

**Economic Development, Planning, Education, Employment,
Arts and Agriculture Committee
Meeting Minutes**

DATE & TIME: August 2, 2022 – 6:00 PM
LOCATION: Powered by Zoom Meeting, Meeting ID: 823 6135 3230 By Phone (646) 558-8656
PRESIDING OFFICER: Chair Brian Cahill
LEGISLATIVE STAFF: Fawn Tantillo
PRESENT: Legislators Herbert Litts, III, Peter Criswell, Chris Hewitt, Joseph Maloney, Megan Sperry and Chair Tracey Bartels
ABSENT: Legislator Thomas Corcoran
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Kathy Nolan and Laura Petit; Dr. Alison Buckley, President and Jenn Zell, SUNY Ulster; Deputy Executive Chris Kelly, Director Dennis Doyle, Planning; Director Nathan Litwin, Recovery & Resilience; Director Timothy Weidemann, Economic Development; Ashley Long; Diane Eynon; Hank Gross

Chair Cahill called the meeting to order at 6:00 and asked Legislator Litts to lead the Pledge of Allegiance.

Motion No. 1: **Moved to APPROVE the Minutes of July 5, 2022 meeting of the Economic Development, Planning, Education, Environment, Arts and Agriculture Committee.**

Motion Made By: Legislator Criswell
Motion Seconded By: Legislator Sperry

Discussion: None

Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, Maloney, Sperry and Bartels
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Minutes APPROVED**

Chair Cahill welcomed and introduced Dr. Alison Buckley, newly inducted President of SUNY Ulster. He spoke of the important role of SUNY Ulster in the community, especially to the business community.

Dr. Buckley said her family is getting settled in New Paltz and is getting to know the community. She was drawn to the area that the valued its community college and shared her vision of the college as an economic engine to enhance economic development. She thanked the legislature for approving the college budget and was delighted to start her tenure with this good news. She praised her team and colleagues and was looking forward to working with them.

Director Timothy Weidemann from the Department of Economic Development gave the committee an update on CARES Act awards that to date included awards to 34 low to moderate income business owners/employers of over \$700,000 and retaining more than 75 employment positions. Approximately \$156,000 in awards are pending

final documentation and state dispersants and \$91,000 left to commit. He shared testimonials and discussed the eye-opening opportunity to develop relationships with these businesses.

Director Weidemann introduced plans for CARES II which will be a more competitive process. Submissions will be reviewed by a committee that will include two members of the legislature and two appointed by the Executive.

Committee members asked for clarification about how to ensure the 75 positions retained are documented, what follow up will be done; details of how the funding comes from the State and other details.

Resolutions for July 19, 2022

Resolution No. 400 - Amending The 2022 Budget To Establish And Fund The Ulster County Agricultural Crisis Relief Program - Department Of Finance, Division Of Recovery And Resilience

Resolution Summary: This resolution amends the 2022 Ulster County Budget to add \$2 million to Professional Services and Other Fees from Federal Aid, ARPA to assist income eligible farmers while also offering funding and establishing a program to protect farmlands and to promote activities related to improved soil health and climate resiliency.

Motion No. 2: **Moved Resolution 400 FOR DISCUSSION**

Motion Made By: Legislator Criswell

Motion Seconded By: Legislator Litts

Discussion: See attached transcript

Motion No. 3: **To POSTPONE Resolution 400**

Motion Made By: Legislator Maloney

Motion Seconded By: Legislator Hewitt

Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, Maloney, Sperry and Bartels

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: **Resolution POSTPONED**

Resolution No. 414 - Authorizing A Right To Cross The Right Of Way Owned By Ulster County Of The Ulster And Delaware Railroad Corridor Near Mile Point 4.8, City Of Kingston To The Hudson Valley Housing Fund Company Inc. – Department Of Planning

Resolution Summary: This resolution recognizes the City of Kingston acting as lead agency has determined this project considered as a whole will not have a significant adverse environmental impact and accordingly the Ulster County Legislature hereby determines that the Disposition will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement, and has made a determination of non-significance under SEQRA

Motion No. 4: **Moved Resolution 414 FOR DISCUSSION**

Motion Made By: Legislator Hewitt
Motion Seconded By: Legislator Sperry

Discussion: See attached transcript

Motion No. 5: **To POSTPONE Resolution 414**

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Hewitt

Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, Maloney, Sperry, and Bartels
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 415- Authorizing An Easement Across The Lands Owned By Ulster County Associated With Ulster Delaware Railroad Corridor Of Near Mile Point 5.1, City Of Kingston To The Central Hudson Gas And Electric Company – Department Of Planning

Resolution Summary: this Resolution identified the Disposition of this project as an “Unlisted Action”; determines that the Disposition will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement, and has made a determination of non-significance under SEQRA; and authorizes the execution of the proposed easement.

Motion No. 6: **Moved Resolution 415 FOR DISCUSSION**

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Sperry

Discussion: See attached transcript

Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, Maloney and Sperry
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 416 - Approving The Execution Of A Contract For \$199,792.00 Entered Into By The County – Inter-Fluve Engineering, P.L.L.C. – Department Of Planning

Resolution Summary: This Resolution will approve a Capital Project for the development of a stream management plan for the lower Esopus Creek

Motion No. 7: **Moved Resolution 416 FOR DISCUSSION**

Motion Made By: Legislator Criswell

Motion Seconded By: Legislator Hewitt
Discussion: See attached transcript
Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, Maloney and Sperry
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 417 - Setting A Public Hearing On The Sale And/Or Transfer Of County Owned Property, Located In The Town Of Gardiner To The Ulster County Economic Development Alliance (“UCEDA”), A Local Development Corporation For The Purpose Of Open Space Protection And Recreation

Resolution Summary: This resolution schedules a public hearing on Tuesday, September 20, 2022 and authorizes public notice of same.

