

**Establishing Capital Project No. 459 To Provide for Design and Engineering Work for the Ulster County Rail Trail Project along the Ashokan Reservoir (“Ashokan Rail Trail”)**

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio and Maloney), 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)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius 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 (hereinafter the “County”) is the owner of 38.6 miles of the Ulster & Delaware (hereinafter “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 (hereinafter the “Watershed Property”) and managed by the New York City Department of Environmental Protection (hereinafter “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 (hereinafter the “Ashokan 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 Ashokan Rail Trail 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

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WHEREAS, in May 2015, the Ulster County Legislature adopted Resolution No. 187 authorizing the County Executive and Chairman of the Ulster County Legislature to execute a final agreement based on the Agreement in Principle with the City of New York to facilitate and provide significant funding and other support for a public rail trail along the Ashokan Reservoir (the “Agreement”); and

WHEREAS, the Agreement was fully executed on June 16, 2015 and included \$2,500,000.00 million in direct grant assistance from NYCDEP for trail planning and construction; and

WHEREAS, on October 1, 2015 the first \$1,000,000.00 in funding was released to the County in accordance with the Agreement; and

WHEREAS, the County is interested in moving forward design and engineering work for the Ashokan Rail Trail using a portion of the NYCDEP funding, which will be transferred into the Ashokan Rail Trail Capital Project for planning purposes only; and

WHEREAS, the proposed project being considered includes the construction of the Ashokan Reservoir Rail Trail and associated access facilities constitutes an action as defined under NYCRR Part 617.4(b)(6) [SEQRA]; and

WHEREAS, the County is desirous of establishing itself as a lead agency and conducting a coordinated review as provided for in NYCRR Part 617.6; now, therefore, be it

RESOLVED, this resolution authorizes expenditures exclusively for design and engineering work necessary to effectuate the design of the Ashokan Rail Trail; and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for the above recited project; and, be it further

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 (b)(6), that the project is a Type I Action; and, be it further

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RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for this project; and, be it further

RESOLVED, that Capital Project No. 459 Ashokan Rail Trail is hereby established as follows:

**CREATE**

|                         |                    |                |
|-------------------------|--------------------|----------------|
| Capital Project No. 459 | Ashokan Rail Trail | \$1,000,000.00 |
|-------------------------|--------------------|----------------|

and, be it further

RESOLVED, that Capital Project No. 459- “Ashokan Rail Trail” is hereby established and that the 2015-2020 Capital Fund Budget is amended as follows:

|                                   | <b><u>INCREASE</u></b>  | <b><u>AMOUNT</u></b> |
|-----------------------------------|---|----------------------|
| HH 7197-0459-4300-4355<br>(App #) | Engineering Services  | \$550,000.00         |
| HH 7197-0459-3200-2397<br>(Rev #) | Intergovernmental Charges<br>Capital Projects, Other Gov’t<br>(NYC DEP Grant) | \$550,000.00         |

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23                      NOES: 0

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Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on December 1, 2015

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

Passed Committee: Ways and Means on December 15, 2015

**FINANCIAL IMPACT:  
NONE**

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.

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

Approved by the County Executive this  
22<sup>nd</sup> Day of December, 2015.

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