

**Amending The 2015 Ulster County Budget To Reimburse The Town Of Denning For Flood Mitigation Work Performed On Clair Road In The Wake Of Hurricane Irene**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney, and R. Parete)

Legislator John R Parete offers the following:

WHEREAS, Hurricane Irene devastated Ulster County leaving in its wake considerable property damage; and

WHEREAS, Clair Road in the Town of Denning was rendered impassable by the storm and required extensive repair; and

WHEREAS, through consultation with the County of Ulster and Empire State Development of New York State, the Town of Denning applied for and was approved to receive certain grants from the State of New York through the New York Works Program to help remediate, mitigate and reduce flooding in Ulster County; and

WHEREAS, as part of the New York State grant process, the County of Ulster is required to undertake efforts to facilitate the release of grant funding approved through the New York Works Program; and

WHEREAS, the Town of Denning, in reliance upon its approval for a grant through the New York Works Program, completed necessary steps to contract with Kingston Equipment Rental/Baker Brothers to remediate flood damage and help mitigate future flooding on Clair Road; and

WHEREAS, work was completed in November 2012; and

WHEREAS, the County of Ulster has failed to complete the required steps to facilitate the grant process and, as a result, the sum of \$25,300.80 has not been released to the Town of Denning to cover its flood remediation and mitigation costs; and

WHEREAS, the Town of Denning has paid in full the reimbursable \$25,300.88 due to Kingston Equipment Rental/Baker Brothers; and

WHEREAS, the Town of Denning continues to suffer financial hardship as a result of the flood remediation and mitigation costs; now, therefore, be it

**Resolution No. 445      December 15, 2015**

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RESOLVED, that the 2015 Ulster County Budget is hereby amended as follows:

	<u>DECREASE</u>	<u>AMOUNT</u>
AA.1990.1331-4600.4660 (Appr.#)	Contingency	\$25,300.88

and be it further,

**RESOLVED, that no County money shall be paid to the Town of Denning until a Memorandum of Receipt signed by the Supervisor of the Town of Denning, providing for the County of Ulster's full reimbursement in the event the Town receives flood remediation monies from the State of New York and/or the New York Works Program, is delivered to the Commissioner of Finance; and, be it further**

RESOLVED, ~~that~~ **upon delivery of the Memorandum of Receipt** the Commissioner of Finance is authorized and directed to issue payment in the amount of \$25,300.88 to the Town of Denning for flood remediation and mitigation costs stemming from Hurricane Irene,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 23                      NOES: 0

Postponed in Committee: Public Works and Capital Projects on November 5, 2015

Passed Committee: Public Works and Capital Projects on December 3, 2015

Passed Committee: Ways and Means as amended on December 15, 2015

FINANCIAL IMPACT:

\$25,300.88 – COUNTY DOLLARS

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Legislator Gerentine motioned, seconded by Legislator Briggs, to amend the resolution by inserting an additional RESOLVED, as well as adding language to the final RESOLVED, as indicated above in bold font.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES:    23                  NOES:    0

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 15<sup>th</sup> Day of December in the year Two Thousand and Fifteen, 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 16<sup>th</sup> Day of December in the year Two Thousand and Fifteen.

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

Submitted to the County Executive this  
16<sup>th</sup> Day of December, 2015.

Vetoed by the County Executive this  
23<sup>rd</sup> Day of December, 2015.

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

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

At the February 16, 2016 Regular Legislative Session, Legislator John Parete motioned, seconded by Legislator Richard Parete, to reconsider Resolution No. 445 of 2015.

MOTION DEFEATED BY THE FOLLOWING ROLL CALL VOTE:

AYES:    12                  NOES:    6  
(Noes: Allen, Bartels, Berky, Delaune, Heppner, and  
Rodriguez)  
(Absent: Legislators Briggs, Fabiano, Gerentine,  
Maloney, and Roberts)