Motion No. 8: **Moved Resolution 417 FOR DISCUSSION**

Motion Made By: Legislator Criswell
Motion Seconded By: Legislator Hewitt

Discussion: See attached transcript

Motion No. 9: **To POSTPONE Resolution 417 at the request of the Planning Department**

Motion Made By: Legislator Hewitt
Motion Seconded By: Legislator Maloney

Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, Maloney, Sperry, and Bartels
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 418 - Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located In The Town of Ulster To The Ulster County Economic Development Alliance – Department Of Economic Development

Resolution Summary: This resolution identified the Disposition as an “Unlisted Action” and determines the Disposition will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement with respect to the Disposition, and has made a determination of non-significance under SEQR

Motion No. 10: **Moved Resolution 418 FOR DISCUSSION**

Motion Made By: Legislator Criswell
Motion Seconded By: Legislator Litts

Discussion: See attached transcript

Voting In Favor: Legislators Cahill, Litts, Criswell, Hewitt, and Sperry and Bartels
Voting Against: Legislator Maloney
Votes in Favor: 6
Votes Against: 1
Disposition: **Resolution ADOPTED**

Old Business

Legislator Maloney asked Deputy Executive Kelly for an update on the disposition of 701 Grant Ave.

Deputy Executive Kelly told the committee the County is getting ready to file a significant amount of information in terms of budget and tenants. They are analyzing the budget for the property as well as future plans.

Legislator Maloney requested a more complete report at the next Ways & Means meeting.

Legislator Sperry announced a screening of films at the Rosendale Theater on Wednesday (August 3) at 5:00. It will feature the films of teens she has been working with for the youth film lab for the Woodstock Film Festival. She was proud of the hard work of these 10 students who were part of two groups that produced documentaries. One film is about food security issues in Kingston and one film is about book bands and local bookstores.

Legislator Sperry is also working at the 4-H snack bar at the County Fair on Thursday from 3:30 to 9:30 and encouraged those in attendance to come by.

Chairman Cahill asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Criswell
No. of Votes in Favor: 7
No. of Votes Against: 0
Time: 7:28 PM

Respectfully submitted by: Fawn Tantillo
Minutes Approved: September 6, 2022

**Economic Development, Planning, Education, Employment,
Arts and Agriculture Committee
Meeting Transcript**

DATE & TIME: August 2, 2022 – 6:00 PM
LOCATION: Powered by Zoom Meeting, Meeting ID: 823 6135 3230, By Phone (646) 558-8656
PRESIDING OFFICER: Chair Brian Cahill
LEGISLATIVE STAFF: Fawn Tantillo
PRESENT: Legislators Herbert Litts, III, Peter Criswell, Chris Hewitt, Joseph Maloney, Megan Sperry and Chair Tracey Bartels
ABSENT: Legislator Thomas Corcoran
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Kathy Nolan and Laura Petit; Dr. Alison Buckley, President and Jenn Zell, SUNY Ulster; Deputy Executive Chris Kelly, Director Dennis Doyle, Planning; Director Nathan Litwin, Recovery & Resilience; Director Timothy Weidemann, Economic Development; Ashley Long; Diane Eynon; Hank Gross

Chair Brian Cahill

Good evening, everyone and welcome. We'll have this is going to be our August meeting of the Economic Development Planning, Education and Employment, Arts and Agricultural Committee, a mouthful committee. We're going to start with the pledge to the flag, if you don't mind.

Legislator Herbert Litts, III

Thank you. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Chair Brian Cahill

Thank you. We'll start with approval of the minutes of the July 5 2022 meeting. Unless anyone has any amendments to those minutes. They were in our package.

Legislator Peter Criswell

I'll make that motion.

Chair Brian Cahill

And a second. Can I get a second on the minutes?

Legislator Megan Sperry

Second.

Chair Brian Cahill

Legislator Sperry. Thank you. All those in favor?

Committee Members

Aye.

Chair Brian Cahill

Opposed, Okay, thank you. So tonight, we have a special guest. Dr. Allison Buckley, who is newly appointed President of SUNY Ulster. I believe she just started within the last week or so out there. And you're succeeding, Dr. Al Roberts, who was there for about seven or eight years, I believe. And as I'm sure you're finding out as you move around our community, the Ulster County Community College is a fundamental building block of a lot of businesses around here. And we really respect the work that is done out there and appreciate what, what the college does overall for the community. It's more than just education. There's a big value to having a community college in our community in the county. And we're very, very glad that you're here. And I just give you a few minutes if you'd like to introduce yourself to our committee. And tell us a little bit about yourself. And if you have anything else you'd like to add.

