

Amending The 2022 -2027 Capital Improvement Program – Establishing Capital Project No. 637 Creekside Drive Road Streambank Stabilization, Town Of Shandaken - Authorizing The Execution Of Any Associated Grant Funding Agreements, Certifications Or Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The United States Department Of Agriculture, Natural Resources Conservation Service – Amending The 2022 Capital Fund Budget — Department Of Public Works (Highways & Bridges)

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean J. Fabiano offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of Public Works; and

WHEREAS, Creekside Drive (C.R. No. 150) is a County road located in the Town of Shandaken; and

WHEREAS, the Ulster County Town of Shandaken experienced severe flood damage to property and infrastructure as a result of recent floods; and

WHEREAS, the settlement of Creekside Drive has resulted in multiple temporary lane closures until temporary fixes were put in place; and

WHEREAS, the United States Department of Agriculture, Natural Resources Conservation Service, hereinafter referred to as the “NRCS”, to provide financial assistance to Ulster County Department of Public Works, and

WHEREAS, the United States Department of Agriculture, Natural Resources Conservation Service (USDA – NRCS) has made funds available through the Emergency Watershed Protection Program (EWP), with the intent of reducing hazards to life and property in watersheds damaged by severe natural events; and

WHEREAS, NRCS pays up to 75 percent of eligible construction costs for a total of \$360,000 and Ulster County agrees to pay 25 percent for a total of \$120,000 construction costs: \$480,000; and

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WHEREAS, these costs are associated with construction activities which are on-the-ground construction costs, and are associated with the installation of the project measures including labor, equipment and materials; and

WHEREAS, based upon examination by the Ulster County Legislature, the County's funding of this Project constitutes a Type II action as defined under Sections 4.5.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010; and

WHEREAS, Ulster County has determined that this funding action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA, and does not require any further determination or procedure under SEQRA; and

WHEREAS, the Commissioner of Public Works requests that Capital Project No. 637 be established and funded in the amount of \$480,000.00; now, therefore be it

RESOLVED, that the Ulster County Executive is hereby authorized to execute on behalf of Ulster County all necessary agreements, certifications or reimbursement requests with the United States Department of Agriculture, Natural Resources Conservation Service in connection with the advancement or approval of the Project and providing for the administration of the Project and Ulster County's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and, be it further

RESOLVED, that the Ulster County Legislature hereby agrees that Ulster County shall be responsible for all costs of the Project which exceed the amount of NRCS funding awarded to Ulster County; and, be it further

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RESOLVED, that the Ulster County Executive is hereby authorized to sign the Emergency Watershed Protection Program (EWP) application form NRCS; and, be it further

RESOLVED, that the 2022-2027 Ulster County Capital Improvement Program is amended as follows:

	<u>ADD</u>	<u>AMOUNT</u>
Capital Project No. 637	Creekside Dr. Streambank Stabilization	\$480,000.00

and, be it further

RESOLVED, that Capital Project No. 637 is hereby established as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
Capital Project No.637	Creekside Dr. Streambank Stabilization	\$480,000.00

and, be it further

RESOLVED, that the 2022 Ulster County Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0637-4100.4125 (App. #)	Road Materials	\$480,000.00
HH.5197.0637-3500-5710 (Rev.#),	Serial Bonds	\$480,000.00

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

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

Passed Committee: Public Works, Capital Projects and Transportation on June 13, 2022

Passed Committee: Ways and Means on June 14, 2022

FINANCIAL IMPACT:

\$480,000.00– COUNTY CAPITAL FUND APPROPRIATIONS

\$480,000.00– COUNTY REVENUE – SERIAL BONDS

(\$360,000.00 FEDERAL REVENUE -USDA)

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Execution Of Any Associated Grant Funding Agreements,
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(Highways & Bridges)**

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 21st Day of June in the year Two Thousand Twenty-Two, 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 24th Day of June in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
24th Day of June 2022.

Approved by the County Executive this
27th Day of June 2022.

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

/s/ Patrick K. Ryan
Patrick K. Ryan, County Executive