



Memorandum

To: Thomas Cawley – Assistant County Attorney - Sullivan County
From: Kevin McManus, PE
Cc: Joseph Apicella, Henry Zabatta, Allan Scott
Date: **November 16, 2009**
Re: **Sullivan County Committee Meeting – Multi Modal Contract**

At the Committee meeting held on November 12, 2009, a vote was taken in favor of the preparation of a Resolution in support of the use of the proposed New York State Multi Modal funds by the Sullivan County Department of Public Works for the reconstruction of Concord Road as well as portions of Kiamesha Lake Road (CR 108) and further authorized the Chairman of the Board of Legislators to enter into a contract Agreement with the New York State Department of Transportation in connection with the aforementioned Multi Modal project subject to a resolution of the following conditions:

- The Concord (Concord Associates, LP) agrees to pay the County for all fees associated the issuance of a bond for the work.
- The Committee understands that the Concord is obligated to post a performance bond with the Town of Thompson prior to commencement of any proposed public improvements. Accordingly, Concord (Concord Associates, LP) shall be responsible for facilitating an inter-municipal agreement between the County and the Town of Thompson to permit the County to seek relief through applicable portions of the performance bond should New York State fail to reimburse the County for multi-modal work performed and paid for by the County .
- No work associated with this agreement shall be required to commence until such time as the Concord has obtained project construction financing and work commences on the Concord hotel, casino and harness track facilities.

RESOLUTION NO. _____ INTRODUCED BY THE PUBLIC WORKS COMMITTEE IN SUPPORT OF CONCORD ASSOCIATES, LP'S PROJECT

WHEREAS, Concord Associates, LP plans to build a resort hotel on the grounds of the former Concord hotel in the Town of Thompson ("Project"), and

WHEREAS, the Sullivan County Legislature has supported the Project from its inception and continues in its support, and

WHEREAS, the Sullivan County Legislature wishes to demonstrate its support for the Project by affirmatively stating that it shall seek to improve the infrastructure surrounding the Project site, including public highways, and

WHEREAS, the County has sought a \$6,000,000.00 reimbursable grant ("Grant") from the New York State Department of Transportation ("NYS DOT") for rehabilitation and reconstruction of portions of Concord Road and Kiamesha Lake Road, and

WHEREAS, it is the intention of the Sullivan County Legislature to obtain the Grant from the NYS DOT once the funding mechanism is put in place appropriating the \$6,000,000.00, in the first place, the Sullivan County Legislature shall authorize the County Manager to execute the necessary documents to acquire the Grant funding.

NOW THEREFORE, BE IT RESOLVED, the Sullivan County Legislature affirmatively states its full support for the Project, and

BE IT FURTHER RESOLVED, that the County Manager shall take all appropriate actions towards acquiring the Grant funding for the rehabilitation/reconstruction of Concord Road and Kiamesha Lake Road.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009

APPROVED BY UNANIMOUS VOTE ON 11/17/09 ORIGINAL IN CONCORD ROAD FILE.