Dr. Alison Buckley

Well, thank you, Chairman Cahill, I really very much appreciate the opportunity to be here this evening. I am just really thrilled to be here in Ulster County. My, my husband and I are we found a landing pad in that town of New Paltz, and this is probably one of the nicer views, no boxes behind me today. So we are in the throes of unpacking and exploring we have just every night we look outside and say what, what a breathtaking part of the country we have landed in, you know, one of the things that really drew me to this great community college, where was the tight ties with the local community and the opportunities for economic development, I truly believe that community colleges are an engine to enhance and to make small communities better, and I am thrilled to do my part. And to really get to know Ulster County, and all of you in that in the weeks ahead. The last thing I just want to, to conclude by saying I thank you very much for your support of the budget. I I am delighted to come in with such good news. And I will be a good steward of the tax dollars from the county. I'm very fortunate to have just an amazing team of colleagues at the college and really, really thrilled to be a part of it. So, thank you very much for the welcome tonight.

Chair Brian Cahill

Well, thank you for joining us. We've shared it, and you're welcome to come to this committee, We meet once a month, first Tuesday of the month and you are welcome to join us and share any experiences that you're having at the college or anything that we can do to help you along the way. You'll be welcome in this committee always.

Dr. Alison Buckley

Thank you.

Chair Brian Cahill

So, Fawn, we have Tim on the agenda, but I don't see Tim.

Fawn Tantillo

Yeah, I'm not sure. He's said he was going to be here tonight. So, I will. I don't know if I have a phone number for him handy, but I'll see if I can't find him. If you wanted to get started on resolutions.

Chair Brian Cahill

Yeah, we'll just jump to resolutions. And if Tim comes, we'll pause for a few minutes. Okay. All right. So, we're gonna go right into resolution 400, which is amending the 2022 budget to establish and fund the Ulster County Ag Crisis Relief Program, Department of Finance, Division of Recovery and Resilience.

Legislator Peter Criswell

I'll move that for discussion.

Legislator Herbert Litts, III

I'll second it.

Chair Brian Cahill

Okay, what's the discussion? I'm just kidding,

Legislator Peter Criswell

if I may. Talk a little bit. So, this. So, first of all, I just want to say thank you to Legislator Nolan, who's here at a lot of this is has come from her impetus. And it was a conversation that we were having in ARPA, as you know, the funds are starting to dwindle. And we've been trying to prioritize where the spending would, would take place with this last \$8.5 million or so. And we had a really robust conversation one night about supporting our farmers. And it was really, really clear that there was a lot of support in the committee, to this concept of supporting farmers, as well as different entities along sort of the food chain, as we want to call it, you know, from growing the food to distributing the food to actually feeding our residents. And so I think this is a really key component. And, you know, again, I want to thank Legislator Nolan for working so hard on putting together what I think is a very solid proposal to to really assist our farmers in a deep and long term way. And if it pleases the Chair, I'd like to just hand this over to Legislator Nolan to talk a little bit more about this project.

Chair Brian Cahill

I just want to give anyone, if there's anyone on the committee that would like to comment first, if you don't mind. Pete, that's you, and then Legislative Nolan's more than welcome to chime in at this point. Thank you.

Legislator Kathy Nolan

Thank you. Yes, this is designed to give immediate relief to a large portion of the county that is experiencing a lot of difficulty. Figures that are a little dated, but that are I think reliable show that 75 to 90% of the agricultural community are showing farm incomes of less than \$50,000. And all the hardships of the pandemic in 2020 and 2021. And continuing with fuel prices rising and supply chain issues into 2022 have really put them in a bad position. So, this is designed to give direct subsidies based on income levels that are qualifying or a fall in income that can be documented. We're worked

out already a couple of different ways that could be documented. And we'll further fine tune that as we go along. It additionally, calls for subsidies to people who are already using soil health or carbon, sequestering types of techniques or transitioning from high fertilizer use to low fertilizer, or alternatives. As well as expanding those programs. Many of those programs we have in some form, or a Soil and Water Conservation Board, district board. But there have caps on the amount of money that we have available to provide. And often the farmers tell us that the amount of money that they receive in those programs is insufficient cover the administrative burdens of the program. So, this would help correct that and do better for the people who are already in and also expand those programs. And it also incorporates a program manager who would have a purpose of basically helping Ulster County to find the right way of supporting agriculture going into the future. Begin beginning with a real jumpstart to our land conservation farmland conservation programs. Director Doyle has told me that there has been money in the budget for years for conservation easements and pre emptive purchase of farming agricultural rights, but that hasn't been used. And it's really the kind of program that requires somebody with some specialized training. So, we built in that as a consultant role initially, but with the idea that that might be something that Ulster County would want to have long term. And we didn't want to put that person initially either directly in the Soil and Water Conservation District or in Planning or with Cornell Cooperative, but to look and see where that person could most effectively work. And so initially they would respond, report to the ARPA management team, and but coordinating with all those other entities. So, there's a budget that lays out figures for all that, and a budget narrative that just gives a little more detail on some of those points. Um, I included the USDA census, which forms the basis for some of the these provisions in the resolution. And I gave a presentation a couple of months ago at the ARB committee, I'd be happy to make that presentation available to anybody else who wanted to see that and answer any questions along the way.

Chair Brian Cahill

Anyone on the committee have any questions?

Legislator Peter Criswell

Just a quick follow up to that just to let you know where things stand in the ARPA committee, so we took no action on this. It's in the process of going to committee members. Now, to get scoring on we just got some of the extra budget information. So, that will be going out in the next day or so. So, we'll score that as a committee, get that back to other committees, and then we'll look at it again at our next ARPA meeting.

