

Amending Capital Project No. 459 – Ashokan Rail Trail Project - To Include Costs for Construction and Construction Inspection– Department of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio and Rodriguez), 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)

Deputy Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Hector Rodriguez, offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

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 running adjacent to the Ashokan Reservoir, which is owned by the City of New York and managed by the New York City Department of Environmental Protection (“DEP”); and

WHEREAS, pursuant to Resolution No. 275 passed on August 19, 2004, the Ulster County Legislature established a segmented rail and trail policy for the U&D Corridor and delineated the segment along the Ashokan Reservoir for conversion to a public recreational trail only; and

WHEREAS, pursuant to Resolution No. 187 passed on May 19, 2015, the Ulster County Legislature authorized the County Executive and Chairman of the Legislature to execute an Agreement with the City of New York (“Agreement”) to accept \$2.5 million in grant funding for and facilitate the creation of an 11.5 mile recreational trail along the northern shore of the Ashokan Reservoir on the U&D Corridor (the “Ashokan Rail Trail”) in accordance with the policy created by Resolution No. 275; and

WHEREAS, the Ashokan Rail Trail project 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 Route 28A in Boiceville on a recreational trail that is fully accessible for persons with disabilities and limited mobility; and

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WHEREAS, pursuant to Resolution No. 488 unanimously passed on December 15, 2015, the Ulster County Legislature amended its U&D Corridor rail and trail policy under Resolution No. 275 and reaffirmed its prior determination to convert the 11.5 miles of the U&D Corridor along the Ashokan Reservoir for use as a recreational trail only; and

WHEREAS, pursuant to Resolution No. 480 unanimously passed on December 15, 2015, the Ulster County Legislature established Capital Project No. 459 for the Ashokan Rail Trail Project, approved funding for engineering services, and declared its intent to act as Lead Agency for the Project as provided for in 6 NYCRR Part 617.6(b)(3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (“SEQRA”), determining the Project was a Type I Action that required a coordinated review; and

WHEREAS, pursuant to Resolution No. 327 passed on August 15, 2017, the Ulster County Legislature authorized the execution of the Ashokan Trail Easement with the City of New York, which provided the County a permanent Ashokan Trail Easement along the U&D Corridor adjacent to the Ashokan Reservoir while preserving the County’s underlying perpetual Railroad Easement;

WHEREAS, since the establishment of Capital Project No. 459, the County and its engineering consultants have consulted with the DEP, local stakeholders, and the public to develop, revise and finalize engineering plans for Ashokan Rail Trail, which has been designed both to protect water quality in the Ashokan Reservoir and create a world-class recreational trail; and

WHEREAS, the design plans require the removal of all track and ties and hazard trees along the Ashokan Rail Trail corridor as the first phase of construction to prepare for trail and bridge reconstruction, and the County has issued a Request for Bid for the necessary track and tree service and has received a qualified bid for the proposed services;

WHEREAS, the Ulster County Legislature has examined the proposed action consisting of the constructing the Ashokan Rail Trail, including removing rail, ties and other track materials, to create a public recreational trail and has adopted and issued a Negative Declaration for the Project under SEQRA and finds this action fully in accordance with its existing U&D Corridor policy; and

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WHEREAS, Ulster County has been awarded approximately \$6.3 million in grant funding for the Ashokan Rail Trail by the DEP, the New York State Department of Conservation, and New York State Parks, Recreation and Historic Preservation and is awaiting determination on an additional \$2.3 million from the Federal Emergency Management Agency for replacement of the Boiceville Bridge; and

WHEREAS, the entire costs of the proposed first phase of construction and the additional engineering services for construction inspection will be covered by a portion of the DEP grant funds awarded in 2015 Agreement; and now, therefore, be it

RESOLVED, that pursuant to and consistent with the U&D Corridor rail and trail policy established by Resolution 275 of 2014 and amended by Resolution 488 of 2015, the Ulster County Legislature hereby approves the removal of the railroad tracks from Basin Road in West Hurley to Route 28A in Boiceville for purposes of constructing the Ashokan Rail Trail; and be it further

RESOLVED, that the Ulster County Legislature shall monitor the progress of rail service between MP 6.5 to MP 8.33 and shall re-evaluate the rail terminus within 10 years; and be it further

RESOLVED, that the County shall retain 1,000 linear feet of track, (one set of rails) and other track materials, for future use should the Legislature extend rail with trail beyond MP 8.33 and subsequently extend rail with trail beyond Basin Road; and be it further

RESOLVED, that Capital Project 459 is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0459.2300.2550 (Appr.#)	Construction	\$1,043,000.00
HH.7197.0459.4300.4355 (Appr.#)	Engineering	\$ 130,000.00
HH.7197.0459.3200.2397 (Rev.#)	Intergovernmental Revenue (DEP)	\$1,173,000.00

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and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 14 NOES: 7
(Noes: Legislators Donaldson, Fabiano, Greene, Lapp, J. Parete, R. Parete, and Wawro)
(Absent: Legislators Berky and Loughran)

No Action Taken in Committee: Public Works and Capital Projects on November 1, 2017

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on November 9, 2017

Passed Committee: Ways and Means on November 14, 2017

Passed Committee: Public Works and Capital Projects on November 14, 2017

FINANCIAL IMPACT:

\$1,173,000.00- ADDITIONAL 2017 CAPITAL APPROPRIATIONS

\$1,173,000.00- ADDITIONAL CAPITAL REVENUES (100% NYCDEP)

Legislator Rodriguez motioned, seconded by Legislator Maio, to add two additional **RESOLVED** clauses as indicated above in bold font.

MOTIONED ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 1
(Noes: Legislator Gerentine)
(Absent: Legislators Berky and Loughran)

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Legislator Greene motioned, seconded by Legislator R. Parete, to amend the tenth and eleventh WHEREAS clauses and first RESOLVED to add additional language as indicated in bold font:

WHEREAS, the design plans require the removal of all track and ties (**with the exception of all rail, ties and other track materials between Basin Road and MP 11.1, which shall not be removed**) and hazard trees along the Ashokan Rail Trail corridor as the first phase of construction to prepare for trail and bridge reconstruction, and the County has issued a Request for Bid for the necessary track and tree service and has received a qualified bid for the proposed services;

WHEREAS, the Ulster County Legislature has examined the proposed action consisting of the constructing the Ashokan Rail Trail, including removing rail, ties and other track materials (**with the exception of all rail, ties and other track materials between Basin Road and MP 11.1, which shall not be removed**), to create a public recreational trail and has adopted and issued a Negative Declaration for the Project under SEQRA and finds this action fully in accordance with its existing U&D Corridor policy; and

RESOLVED, that pursuant to and consistent with the U&D Corridor rail and trail policy established by Resolution 275 of 2014 and amended by Resolution 488 of 2015, the Ulster County Legislature hereby approves the removal of the railroad tracks from **MP 11.1 Basin Road** in West Hurley to Route 28A in Boiceville for purposes of constructing the Ashokan Rail Trail; and be it further

MOTIONED DEFEATED BY THE FOLLOWING VOTE:

AYES: 7 NOES: 14

(Ayes: Legislators Donaldson, Fabiano, Greene, Lapp, J. Parete, R. Parete, and Wawro)

(Absent: Legislators Berky and Loughran)

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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 14th Day of November in the year Two Thousand and Seventeen, 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 16th Day of November in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this
16th Day of November, 2017.

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

Approved by the County Executive this
17th Day of November, 2017.

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