

Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement, And Any Amendments Thereto, With The City Of New York By And Through The New York City Department Of Environmental Protection, To Purchase And Remediate Flood Damaged And Water Infiltrated Residential Properties – Establishing Capital Project No. 355 - Amending The 2012 Ulster County Capital Project Fund – Emergency Communications/ Emergency Management

Referred to: The Law Enforcement and Public Safety Committee (Chairman Richard Parete and Legislators Belfiglio, Maio, Ronk and Briggs), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Maloney, Roberts, Briggs and John Parete), and The Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez)

Chairman Bernardo and Legislators Craig Lopez, Thomas J. Briggs, and David B. Donaldson offer the following:

WHEREAS, this resolution has been reviewed by the County Attorney on behalf of the Department of Emergency Communications/Emergency Management, and

WHEREAS, the Director of Emergency Communications/Emergency Management has been notified by the City of New York, New York City Department of Environmental Protection (DEP), that \$3.7 million will be provided pursuant to a Memorandum of Agreement to supplement New York State's \$3.8 million proposed funding from the New York State Housing Trust Fund for a flood remediation project within Ulster County, and

WHEREAS, this program would include \$3.7 million from the New York City Department of Environmental Protection for homeowners who live near the New York City Aqueduct in the Town of Wawarsing and \$3.8 million proposed from New York State Housing Trust Fund for homeowners who live near a New York City Aqueduct or whose homes were damaged by flooding in this region since April 1, 2004, and are further determined to be at future risk, and

WHEREAS New York State Housing Trust Funds are expected to be made available from the 2008-2009 Greater Catskills Flood Remediation Program, and may be used for the purchase and remediation of flood and water infiltrated residential properties affected by the New York City aqueducts in Ulster County, and

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WHEREAS, determination of eligibility for this New York City DEP Program is subject to certain criteria that will impact eligibility for the New York State Housing Trust Fund Program, and therefore it may be necessary to transfer funding between this Capital Project, No. 355, and Capital Project No. 356, and

WHEREAS, the goal of this program is to remove people and their possessions from harm's way in areas that have been hit particularly hard by flooding and enable homeowners with properties that meet certain criteria, to relocate from areas that remain vulnerable to flooding or water infiltration, and

WHEREAS, this program will be managed by Ulster County Emergency Communications/Emergency Management, and the County would be authorized to purchase properties and demolish structures and such properties will be dedicated in perpetuity for open space, recreational, wetlands or flood mitigation purposes, and

WHEREAS, the Director of Emergency Communications/Emergency Management is requesting that the Chairman of the Ulster County Legislature be authorized to execute an agreement with the City of New York, New York City Department of Environmental Protection, and

WHEREAS, the County has undertaken a programmatic environmental review to comply with the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617 (SEQRA) prior to commencing any work that would result in physical alteration of the sites, and

WHEREAS, in accordance with the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617 (SEQRA) the project is determined to be an Unlisted Action, and a negative declaration has been prepared, and

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WHEREAS, the Director of Emergency Communications/Emergency Management is requesting that the Chair of the Ulster County Legislature be authorized to execute the agreement, and any amendments thereto, with the New York City Department of Environmental Protection , and that Capital Project No. 355 be established to fund the Program, now, therefore, be it

RESOLVED, that the Capital Project will be carried out under the program guidelines set forth in the “Project Description and Additional Information for the SEQRA Long Environmental Assessment Form” as approved by the Ulster County Legislature pursuant to Resolution Number 60 of March 20,2012, and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute the agreement with the City of New York, New York City Department of Environmental Protection, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney, and be it further

RESOLVED, that Capital Project No. 355 is hereby established and the 2012 Ulster County Capital Project Fund is hereby amended as follows:

ADD
Capital Project No. 355

H4-0355-2901	Land Acquisition	\$3,100,000.00
H4-0355-2902	Site Preparation/Clearing	\$ 275,000.00
H4-0355-2974	Administration Costs	\$ 258,000.00
H4-0355-2909	SEQRA Review	\$ 22,000.00
H4-0355-2973	Legal Fees	\$ 45,000.00
(App. #'s)		
H3-0355-2797	Other Local Government Revenue	\$3,700,000.00
(Rev. #)	(New York City Department of Environmental Protection)	

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and be it further

RESOLVED, that the Commissioner of Finance is hereby authorized to make necessary transfers of funds between Capital Project No. 355 and Capital Project No. 356, and be it further

RESOLVED, if funding for this program is eliminated, the program will be eliminated as well,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Roberts)

Passed Committee: Law Enforcement and Public Safety Committee on March 6, 2012

Passed Committee: Public Works and Capital Projects Committee on March 7, 2012

Passed Committee: Ways and Means Committee on March 13, 2012

FINANCIAL IMPACT:

ESTABLISHING CAPITAL PROJECT NO. 355

**\$3,700,000.00 – ADDITIONAL APPROPRIATION DOLLARS
CAPITAL PROJECT FUND**

**\$3,700,000.00 – ADDITIONAL REVENUE DOLLARS –
FROM NEW YORK CITY DEP**

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 20th day of March, 2012, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 22nd Day of March in the year Two Thousand and Twelve.

|s| Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this
22nd Day of March, 2012.

|s| Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this
29th Day of March, 2012.

|s| Michael P. Hein
Michael P. Hein, County Executive