Chair Brian Cahill

Thank you.

Legislator Megan Sperry

Legislator Hewitt.

Legislator Chris Hewitt

Thank you, I'm wondering with the consultant role, is that a position that would require annual funding and is the is this a total of 4 million with 2 million being ARPA?

Legislator Kathy Nolan

The funding would be for two years for a total of 2 million. So, this position would be for two years. And the idea would be that either the Ulster County budget or potentially through some grant writing that this position would be funded in an ongoing way, but not through ARPA funding. So, it's a little unusual, what what I'm envisioning, and we have working out the details with the ARPA management team is that the funding would be available until it runs out. And the funding for the programs might run out before the end of the two years. But the consultant would continue working for the two year period to do the land conservation efforts. And to establish the program going forward. We anticipate looking for a person with significant grant writing skills and experience in the community of agricultural funding at levels outside of what we normally are able to do through the Soil and Water Conservation District. I do have a draft job description for that. We hadn't finalized it. And so I didn't circulate it. But I could do that since we ended up being a little bit later with some of the other I could circulate that prior to scoring. If you think that would be helpful.

Chair Brian Cahill

I would definitely want to see that. And that goes to what I was going to ask about the criteria for the person for that \$90,000-a-year job. That criteria should be pretty crisp. And the part of it is you're saying "we". Who are the "we" that would be doing the hiring there for that position? And would they who would they actually report to?

Legislator Kathy Nolan

So, it would be reporting to the ARPA management team? I've worked most closely with Nate on that. And the "we" is so far is the Soil and Water Conservation District. I think it would actually be an interesting question, because the two people working on this most have been myself and former Legislator Jim Delaune. And hiring somebody is not normally a legislative function. So, we have been in touch with the Executive's office. And so I do expect that we would have their assistance on that. We... it's good question and haven't fully worked it down to that level.

Chair Brian Cahill

Anyone else have anything? Chair Bartels? Well, thank you for joining us, by the way.

Chair Tracey Bartels

Thank you. So, I just want to first open by thanking Legislator Nolan and glad to hear former Legislator Delaune for all this work, both on this resolution and in your capacity on Soil and Water. You know, I'm very happy and I do think it relates to see the beginning of an expansion of services that Soil and Water is providing. I saw an email today and there's no time like the present. We really need this. And so, you know, I think, I think it's really well thought out and great work. And I do think, specific to the statistics, that you gave, it's critically important. My only hesitation and question is with that position. Like, I feel like I want to understand...it's... one, it's it's pricey. I don't know if it includes the benefits package. If you're envisioning this as a, as an outside consultant that we're hiring with, not as a county employee? So, that's, you know, that's one thing. But the second thing is: in terms of reporting to ARPA, particularly, if we're thinking of this as something that's going to be longer standing in the county or transitioning to longer standing in the county. I don't know if that's the place where I would have them reporting. First and foremost, I mean, I think that as it relates to advising and implementing on this

project, maybe? But then I don't know that I would want to support a \$90,000 position when we have three positions in ARPA? You know, and we have Cornell, and we have Soil and Water and we have certain expertise. If the idea is that we're looking for a longer-term position in the county that's going to be assisting farmers. That's something that I'm, I'm more open to and more interested in. But that would not, in my mind, that wouldn't be someone that would be reporting to ARPA first. And I don't have, necessarily, the answer. Like it might be that they would be reporting to Planning and might be that we would they be reporting to Environment. You can... I mean, we had this issue and creating an adding Ag to our committee structure in that I feel like we've been a little delinquent in recognizing ag, right? So, you know, maybe, maybe it's a stand-alone department? I don't, I don't know. But I'm saying that it's hard for me to, to accept 90,000 a year for two years. As it relates to implementing this program., it's easier for me to accept it as a bigger idea. But then it's not reporting to ARPA, just to summarize,

Legislator Kathy Nolan

This is wonderful. Chair Bartels, you just recapitulated the weeks of discussions and planning and discussion about this. And the \$90,000 was the salary that we had planned when we thought it would be a salary position. And then, we didn't want to put a person into any one of those three places, Cornell or Planning or Soil and Water now, and thought that maybe in the future, the county would have something free standing. So, we moved to a consultant model, but we didn't decrease the salary. And we probably should have, because 90,000 would include the benefits. So, we could take some funding out of that line and move it to one of the program areas. We left it that way. Because we also thought that if we got a really high-powered person in the first two years and got this thing going, that that could be very good. So, I think we're open to some revisions on that budget. And on that thinking, right now, I did have discussions with Director Doyle. And if he wants to speak on this, that would potentially be helpful, that this is a person who we could right away, say go to Planning, but that's adding something into Planning that they then have to manage. And that might not be the eventual place. Soil and Water, I don't think it's the right place, soil and water needs to grow, but not with this type of person in this type of program. And Cornell might be the fit in the end, but we don't have the close contact and working relationship right now that we thought would make this program work. So, we gave what we thought was, you know, a lot of attention to this, and came up with this as a way to have the program get started, and maybe jump started, and then find the best place. So, when this funding goes away, something else will we will be creating, and we'll know better what it should be.

