

Establishing Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.82) - Authorizing The Chairman Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf of Ulster County With The New York State Department Of Transportation For Funding Engineering Phase – Declaring Intent To Act As Lead Agency (SEQRA)– 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)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chairman Hector Rodriguez offer the following:

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

WHEREAS, the 2017-2022 Ulster County Capital Improvement Program included \$1,650,000 in funding for the Ulster County Midtown Linear Park project; and

WHEREAS, the Ulster County Midtown Linear Park project to design and construct a shared-use trail from the east side of Cornell Street to Westbrook Lane in the City of Kingston along the Ulster & Delaware Railroad Corridor in the City of Kingston (the “Project”), PIN 8761.82, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such project to be borne at the ration of 80% federal funds and 20% non-federal funds; and

WHEREAS, Ulster County was awarded competitive federal Transportation Alternatives Project (“TAP”) funding for 80% of the costs of the Project and has received a Federal-Aid Local Project Agreement for funding reimbursement for engineering and right-of-way incidental work for the Project; and

WHEREAS, Ulster County desires to advance the Project by authorizing engineering and right-of-way incidental work totaling \$165,000 (\$132,000 Federal funds and \$33,000 County funds) and by making a commitment of 100% of the non-federal share of the costs of engineering and right-of-way incidental work for the Project or portions thereof; and

Resolution No. 503 December 19, 2017

Establishing Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.82) - Authorizing The Chairman Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf of Ulster County With The New York State Department Of Transportation For Funding Engineering Phase – Declaring Intent To Act As Lead Agency (SEQRA)– Department Of Planning

WHEREAS, the Ulster County Legislature is desirous of establishing itself as Lead Agency for review of the construction of the Project, which constitutes an Unlisted Action, and conducting a coordinated review of the construction of the Project as provided for under SEQRA; now, therefore, be it

RESOLVED, that establishing Capital Project No. 479 for the Ulster County Midtown Linear Park and providing funding for only the engineering and right-of-way incidental work constitutes a Type II action under NYCRR Part 617.5(c)(18),(21) (SEQRA), and this action has been determined not to have a significant impact on the environment; 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 construction of the above recited Project and has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 (b) and 617.5(b), that the Project is an Unlisted Action; and, be it further

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 the Project; and, be it further

RESOLVED, that the Ulster County Legislature hereby authorizes Ulster County to pay in the first instance 100% of the federal and non-federal share of the cost of engineering and right-of-way incidental work for the Project; and, be it further

Resolution No. 503 December 19, 2017

Establishing Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.82) - Authorizing The Chairman Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf of Ulster County With The New York State Department Of Transportation For Funding Engineering Phase – Declaring Intent To Act As Lead Agency (SEQRA)– Department Of Planning

RESOLVED, that that the sum of \$165,000.00 (\$132,000.00 Federal funds and \$33,000 County funds) is hereby appropriated and made available to cover the cost of the engineering and right-of-way incidental phase of the Project; and, be it further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriate above, the Ulster County legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Ulster County Executive thereof; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certification and reimbursement requests for federal aid on behalf of Ulster County with the New York State Department of Transportation (“NYSDOT”) in connection with the advancement or approval of the Project and providing for the administration of the Project and the County’s first instance funding of Project costs and permanent funding of the local share of federal aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and, be it further

RESOLVED, that in addition to the Chairman of the Ulster County Legislature, the following municipal titles—Director of Purchasing, Director of Planning, and Deputy Director of Planning—are also hereby authorized to execute any Agreements, certifications and reimbursement requests of behalf of the County with NYSDOT in connection with the advancement or approval of the Project identified in the Federal-Aid Local Project Agreement; and, be it further

RESOLVED, that a certified copy of this Resolution will be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, be it further

RESOLVED, that Capital Project 479 – Ulster County Midtown Linear Park- is hereby established as follows:

Resolution No. 503 December 19, 2017

Establishing Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.82) - Authorizing The Chairman Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf of Ulster County With The New York State Department Of Transportation For Funding Engineering Phase – Declaring Intent To Act As Lead Agency (SEQRA)– Department Of Planning

	<u>CREATE</u>	<u>AMOUNT</u>
Capital Project 479	Ulster County Midtown Linear Park	\$165,000

and be it further;

RESOLVED, that the 2017 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0479.4300.4355 (App.#)	Engineering	\$165,000
HH.7197.0479.3500.5710 (Rev.#)	Serial Bonds	\$165,000

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

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

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on December 5, 2017

Passed Committee: Public Works and Capital Projects on December 13, 2017

Passed Committee: Ways and Means on December 19, 2017

FINANCIAL IMPACT:

\$165,000.00 - CAPITAL PROJECT NO. 479 APPROPRIATIONS-
80% REIMBURSABLE (\$132,000 BUDGETED FEDERAL
REVENUE DOLLARS, \$33,000 COUNTY SHARE)

Resolution No. 503 December 19, 2017

Establishing Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.82) - Authorizing The Chairman Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf of Ulster County With The New York State Department Of Transportation For Funding Engineering Phase – Declaring Intent To Act As Lead Agency (SEQRA)– Department Of Planning

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 19th Day of December 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 21st Day of December in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this
21st Day of December, 2017.

Approved by the County Executive this
28th Day of December, 2017.

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

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