



TOWN OF DEERPARK

GARY SPEARS, SUPERVISOR
DAVID DEAN, COUNCILMAN
ARTHUR TROVEI, COUNCILMAN
KENNETH SMITH, COUNCILMAN
ALAN SCHOCK, COUNCILMAN

RESOLUTION #4 (AMENDED) OF 2016 OF THE TOWN BOARD OF
THE TOWN OF DEERPARK, ORANGE COUNTY,
NEW YORK

WHEREAS, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and

WHEREAS, NY State Highway Route 42 is a state highway owned and maintained by the State of New York and the New York State Department of Transportation; and

WHEREAS, NY State Highway Route 97 is also a state highway owned and maintained by the State of New York and the New York State Department of Transportation; and

WHEREAS, NY State Highway Route 42 traverses over the waterway called the Shinglekill or the Shingle Creek; and

WHEREAS, NY State Highway Route 97 also traverses over the waterway called the Shinglekill or the Shingle Creek; and

WHEREAS, the bridge constructed on the roadway that permits NY State Highway Route 42 to traverse over the Shinglekill or the Shingle Creek is in disrepair and must undergo repair and/or reconstruction in the interest of the safety of the travelling public; and

WHEREAS, the bridge constructed on the roadway that permits NY State Highway Route 97 to traverse over the Shinglekill or the Shingle Creek is also in disrepair and must also undergo repair and/or reconstruction in the interest of the safety of the travelling public; and

WHEREAS, the State of New York has stated its intention to repair or replace the bridge traversing the Shinglekill or the Shingle Creek on NY State Highway Route 42; and

WHEREAS, the State of New York has stated its intention to also repair or replace the bridge traversing the Shinglekill or the Shingle Creek on NY State Highway Route 97; and

WHEREAS, the State of New York has indicated that it intends to make both of the above referenced bridge repairs during the same periods between and during Spring 2016 and Spring 2017; and

WHEREAS, in order to facilitate the said repair/replacement of the two (2) bridges, the State of New York Department of Transportation requires a detour to enable the flow of traffic on NY State Highway Routes 42 and 97 during the periods of construction;

WHEREAS, Bolton Basin Road is a town road owned and maintained by the Town of Deerpark, County of Orange, State of New York and the Town of Deerpark Highway Department; and

WHEREAS, Bolton Basin Road travels between and directly connects NY State Highway Route 42 and NY State Highway Route 97; and

WHEREAS, Bolton Basin Road provides for an alternative route to allow for a detour as between NY State Highway Route 42 and NY State Highway Route 97; and

WHEREAS, the New York State Department of Transportation has proposed and requested that Bolton Basin Road be used as a detour between NY State Highway Route 42 and NY State Highway Route 97 during the period of repair/construction; and

WHEREAS, the State of New York Department of Transportation and/or Town of Deerpark, County of Orange, State of New York have created plans delineating the repairs required to the two (2) aforementioned bridges, as well as to the road(s) to be utilized as detours during the periods of construction; and

WHEREAS, the Town of Deerpark has agreed to permit the New York State Department of Transportation to utilize Bolton Basin Road as a detour during the period of repair/construction conditioned upon the plans annexed to this Resolution and conditioned upon the Town and NYS Department of Transportation reaching an Agreement and Stipulation including the following:

1. The NYS Department of Transportation must obtain and/or provide liability insurance naming the Town of Deerpark, County of Orange, State of New York as an additional

insured, with said certificate of insurance provided to the Town of Deerpark Highway Department;

2. The NYS Department of Transportation agrees that any and all improvements to Bolton Basin Road, such as trimming of branches or other minor modifications necessary to accommodate the detour must be made prior to implementation of the repair/replacement of the bridges;
3. The NYS Department of Transportation agrees to clear both sides of Bolton Basin Road approximately Fifty Feet (50') in either direction from the intersection with NY State Highway Route 97;
4. The NYS Department of Transportation agrees to extend the culvert as necessary, at the intersection of Bolton Basin Road and NY State Highway Route 97 in order to accommodate right turns from Bolton Basin Road onto NY State Highway Route 97;
5. The NYS Department of Transportation agrees to coordinate with any and all Utility Companies required to raise wires at the intersection between Bolton Basin Road and NY State Highway Route 97 and/or over Bolton Basin Road;
6. The New York State Department of Transportation agrees to re-grade the intersection, widening both sides of Bolton Basin Road, to at least Fifty Feet (50') at the junction with NY State Highway Route 97;
7. The NYS Department of Transportation agrees to replace the existing Guide Rail along the side of State Route 97 opposite Bolton Basin Road, (the Delaware River side), for a distance of a minimum of One Hundred Fifty Feet (150') from the intersection of Bolton Basin Road with NY State Highway Route 97;
8. The NYS Department of Transportation agrees to widen both sides of Bolton Basin Road, to at least Fifty Feet (50'), at the intersection of Bolton Basin Road and NY State Highway Route 42 in order to accommodate truck traffic and turns by said vehicles;