Chair Brian Cahill

Thank you. So, with that, I think, you know, I would feel much more comfortable if this was a little bit more fleshed out and absolutely feel better after I had an ARPA score. So, I'm going to make a recommendation that we postpone this for a month, and give the ARPA committee a chance to look at it. And then you know, we can come back and maybe some of the wrinkles that we've discussed here tonight will be ironed out and we'll have a little bit better understanding of the hierarchy and who's going to report to who and what the salary will be and all that. There's a lot to digest here. And although I do I think it's an excellent opportunity here, I would really like to see it, you know, tighten up a little bit prior to voting on it. So, if anyone wants to make a motion to postpone for a month, I would accept that motion.

Legislator Joseph Maloney

Moved.

Chair Brian Cahill

Legislator Maloney to postpone for a month. Is there a second?

Legislator Chris Hewitt

Second.

Chair Brian Cahill

Okay. Legislator Hewitt, He beat you, sorry. Okay. All those in favor?

Committee Members

Aye.

Chair Brian Cahill

All those opposed. Okay, thank you. And again, Legislator Nolan, thank you for your work on this. This is, is very good. I like it a lot. Thank you. So, I see a deputy. I'm sorry, not deputy. Director Weidemann has joined us. So, Tim, we had on the agenda, give us a quick overview of the CARES Act status. If you don't mind we will suspend at 400 and come back and pick up with 414. But we'll let Tim give us his presentation now.

Director Tim Wiedemann

Thank you, Mr. Chairman. I apologize for running late. I'm going to try to share my screen if that works. Just to walk you through a quick update on the CARES program. Yeah, it looks like it's working. Give me sick. Okay. Can folks see my screen? Yes. Good. Okay, so oops, hold on. Here we go. You still see it? Is this you should see a date August 2 on the bottom is that this version you're seeing? Okay, good. No, no. Okay, hold on. I gotta reshare. Tonight, there we go. I just had the wrong one open. Okay, so this is the August 2 update, we had given an update last on June 9. But just to give you kind of progress report. Here, we are kind of walking our way through the million dollars that was awarded by New York State from original CARES Act funds. We are finishing the implementation of this, and I will speak at the end to our hopes to roll out CARES II, which is funded with an allocation from the county's ARPA funds in short order here.

But a reminder, we received a total of 322 applications for the first round of the CARES program. Those were pre-applications. And then we turned around and distributed a full application form. Of those 322, 132 of them completed that full application form. We were awarded a million dollars from the state of which \$950,000 was to provide small business assistance, and 50,000 was for the program administration of the program.

As of August 1, we've assisted 34 businesses. That includes some that we awarded, in addition to the estimated 28 was our first kind of estimated number of businesses we would be assisting, but we repurposed \$100,000 of the admin fee that was for program advertising and promotion. And because we were able to award funds that equal the total commitment from the state so quickly, we didn't need those funds for further promotion. We'll focus back on that as we turn to CARES II in a moment.

Through those 34 businesses created or retained more than 75 employment positions, specifically focused on low to moderate income households. So, again, qualification for this conditional CARES funding was that the business owner themselves had to be a low to moderate income household, or they had to employ a majority of employees who were from low to moderate income households. And just to note, as I said, a couple times, we'll turn back to CARES with some slight modifications under the ARPA approved funding a million dollars for CARES II.

The quick stats that are really most relevant here of those 34 businesses, we have so far dispersed over \$700,000 to those businesses. We have \$156,000 or so in pending disbursements. This is in the stage where the business has paid the expense, they've submitted their documentation to us; we've collected that documentation and invoice to the County; the county has in turn invoice the state. And we're now waiting for the state to disperse those funds so that they can be paid to the business. We have two of those disbursements that are working their way through state approval. And that leaves us a total of 90, about \$91,000 of the original 950,000 left to commit in disbursements. We have contracts that include that amount. So, businesses are making those expenses right now, they just haven't submitted their receipts and invoices to us, for us to turn around and then submit those to the state for disbursement. We expect that in the next month, those will roll their way in. There may be a few that the business either the expense wasn't eligible, or they decided not to make the expense. We have always assumed that we wouldn't hit 100% of usage of the funds that were awarded here just due to the complexities of the contracting process and how that leaves potentially some money on the table. But we think we're going to be within 95% of that full \$950,000. So, that's the quick picture of where we are now.

We had gathered a few testimonials from the businesses. I won't bore you with these in there, you know, flowery language about how important this assistance was. And I think that ultimately as we've kind of worked with these businesses, I've mentioned this to a few of you. There is not unexperienced in my, my history working with the county are really working in economic development generally, that we've had the opportunity to work so closely with our very, very small businesses and with our low to moderate income business owners. And it's been an eye-opening experience on both sides of the equation, I think we've felt some frustration from the businesses who hate all of the red tape that's involved in this process. But they've come along with us. And they I think, have grown as businesses because of their ability to now document properly their expenses, some of them had to go through, we referred some of them to counseling at SBDC, to understand better how to do their financial statements, how to collect proceeds, how to make sure that they're separating out their business and personal expenses. So, it's been a learning process and one that I think we're all grateful to have had the opportunity to work on. We expect now, with this nearly complete, to turn our attention to cares to we have, as you know, tweaked the eligibility criteria when we worked through the approvals by the legislature for cares to unlike cares, one, which was basically a flurry of activity to provide emergency assistance to businesses. And so, it was really first in first out in terms of the applications and the awards. For CARES II, we are working on a competitive process where we will have an application that informed looks much like the cares one application but will be collected over a time period to be determined with a deadline. And then all of the submissions will be reviewed by the evaluation committee that will include two members of legislature and two members appointed by the executive. And so, it'll be a competitive process, much like the not-for-profit program that you all are familiar with.

