
Total	\$194,798.06

The specific legislative actions required are:

1. Amend the 2017-2022 Capital Improvement Program to add a project entitled "Highway Preventive Maintenance #5," in the amount of \$287,000.
2. Amend the 2017 Capital Budget to add a project entitled "Highway Preventive Maintenance #5," in the amount of \$287,000.
3. Authorize financing for the project entitled "Highway Preventive Maintenance #5," in the amount of \$287,000.
4. Authorize the County Executive, or her designee, to execute a contract with Clark Patterson Engineers, Surveyor, and Architects, P.C., 205 St. Paul Street, Suite 500, Rochester, New York 14604, in the amount of \$194,798.06 for engineering services, for the Highway Preventive Maintenance Project #5 in the Towns of Irondequoit, Penfield, and Webster, and any amendments necessary to complete the project within the total capital fund(s) appropriation.
5. Authorize the County Executive, or her designee, to execute a contract, and any amendments thereto, with the New York State Department of Transportation, for the Highway Preventive Maintenance #5 Project in the Towns of Irondequoit, Penfield, and Webster.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

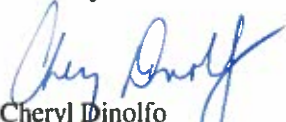
Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

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

Phillip J. Clark, Chairman  
Todd M. Liebert, Chief Executive Officer  
Daniel D. Duprey, Jr., President and Chief Operating Officer

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

Sincerely,

  
Cheryl Dinolfo  
Monroe County Executive