

Authorizing The Chairman Of The Ulster County Legislature To Execute An Easement Agreement with Vivekananda Retreat, Ridgely Allowing The County, As Local Sponsor For Ulster County Community College, Access to Privately-Owned Real Property in The Town of Marbletown For Purposes Of Running A Water Line Through Vivekananda Retreat, Ridgely's Real Property, and Authorizing the Commissioner of Finance To Tender Payment For Such Easement

Referred to: The Legislative Programs, Education and Community Services Committee (Chairman Wawro and Legislators Berky, Delaune, Donaldson and Lopez), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Legislative Programs, Education and Community Services Committee, Mary Wawro, and Deputy Chairman David B. Donaldson offer the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of Ulster County Community College; and

WHEREAS, Ulster County Community College (hereinafter "UCCC") is in need of an extra water supply at its campus located on Cottekill Road in the Town of Marbletown; and

WHEREAS, UCCC will need to purchase water from the High Falls Water District; and

WHEREAS, the High Falls Water District is willing to sell water to UCCC; and

WHEREAS, in order to supply water to UCCC, an out of district user, the High Falls Water District must first obtain permission for such sale from the New York City Water Board (hereinafter the "Water Board"); and

WHEREAS, on May 6, 2014, the Town Board of the Town of Marbletown, as a Commissioner of the Board of Water Commissioners of the High Falls Water District, authorized the Supervisor of the Town of Marbletown, jointly with the Supervisor of the Town of Rosendale, to request the Water Board's permission to sell water outside of the High Falls Water District to UCCC at the same rates utilized for in-district users; and

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WHEREAS, on May 14, 2014, the Town Board of the Town of Rosendale, as a Commissioner of the Board of Water Commissioners of the High Falls Water District, authorized the Supervisor of the Town of Rosendale, jointly with the Supervisor of the Town of Marbletown, to request the Water Board's permission to sell water outside of the High Falls Water District to UCCC at the same rates utilized for in-district users; and

WHEREAS, the Water Board represented it will grant the High Falls Water District an incremental, fixed volume allotment of up to 35,070 gallons per day as an "Incremental Allowance" for the separately metered water demand of UCCC at the currently prevailing regulated rate for system water provider to users outside New York City for the fixed volume allotment of up to 35,070 gallons per day; and

WHEREAS, an easement over the lands of a landowner adjacent to UCCC is required in order for UCCC to access the water from the High Falls Water District; and

WHEREAS, an easement over the lands of the landowner adjacent to UCCC, Vivekananda Retreat, Ridgely, a domestic not-for-profit corporation, (hereinafter "Vivekananda") is needed in order to follow the shortest, least expensive route from the High Falls Water District to UCCC's campus located on Cottekill Road in the Town of Marbletown; and

WHEREAS, Vivekananda is agreeable to granting an easement for a water line; and

WHEREAS, not-for-profit corporations, like Vivekananda, pursuant to New York State's Not-For-Profit Corporation Law may need the approval of the New York State Attorney General's Office, Charity Bureau (hereinafter the "Attorney General"), for certain transactions; and

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WHEREAS, Vivekananda, by an Attorney General's correspondence dated September 16, 2015, was informed that Vivekananda does not require approval by the Attorney General for the easement by Vivekananda to the County of Ulster (hereinafter the "County"); and

WHEREAS, on September 23, 2015 the Board of Directors of Vivekananda adopted a resolution authorizing Vivekananda to grant an easement for a water line to the County; and

WHEREAS, on December 5, 2015, the Board of Directors of Vivekananda adopted another resolution authorizing Vivekananda to grant an easement for a water line to the County for Five Thousand Six Hundred Sixty Eight 00/100 Dollars (\$5,668.00), said value being established in the appraisal report of June 24, 2014 by Postupack Valuation, Inc.; and

WHEREAS, the County, as UCCC's local sponsor, shall have any real property interest vest in and be held by the County in trust for the uses and purposes of UCCC; and

WHEREAS, the easement for the water line from Vivekananda is a real property interest which shall vest in and be held by the County in trust for UCCC's uses and purposes; and

WHEREAS, the Ulster County Legislature as lead agency under NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) has determined that the project is an unlisted action; and

WHEREAS, the Ulster County Legislature as lead agency has conducted a coordinated review, issued and adopted a negative declaration, and as such, has determined that the Project will not have a significant effect on the environment; now therefore, be it

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RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute an easement agreement with Vivekananda, for the purposes of installing and operating a water line on Vivekananda's real property situated in the Town of Marbletown for the benefit of UCCC, in accordance with an easement agreement 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 the Ulster County Commissioner of Finance is hereby authorized to tender payment in the amount of Five Thousand Six Hundred Sixty Eight 00/100 Dollars (\$5,668.00) to Vivekananda Retreat, Ridgely, a domestic not-for-profit corporation for the easement, upon the approval of the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Legislator Lopez left at 7:19 PM)

Passed Committee: Public Works and Capital Projects on March 3, 2016

Passed Committee: Ways and Means on March 8, 2016

Passed Committee: Legislative Programs, Education and Community Services on March 9, 2016

FINANCIAL IMPACT:

\$5,668.00–BUDGETED APPROPRIATIONS – CAPITAL PROJECT NO. 469

\$5,668.00–PREVIOUSLY AUTHORIZED COUNTY DOLLARS – SERIAL BOND

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15th Day of March in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17th Day of March in the year Two Thousand and Sixteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
17th Day of March, 2016.

Approved by the County Executive this
23rd Day of March, 2016.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

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