We expect to be ready to roll that out and to open that application on or around September 1. So, it's coming quickly down the pike. And we'll look forward to giving you further updates as we get to that. I think that's it for me, Legislator Cahill, thank you.

Chair Brian Cahill

Thanks, Tim. Anyone have any questions for Tim on CARES I or CARES II? Legislator Maloney.

Legislator Joseph Maloney

Couple things with it. It's just words on a screen when you said we save 75 positions, also \$50,000 to administrative fees. Is there any way to be provided with some tangible backup as to more than just somebody saying I didn't fire somebody? I mean, is there any way to follow that and ensure that we're not just giving money away? And that 50,000 for administrative fees? Is there a way to get some kind of report of where that money went? And how to who and what they did for that money? That last also that last 5%? That goes back to ARPA that we don't use.

Director Tim Wiedemann

Let me take those in order if you don't mind it, and then I got one more after that. Okay, yeah, let me take these three. And then. So, the I'll take the last one first, because it's fresh in my mind, these are funds that are only provided to us when we request disbursement from the state. So, if we, if we hit 930,000 of the 950, the state keeps the other 20. We don't have that money; it doesn't come to us at all. And so, you know, I think it's a nature of the beast, that there may be some pieces of this with a business that expected an expense, for some reason or another can't make it. And so, we just won't even claim those funds, which we're trying to minimize that. But ultimately, those would remain with the state in that case,

The administrative fees, we are working our way through actually claiming those just like the other funds, those are funds that unless we actually prove that we have an expense on the administrative side, we do not see those funds. So, as we will work to wrap up the grant program, we will have that all finalized and happy to share that anything we claim against that 50,000, there will be backup documentation that says here was the expense. And then we have to provide that to the state to even see that money. So happy to provide that as we get to the wrap up on the program. A lot of those admin expenses are things like, you know, if there's a review of the contract by an attorney outside the county attorney's office, which in this case, we didn't have to do, the county attorney's office was able to do all that. Or if we have to, in this case, the one that's most likely to come up is that since these are care's federal funds, we may have to do a single audit. And so there could be an audit expense that shows up a little later on that we would then look to reimbursement from the state for that.

So, and then I forget your Oh, your first question is about the employment positions, which I, I would be the first to say we can't claim a cause-and-effect relationship period, the world is more complicated than that. What we've claimed is that these are jobs that the businesses themselves reported as either retained or created as a result of these funds. We do have documentation that's submitted as part of the reimbursement process that basically holds them accountable to that if they're saying that they're rotating those positions, they have to show us the New York State 45 which is the worker's comp unemployment insurance documentation that shows what their payroll is and how many employees

they have. And so that's a part of our documentation process and resides in the files for each of these warranties.

Legislator Joseph Maloney

Okay, my last question is kind of a two part where how much thought did we put into helping one business that may compete with several others, I know I brought that up, because there was money given to a business in my town that has three surround the exact same business. Within three of them within a mile or two, I actually spoke to one owner that had no idea about the program. And that's a that's a, that's, uh, you got, we got to be careful with that. I just feel like we got to be real careful. And I don't want to seem insensitive because I want to help people too. But when I hear us keep saying it went to businesses with low-income employees, economic development, to me where we the idea, we're always talking about jobs, that people are hopefully not going to need government assistance or subsidies so that they can stand on their own feet. Now we're seeking out businesses, I'm not sure if we're I know for a fact we're seeking out businesses that have competition, and we're helping them and we're also seeking out businesses that don't sound like they're paying a living wage. Without a lot of, you know, the whole time, this has made a couple of us legislators uncomfortable for these different reasons. And how do you navigate that with so much else on your plate?

Director Tim Wiedemann

Yeah, I appreciate the question. The second part of it, let me take first, we have a degree of discomfort, too, with the idea that a business would qualify based on employing low to moderate income workers, because that does imply that they're paying a wage that doesn't allow that household to be non-low to moderate income. These are guidelines established through the federal program that funded the CARES Act program. So, I don't know if you're familiar with Community Development Block Grant, that's a funding program out of HUD. HUD's national purpose really is to support low to moderate income households. And they determined that the way that we could use these funds is either for business that is owned by a low to moderate income households, or that employs 51% or more of low to moderate income households. I think it's part of why I'm eager to shift to the CARES to program where we have more control over what the eligibility criteria are. And can, you know, at, for instance, if we decided that we wanted to allow employers whose majority of their employees or low to moderate income households, it feels only fair to me that we would say, well, then some portion or all of that award has to go to paying those employees more since they're from a low to moderate income household. These are guidelines that in CARES I, we did not have the latitude to make those decisions, since it was a state pass through of federal funds.

Legislator Joseph Maloney

Thank you. But with regards to helping one business over another, did that go into your scoring? I see 300 and some odd businesses applied only a third of them are there's only so much funds to go around. And some just don't fit the, what we're trying to do. Did that go into your scoring or whatnot, where you go, Look, this is a business with these two are similar situations. This one has five businesses locally that are the exact same business. Let's go with the other one that's more unique. I worry that we didn't because I know in my own town, I have some frustrated businesses.

