

Amending Capital Project No. 459 – Ashokan Rail Trail Project - To Include Costs For Construction And Construction Inspection Of The Boiceville Bridge– Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman James Maloney and Legislators Archer, Delaune, Litts, Maio, Rodriguez, and Woltman), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Nolan, and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Legislator Nolan offer 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, 2014, the Ulster County Legislature established a segmented rail and trail policy for the U&D Corridor and delineated the U&D 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; and

WHEREAS, pursuant to Resolution No. 421 passed on November 14, 2017, the Ulster County Legislature adopted and issued a Negative Declaration under SEQRA for the Ashokan Rail Trail Project (the “Project”); and

WHEREAS, pursuant to Resolution No. 422 passed on November 14, 2017, the Ulster County Legislature authorized the removal of the railroad tracks from Basin Road in West Hurley to Route 28A in Boiceville for purposes of constructing the Project and allocated \$1,173,000 for Construction and Construction Inspection services to remove the track and hazard trees along the Project corridor, which will be completed by the end of June 2018; and

WHEREAS, pursuant to Resolution No. 46 passed on February 13, 2018, the Ulster County Legislature allocated an additional \$25,000 for Professional Services related to a Due Diligence Study for the utilization of a Project Labor Agreement for the Phase 2 Construction of the Project; and

WHEREAS, pursuant to Resolution No. 138 passed on April 17, 2018, the Ulster County Legislature ratified the recommendation to utilize a Project Labor Agreement based on projected labor cost savings and non-economic benefits contributing to the success of the Project; and

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WHEREAS, Ulster County has been awarded approximately \$6.6 million in grant funding for the Project by the DEP, the New York State Department of Conservation (“NYS DEC”), and the New York State Parks, Recreation and Historic Preservation (“NYS OPRHP”); and

WHEREAS, pursuant to Resolution No. 307 passed on July 17, 2018, the Ulster County Legislature allocated an additional \$8,250,281 for Engineering Inspection and Construction costs of the Phase 2 Construction of the Project, not including the new bridge crossing at the Esopus Creek in Boiceville (the “Boiceville Bridge”), and the Phase 2 construction of the ART began on August 1, 2018; and

WHEREAS, the County was notified on September 14, 2018 by the New York State Department of Homeland Security and Emergency Services (“DHSES”) that the Federal Emergency Management Agency (“FEMA”) had approved the County’s rescoping request for the Boiceville Bridge project and has allocated disaster assistance funding of \$2,221,324 (\$1,665,993 federal funds/ \$555,331 State funds) towards the new structure construction and removal of the destroyed former bridge, which collapsed in 2011 during Hurricane Irene; and

WHEREAS, following the notification of funding by DHSES and FEMA, the County re-bid the Boiceville Bridge and has received competitive bids for its construction and costs for construction inspection services, requiring amendment of the Capital Project; now, therefore, be it

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

| | <u>INCREASE</u> | <u>AMOUNT</u> |
|-----------------------------------|-----------------|----------------|
| HH.7197.0459.2300.2550 (App.#) | Construction | \$4,538,434.00 |
| HH.7197.0459.4300.4355 (App.#) | Engineering | \$ 360,657.00 |
| HH.7197.0459.3300.3897 (Rev.#) | State Aid | \$ 555,331.00 |
| HH.7197.0459.3400.4897 (Rev.#) | Federal Aid | \$1,665,993.00 |
| HH.7197.0459.3500.5710 (Rev.#) | Serial Bonds | \$2,677,767.00 |

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 2
(Noes: Legislators Donaldson and Joseph Maloney)
(Absent: Legislators Bartels, Collins, and Eckert)

Passed Committee: Public Works and Capital Projects on November 7, 2018

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on November 8, 2018

Passed Committee: Ways and Means on November 13, 2018

FINANCIAL IMPACT:

\$4,899,091.00- ADDITIONAL 2018 CAPITAL APPROPRIATIONS

\$4,899,091.00- ADDITIONAL CAPITAL REVENUES

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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 20th Day of November in the year Two Thousand and Eighteen, 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 October in the year Two Thousand and Eighteen.

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

Submitted to the County Executive this
21st Day of November, 2018.

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

Approved by the County Executive this
29th Day of November, 2018.

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