

**MAYOR and COUNCIL of the  
BOROUGH of HO-HO-KUS  
BERGEN COUNTY, NEW JERSEY  
Resolution # 13-52**

Subject: ADA Ramps- County Agreement

Dated: April 23, 2013

**WHEREAS**, the NJ DOT, the Federal Highway Administration, the Americans with Disabilities Act Accessibility Guidelines, and the Public Right-of Way Accessibility Guidelines mandate that public sidewalks at intersections provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at all crosswalk locations as designated by the County Engineer or his designee; and

**WHEREAS**, public sidewalks are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb face to curb face as set forth in NJSA 27:16-8; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (NJSA 40A:65-1 et. seq) promotes the broad use of shared services to reduce local expenses funded by property tax payers; and

**WHEREAS**, to achieve economies of scale and to ensure consistent performance county-wide, participating municipalities will have the opportunity to enter into a Construction Contract with either the successful bidder of the County's ADA Cooperative Curb Ramp Construction bid or, if the municipality can obtain lower pricing, hire its own contractor; and

**WHEREAS**, ADA Curb Ramp Construction work shall not commence until the County Engineer , subject to budget considerations, authorizes the work recommended by the municipal engineer; and

**WHEREAS**, the County will, upon proper verification and pre-construction authorization by the County Engineer, reimburse participating municipalities for construction costs at the prices set forth in the cooperative bid (or the municipality's lower pricing provided that the municipality uses the County's bid specifications for purposes of comparison) as follows:

- A. Initial Reimbursement. The County shall provide the municipality with fifty percent of the estimated funds necessary to construct ADA compliant improvements and as authorized by the County Engineer, at County road intersections contingent upon the participating municipality's execution of a contract with the successful bidder of the ADA Cooperative Curb Ramp Construction contract (or execution of a contract with the municipality's bidder).
- B. Final Reimbursement. Upon receipt of its municipal engineer's certification, in County form, that the completed construction work meets ADA compliance or received a "technical infeasibility" waiver approved by the County Engineer, the Bergen County Department of Public Works will reimburse the participating municipality for the balance of the funds based on the actual, as-built cost for construction within the approved scope of work.
- C. Inspection Costs. Reimbursable costs shall include construction inspection costs not to exceed ten percent (10%) of the as-built construction costs. At the County Engineer's sole discretion, in

extreme cases, and upon receipt of written justifications, construction inspection reimbursement may be authorized up to fifteen percent (15%) of as-built constructions costs.

**WHEREAS**, municipal budget requirements mandate the confirmation that funds are available to perform the work pursuant to a grant agreement; and

**WHEREAS**, the Treasurer has certified the availability of the fund’s requirements per NJSA 5:30-5.4.

**NOW, THEREFORE BE IT RESOLVED**, upon the recommendation of Joe Crifasi, Director of Public Works, that the County of Bergen Board of Chosen Freeholders hereby initiate and fund an ADA Cooperative Curb Ramp Construction Grant Program, as set forth herein, to assist participating municipalities in meeting ADA curb ramp construction and related requirements at intersections on County roads as designated by the County Engineer or his designee.

**BE IT FURTHER RESOLVED** that municipalities which desire to upgrade the County’s ADA Cooperative Curb Ramp Construction specifications beyond NJ DOT materials and/or beyond the scope of work, may do so provided that the municipality is solely responsible for the increase in costs.

**BE IT FURTHER RESOLVED** that each participating municipality shall enter a grant agreement in a form approved by County Counsel.

**BE IT FURTHER RESOLVED** that the County Executive be and is hereby authorized to execute grant agreements in a form to be approved by County Counsel.

I, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Bergen County, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Mayor and Council on April 23, 2013

	Moved	Second	Ayes	Nays	Absent	Abstain
Mayor Randall						
Councilmember Troast					X	
Councilmember Lennon	X		X			
Councilmember Shea			X			
Councilmember Rorty		X	X			
Councilmember Weiss			X			
Councilmember Shell			X			