Director Tim Wiedemann

Yeah. And again, I'm not going to claim. Thank you for the question. Again, I'm not going to claim that the guidelines for CARES, the original cares through the state are perfect guidelines. The, the idea of identifying whether there's competitor businesses, and whether there's some reason to not award a business because of competitive factors was not a criteria in the state and federal rules. So, it wasn't a part of our evaluation in CARES I. But I think these are the kinds of considerations that I've heard the legislature debate as we designed CARES II and its why CARES II is a competitive process, which we'll look at criteria like this, in order to make those awards more fair. That's all I can say is, you know, on the first round, again, we were in the mode of first round of federal relief for the pandemic. And the urgency was to get money to support those businesses that were struggling. And we took as much as we could and put it out there to the businesses that applied for it. And yes, of course, there are some businesses that may not have been aware for of it. We tried to make it as kind of publicly known as possible. But in the second round, we will focus on competitive questions like that.

Chair Brian Cahill

Anyone else have any other questions or comments for Tim, before we let them go? And we'll get back to resolutions? I will, thanks again. Tim. I always appreciate you coming and giving being frank and giving us upfront answers. It's appreciated by the committee. Legislator Hewitt, you have a question I take it.

Legislator Chris Hewitt

Just a quick question. Do you think Tim, we can get a presentation about the nonprofit funding as well at some point?

Director Tim Wiedemann

Yeah, I would refer to to Nate and Chris on that. I have been not involved in that program. We reserved the Economic Development Department to act as an advisor if somebody needed so we weren't involved in the program or the selection of awardees so I would turn to them.

Chair Brian Cahill

Great. Thanks, Tim. Yep. Deputy Exec Kelly.

Chris Kelly

So, we'll be sending out...thank you, Chair, so, we'll be sending out who the recipients of the non for profit were sometime this week. We finalized last week, and we want to notify the people who received the awards, and then we'll send, we'll share out a whole report on the demographics, all that kind of stuff. So we'll be happy to do that.

Chair Brian Cahill

Great, thank you. So, any other questions or comments? All right, Tim, thanks. let you get back to your evening. Thank you. Where did it pick up with resolution 414, which is authorizing a right to cross the right of way owned by Ulster County of Ulster by the Ulster County of the Ulster and Delaware railroad corridor near milepost 4.8. City, Kingston, the Hudson Valley, Housing Fund Incorporated - Department of Planning. That doesn't sound like it's worded correctly, but I could be wrong. So, I'll take a motion for

discussion, please Legislator Hewitt. Second? Legislator Criswell, Legislator Sperry, okay. So, there's a lot of questions about this still, I mean, I know that, you know, I know, Planner Doyle. We spoke earlier today, and I spent a little bit more time looking at the resolutions. And there's, I also spoke to the Chair about this. And there's one thing in this resolution that really sticks in my craw a little bit. And it's in the guests the second "Resolved" where it says that "Kingston acting as lead agency under secret has determined that the associate associated affordable housing project considered as a whole will not have a significant adverse environmental impact. And according Ulster County Legislature hereby determines that the disposition will not have a significant adverse environmental impact and will not require the preparation of a draft environmental impact statement, and has made a determination of non-significance under SEQRA, a neg dec, for this project." Right? So, I have a real issue because we didn't do that. We did not do any kind of study to see if there was an environmental impact. And I know that you're, you know, it's referencing the.... and it's also it says, you know, that's the city's neg dec. Correct, not the counties. And I just am totally uncomfortable with saying that the legislature agrees with a Neg, neg dec. And we think it's a Neg Dec too, because the City of Kingston did it. Right? So, I would absolutely need that reworded for me to support this as it is right now. That's for sure. I don't know if anybody else has anything to talk about on this. But for me, that's a that's a showstopper right there, quite honestly. Chair Bartels?

Chair Tracey Bartels

Thank you. Yeah, you know, I, I share, I think you've, you know, you've kind of crystallized some of my concerns. I feel like, I realized that what we're doing in this, or what we're proposing to do is to allow access over the rail corridor. And at one point where we're talking about an easement. My understanding is we no longer need the easement because we don't own the property. And we can go into that or not.

Where I'm a little stumped. And, you know, I was here, you know, however, many years ago when this started, and a lot of things went down and etc. And, and this projects been discussed many times over the years, including from members of the public coming to talk about it. What concerns me is that the language in this resolution, if not directly, states, and implies that we're accepting the negative dec that was put forward by the City of Kingston. And, you know, I need to do some further digging, but I don't I don't think, I don't think we, I don't think we are obliged to have to do that. I mean, this is, is proposed to be, I read the the county Planning Departments document which recommended against the project. I realized the County Planning Department is not the final say, but it was pretty strong wording. And it is our County Planning Department, for whom I have a tremendous amount of respect.

