

By Legislators Howland and Drawe

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

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

SUPERSEDING BOND RESOLUTION DATED MAY 9, 2017

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,456,000 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 \$3,456,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON FEBRUARY 14, 2017 (RESOLUTION NO. 27 OF 2017).**

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 Ayrault Road, Fetzner Road, Thornell Road and Westside Drive, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$3,456,000 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 an additional \$392,000 to pay the cost of the aforesaid class of objects or purposes (\$3,064,000 having been heretofore appropriated from one or more Capital Budgets). 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, computed from December 15, 2015, the date of the first obligations issued therefor.

Section 2. The maximum estimated cost thereof is \$3,456,000, and the plan for the financing thereof is by the issuance of \$3,456,000 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 supersede Resolution No. 27 of 2017, being a bond resolution dated February 14, 2017, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose and the amount of bonds to be issued thereunder from \$3,064,000 to \$3,456,000.

Section 8. 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 9. 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, 2017 - CV: 7-0  
Ways and Means Committee; April 25, 2017 - CV: 11-0  
File No. 17-0138.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

April 7, 2017

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|--|---------------|
| <b>OFFICIAL FILE COPY</b>  |               |
| No.  | <u>176138</u> |
| Not to be removed from the<br>Office of the<br>Legislature Of<br>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 2017 Capital Budget and Bond Resolution 27 of 2017 to Provide an Increase in Funding and Authorize a Contract with Villager Construction, Inc. for Construction Services for the Highway Preventive Maintenance #3 Project in the Towns of Chili, Greece, Ogden, Perinton and Pittsford

Honorable Legislators:

I recommend that Your Honorable Body amend the 2017 Capital Budget and Bond Resolution 27 of 2017 to provide an increase in funding, in the amount of \$392,000, and authorize a contract with Villager Construction, Inc., in the amount of \$2,868,141.10, for construction services, for the Highway Preventive Maintenance #3 Project in the Towns of Chili, Greece, Ogden, Perinton and Pittsford.

This project involves rehabilitation of: Westside Drive from Chili Center-Coldwater Road to Orchard Street; Fetzner Road from Maiden Lane to English Road; Thornell Road from West Bloomfield Road to NYS Route 96 and Ayrault Road from Moseley Road to Aldrich Road. The work involves milling and repaving, spot pavement repairs, drainage improvements, traffic signal loops, new pavement markings and modifying the handicap ramps to meet the latest ADA requirements. There are currently insufficient funds available for the project due to increased costs since it was initially programmed in the Capital Improvement Program. The increase is largely due to items that were not included in the original project estimate which include: extending the limits of resurfacing, ADA ramp work, drainage repair/lining and new guiderail.

Major funding will be provided from federal and state aid in the amount of approximately 92.5% of the project cost with overall project administration by Monroe County.

The following five (5) bids were received on March 1, 2017:

|                                   |                |
|-----------------------------------|----------------|
| Villager Construction, Inc.       | \$2,868,141.10 |
| Keller Construction Co. Inc.      | \$2,930,084.00 |
| Macedon Excavating & Paving, Inc. | \$3,142,262.85 |
| C.P. Ward, Inc.                   | \$3,218,914.75 |
| Zoladz Construction Co., Inc.     | \$3,398,699.11 |

The bids have been reviewed and the Department of Transportation recommends the award of the contract to the lowest responsible bidder, Villager Construction, Inc. in the amount of \$2,868,141.10.

**The specific legislative actions required are:**

1. Amend the 2017 Capital Budget to increase funding for the Highway Preventive Maintenance #3 Project in the Towns of Chili, Greece, Ogden, Perinton and Pittsford, in the amount of \$392,000 from \$3,064,000 to \$3,456,000, for a total project authorization of \$3,456,000.
2. Amend Bond Resolution 27 of 2017 to increase financing for the Highway Preventive Maintenance #3 Project in the Towns of Chili, Greece, Ogden, Perinton and Pittsford, capital fund 1739, in the amount of \$392,000, from \$3,064,000 to \$3,456,000, for a total project authorization of \$3,456,000.
3. Authorize the County Executive, or her designee, to execute a contract with Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, New York 14450, in the amount of \$2,868,141.10, for construction services, for the Highway Preventive Maintenance #3 Project in the Towns of Chili, Greece, Ogden, Perinton and Pittsford, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

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

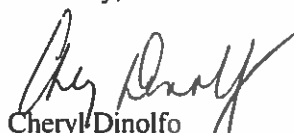
Funding for this contract, consistent with authorized uses, will be available in capital fund 1739 once the additional financing authorization requested herein is approved and in any capital fund(s) created for the same intended purpose. No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither Villager Construction, Inc., nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Richard K. Clark, President/Treasurer  
Timothy O. Lawless, Secretary

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