

Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement, And Any Amendments Thereto, With The New York State Office of Emergency Management For The Purchase And Remediation Of Flooded Homes Damaged During Hurricane Irene And Tropical Storm Lee – Establishing Capital Project No. 406 – Amending The 2014-2019 Ulster County Capital Program– Department Of Emergency Communications/Emergency Management

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Gregorius, Loughran, Maio and Ronk), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Allen, Greene, Loughran and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Briggs, Belfiglio, Maio, Maloney, Provenzano and Rodriguez)

Chairman of the Law Enforcement and Public Safety Committee, Thomas J. Briggs, and Deputy Chairman Kenneth Ronk offer the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of the Department of Emergency Communications/Emergency Management; and

WHEREAS, the Director of Emergency Communications/Emergency Management has been notified by the New York State Division of Homeland Security and Emergency Services (NYS DHSES) that the Federal Emergency Management Agency (FEMA) has authorized a program to purchase and remediate flooded homes damaged during Hurricane Irene and Tropical Storm Lee; and

WHEREAS, the building inspectors of all Ulster County municipalities were polled to determine structures sustaining flood damage during these federally declared disasters; and

WHEREAS, the Director of Emergency Communications/Emergency Management then questioned each homeowner identified by the building inspectors as potentially eligible for this program to determine their desire to participate in an acquisition program; and

WHEREAS, a list of thirty (30) substantially damaged homes in the Towns of Kingston, Olive, Shandaken, Ulster and Wawarsing has been submitted to and approved by FEMA; and

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WHEREAS, an additional four (4) homes have been identified and approved after meeting the benefit-to-cost analysis criteria; these are located in the Towns of Shandaken, Shawangunk and Ulster; and

WHEREAS, it has been determined by FEMA that the acquisition of these homes through the Hazard Mitigation Grant Program is the best way to remove these residents from further danger, and is the most cost effective way to remove these structures from future damages and subsequent claims; and

WHEREAS, the County will undertake a programmatic environmental review to comply with the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617 (SEQRA) prior to commencing any work that would result in physical alteration of the sites; and

WHEREAS, the Federal Emergency Management Agency has approved \$6,558,566.00 for this acquisition program and agrees to pay 75% (seventy-five percent) of the cost of the program including purchasing the homes, remediating the land and all reasonable associated costs, and dedicating the properties in perpetuity for open space, recreational, wetlands or flood mitigation purposes; and

WHEREAS, New York State has agreed to fund the remaining 25% (twenty-five percent) non-federal share of this program for all full-time, owner-occupied residences; and

WHEREAS, in instances where the property owner is not a full time resident, said 25% will be covered by either the City of New York, or the property owner; and

WHEREAS, all funding will pass through the New York State Division of Homeland Security and Emergency Services through its Office of Emergency Management; and

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WHEREAS, the Director of Emergency Communications/Emergency Management is requesting that the Chairman of the Ulster County Legislature be authorized to execute an agreement, and any amendments thereto, with the New York State Division of Homeland Security and Emergency Services; and

WHEREAS, the Director of Emergency Communications/Emergency Management is requesting that Capital Project No. 406 be established to fund the program; now, therefore, be it

RESOLVED, that the Capital Project will be carried out under the program guidelines set forth in the “Project Description and Additional Information for the SEQRA Long Environmental Assessment Form” that will be submitted to the Ulster County Legislature; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute the agreement with the New York State Office of Emergency Management, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney; and, be it further

RESOLVED, that the 2014-2019 Capital Program is hereby amended as follows:

ADD

Capital Project No. 406	Flood Remediation Hurricane Irene and Tropical Storm Lee \$6,558,566.00
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and, be it further

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RESOLVED, that Capital Project No. 406 is hereby established and the Capital Fund is hereby amended as follows:

INCREASE

H4-0406-2901	Land Acquisition	\$4,621,916.00
H4-0406-2962	Engineering Fees	\$ 118,800.00
H4-0406-2909	Project Inspection Fees	\$ 194,250.00
H4-0406-2902	Demolition and Removal	\$1,140,000.00
H4-0406-2911	Construction and Project Improvement	\$ 92,500.00
H4-0406-2978	Miscellaneous	\$ 391,100.00
(App. #'s)		
H3-0406-2797	Other Local Government Revenue	\$6,558,566.00
(Rev. #)		

and, be it further

RESOLVED, if funding for this program is eliminated, the program will be eliminated as well,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

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Passed Committee: Public Works and Capital Projects on March 6, 2014

Passed Committee: Law Enforcement and Public Safety on March 12, 2014

Passed Committee: Ways and Means on March 12, 2014

FINANCIAL IMPACT:

\$6,558,566.00 – ADDITIONAL CAPITAL APPROPRIATION DOLLARS

\$6,558,566.00 – ADDITIONAL STATE REVENUE DOLLARS

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 18th Day of March, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20th Day of March in the year Two Thousand and Fourteen.

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

Submitted to the County Executive this
20th Day of March, 2014.

Approved by the County Executive this
24th Day of March, 2014.

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

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