

Authorizing The County Executive And Chairman Of The Ulster County Legislature To Execute An Agreement With The City Of New York To Accept Grant Funding For And Facilitate Creation Of A Public Recreational Trail Along The Ashokan Reservoir

Referred to: The Economic Development, Tourism, Housing, Planning, and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney, and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald J. Gregorius offer the following:

WHEREAS, the County of Ulster is the owner of 38.6 miles of the Ulster & Delaware (“U&D”) Railroad corridor running from the City of Kingston to Highmount in the Town of Shandaken, including approximately 11.5 miles of easement through lands adjacent to the Ashokan Reservoir owned by the City of New York (“Watershed Property”) and managed by the New York City Department of Environmental Protection (“NYCDEP”); and

WHEREAS, in December 2013, the Ulster County Executive and the then NYCDEP Commissioner announced an historic Agreement in Principle to facilitate and provide significant funding support for the conversion of 11.5 miles of the U&D corridor along the Watershed Property into a public, multi-use recreational trail (“rail trail”) in order to provide a major economic development boost to Ulster County and Route 28 businesses, expand recreational opportunities for local residents and visitors, improve public health and quality of life, and further develop Ulster County’s rail trail network into a world-class tourism destination; and

WHEREAS, the rail trail along Watershed Property will open the northern shore of the Ashokan Reservoir to the public, without permit or fee, for the first time in more than a century and will ensure year-round public access for walking, running, bicycling, cross country skiing, snowshoeing and other non-motorized uses between Basin Road in West Hurley and Boiceville in the Town of Olive; and

WHEREAS, in August 2014, the Ulster County Legislature adopted Resolution No. 275, which established a policy to convert sections of the U&D corridor into rail trail only, including the 11.5 miles along the Watershed Property identified in the Agreement in Principle; and

WHEREAS, consistent with Resolution No. 275, the County Attorney’s office negotiated a Memorandum of Agreement (“MOA”) with the City of New York, by and through the NYCDEP, that formalizes the Agreement in Principle; and

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WHEREAS, the current NYCDEP Commissioner recently visited Ulster County to reiterate the City of New York's commitment to conversion of the U&D corridor along the Watershed Property to rail trail only and announced with the County Executive that the MOA was nearing finalization; and

WHEREAS, the MOA has been finalized and includes the significant benefits highlighted in the 2013 Agreement in Principle, including: (a) \$2.5 million in financial assistance, (b) NYCDEP support for an additional \$1 million in grants through the Catskill Watershed Corporation, (c) NYCDEP construction and operation of multiple access points with support facilities ("trailheads"), (d) joint marketing of the future rail trail, and (e) pedestrian and bicycle improvements to NYCDEP's Ashokan Dividing Weir Bridge and Route 28A Bridge, also known as the Five Arch Bridge, along with provisions that protect the City of New York's drinking water supply and preserve the County's perpetual easement for railroad use along the Watershed Property; and

WHEREAS, in order to secure the trail funding and other NYCDEP support, it is necessary to execute the agreement with the City of New York while the funding is available and budgeted so these significant commitments of funding and support are not jeopardized by delay, which could result in funds being withdrawn or reprogrammed for other infrastructure projects that might arise; and

WHEREAS, it is also necessary to execute the agreement to ensure inclusion of NYCDEP commitments for improved pedestrian and bicycle accommodations on the Five Arch Bridge on Route 28A and Ashokan Dividing Weir Bridge, for which planning and design for scheduled upgrades and replacements is underway; and

WHEREAS, subparagraphs C through E of Section 2 of the MOA requires the County to undertake the State Environmental Quality Act (SEQRA) process as part of the planning and design of the trail and the County shall act as lead agency therefor; and

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WHEREAS, based upon the examination of the Ulster County Legislature, and pursuant to the County of Ulster's SEQRA Type II List that was adopted by the County in Resolution No. 118 on April 20, 2010, and per Section 4.2.5 of that list, it has been determined that the approval of the proposed MOA does not pose a significant environmental impact and, therefore, has been determined to be a Type II Action pursuant to 6NYCRR, Part 617 of SEQRA and does not require any determination or procedure under SEQRA; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby authorizes the County Executive and Chairman of the Ulster County Legislature to execute an agreement, and any amendments thereto, with the City of New York to facilitate and provide significant funding and other support for a public rail trail along the Ashokan Reservoir, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney;

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 17 NOES: 6
(Noes: Legislators Belfiglio, Donaldson, Greene,
Lopez, J. Parete, and Wawro)

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on May 5, 2015

Resolution as amended approved for future consideration by Ways and Means Committee on May 13, 2015

Passed Committee: Ways and Means on May 19, 2015

FINANCIAL IMPACT:

\$2,500,000.00 – BUDGETED 2015 REVENUE DOLLARS

\$1,000,000.00 – ANTICIPATED FUTURE REVENUE DOLLARS