9. The intersection improvements/widening, at the intersection of Bolton Basin Road and NY State Highway Route 42, performed by the NYS Department of Transportation shall extend not less than Fifty Feet (50') on Bolton Basin Road;
10. The NYS Department of Transportation agrees to relocate all existing signs in the vicinity of the intersection of Bolton Basin Road and NY State Highway Route 42 in order to accommodate the pavement/roadway widening set forth above;
11. The NYS Department of Transportation agrees that accommodations will be made to ensure that minor repairs to any/all detour roads, specifically spot repairs such as pothole patching, shimming, etc., necessary to make the roads suitable for the expected traffic volumes resulting from the detour will be made each spring prior to the initiation of the detour;
12. The NYS Department of Transportation agrees that Bolton Basin Road shall not be used as a detour for either the bridge repair/construction on NY State Highway Route 97 or NY State Highway Route 42 during the periods between November 15, 2015 and March 15, 2016; November 15, 2016 and March 15, 2017; and November 15, 2017 and March 15, 2018, inclusive;
13. The NYS Department of Transportation agrees that Bolton Basin Road shall not be used as a detour for the bridge repair/construction for both NY State Highway Route 42 and NY State Highway Route 97 at the same time;
14. The NYS Department of Transportation agrees that Bolton Basin Road shall not be used as a detour for the bridge repair/construction for NY State Highway Route 97 during the period between July 1, 2017 and September 4, 2017, inclusive;
15. The NYS Department of Transportation has advised that Bolton Basin Road shall be used as a detour for the bridge repair/construction for NY State Highway Route 42 during the period between May 4, 2016 and September 28, 2016, inclusive.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Deerpark, County of Orange, State of New York, agrees to enter into an agreement to permit the utilization of Bolton Basin Road as a detour during repair or reconstruction of bridges on NY State Highway Route 97 and/or NY State Highway Route 42, with the conditions as set forth above; and

BE IT FURTHER RESOLVED, that the Superintendent of Highways of the Town of Deerpark, County of Orange, State of New York, and/or the Supervisor of the Town of Deerpark, County of Orange, State of New York, be and are hereby authorized to execute any and all documents required in order to effectuate the use of Bolton Basin Road as a detour during repair or reconstruction of bridges on NY State Highway Route 97 and/or NY State Highway Route 42, with the conditions as set forth above and consistent with the plans prepared by the NY State Department of Transportation and/or Town of Deerpark Town Engineer; and

BE IT FURTHER RESOLVED, that this "Amended Resolution #4 of 2016" is being adopted to modify and clarify the terms and agreement authorized by "Resolution #4 of 2016" as previously adopted by the Town Board of the Town of Deerpark on February 22, 2016.

Motion to Adopt Resolution 4 of 2016

Moved by _____ 2nd by _____

Roll Call: 4 Ayes:

Supervisor: Gary Spears

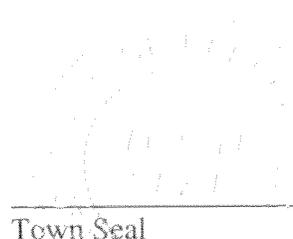
Councilman: David Dean

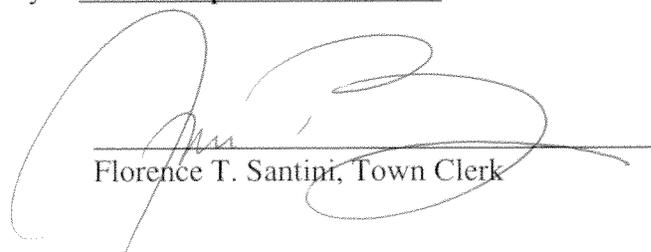
Councilman: Al Schock

Absent: Art Trovei Ken Smith

MOTION CARRIED

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Deerpark this _____ 4th _____ day of _____ April _____ 2016.


Town Seal


Florence T. Santipi, Town Clerk