And so, to, to craft a resolution that reads like we're, we agree that there's no significance when I think what we're talking about is that is a housing project set in a floodplain right next to a highway. You know, I, I find that hard to believe that, that would be a negative, would be a negative dec just doesn't sound like it's. So, I don't, I don't necessarily feel comfortable putting my name saying, uh, you know, essentially, I agree that this is a neg dec. And, you know, the other thing that I'm here thing that I'm struggling with is, well, you don't really. And I'm paraphrasing some of what's been said to me, Well, you, that's not really in your purview right now. Right now, you're just determining whether or not to allow access over county railroad. And so that, you know, that's it, just focus, your focus on access. But I actually think the things are connected, you know. We, like we need to think in a holistic way. And so,

if the project is problematic, and if our own County Planning Department, you know, disapproved, you know, it just, it gives me pause is what I'm saying. So, it may be that I'll be able to get there, I'm going to be upfront and say that I doubt I'm going to get there in the next hour. Like, I think I'm going to need to do a little more research and have a little, some conversations. But I'm, I'm open to opening this conversation now to better understand how we got to this place.

Chair Brian Cahill

Any other comments? For the record 415 has two "Resolved" that we're...Legislator Litts, go ahead.

Legislator Herbert Litts, III

You can finish if you want.

Chair Brian Cahill

No, I was just gonna say that we're not there yet. So, I can say it then. But the next resolution has almost identical language except the more there's more of it.

Legislator Herbert Litts, III

I'm a little confused because Chair Bartels said that we're not sure we own the property. Is that what I heard?

Director Dennis Doyle

If I may, Chair?

Chair Brian Cahill

Yes, Planner Doyle, please.

Director Dennis Doyle

Thank you, Chair, and thank you for the opportunity. A couple of things. One is that we do not own the property. The, the assumption in the past has been that we actually had ownership, fee ownership of the underlying land underneath the railroad. Further work with respect to that indicates that we do not own the, we do not have fee, fee title. For this portion of the railroad we actually own, the railroad actually owns a right of way across. The property is owned by the Development Corporation. In this instance, that has been training that is that is that has been owned by the Development Corporation. And so, what we're granting them is a right to cross the New York State, the ability to cross a railroad is the responsibility rests with the railroad with the railroad itself to allow that to occur, unless, unless it is related to farm, farm, farm activities. So, this in this instance, we're talking about a right to cross not, not an ownership issue, which is why we moved from an easement language to essentially a right to cross language. I just want to go back and have a conversation about the SEQRA stuff about the SEQA questions. The, I know, it's, it's not the best wording, but what I was trying to do in writing the resolution was to sort of have the legislature recognize the fact that the City of Kingston has issued a negative declaration, but not to sign on to it. And only to sign on to the to the to the sense that, that what you're making a determination on is the right to cross. The deposition to, the disposition of the lands, not essentially on the whole project. And it was written because of the sensitivity that the Planning Department had with respect to the City's determination with regard to this.

And also, I would like to point out that the recommendations here were from the County Planning Board, not from the Planning Department. So that's, that's where we are in this. And I would agree with the with the legislature's concern with as it relates to the, as it relates to determination by the city. I would also add that the city is in the process of redoing its zoning statute, of going to what they call a "form-based code". This project would be allowed in this location under the proposed cities "form-based code". So, when I look to the future and say, well, would the project be allowed under in the future with respect to this, the answer that I have to arrive at is is that it would be a permitted use under the city's new form-based code.

Chair Brian Cahill

Anyone else have any questions? Um, so, you know, again, you know, I would like to see this, the wording for that changed. And as I understand, what you're saying, you tried to convey but I certainly didn't perceive it that way. Actually, perceived it the opposite way. And that we are aligned with the city and they're in agreement with the city that there's a neg dec. That's how I read that. And that's how I read 415 as well. Um, so you know, With that said, I mean, I don't know what anybody else feels. But again, you know, I just am a little uncomfortable with how this is in here right now.

Legislator Peter Criswell

A question?

Chair Brian Cahill

Sure.

Legislator Peter Criswell

Sure, if we're just talking about access, why is the concept of SEQRA even involved in this resolution? I mean, it's two different things. Right?

Chair Brian Cahill

Right. Is it required to, Planner Doyle?

Director Dennis Doyle

I would, my answer would be "yes." That essentially, you can't look at actions separately. The city was the lead agency here. So, they reached out to the county, and they said, "Do you have any concerns that allows the city to essentially make these types of determinations," it doesn't abrogate the county's responsibility to make a similar determination in any approvals that it grants. It could for some specific reason, agree or disagree with respect to the with respect to that determination. But when you're when you're looking at what the county is granting, which is an access easement, it becomes it becomes somewhat more difficult to disagree with the lead agency's determination, since they have a much broader reach in terms of their regulatory, in terms of their regulatory responsibilities.

Chair Brian Cahill

Well, Chair Bartels, then Legislator Nolan, please.

Chair Tracey Bartels

Um, yeah, I mean, I was just gonna say, and, and I, I hear, I hear your point, Planner Doyle, but, but to the extent... If the legislature or members of the legislature or single member of the legislature disagrees with a determination, which it looks like that neg dec was back in 2013, is that correct? Like that? It's a long time ago. Is there anything more recent?

Director Dennis Doyle

No, they update, they updated the negative declaration in 2021, as I recall,

Chair Tracey Bartels

Okay, was that a part of the packet? I don't know if I think I only saw the one from 2013.

Director Dennis Doyle

Yeah, it's a single letter within the packet that basically updates, it updates the recommendation from the city that it isn't upset the recommendation, but the determination from the city that's a negative declaration. And my understanding and looking at the, the record is, is that as part of that record, because of the time lapse, that the applicant had to go out and redo some of the wetland work, and that got submitted to the city. And they also amended some of the approved, some of the recommendations relative to the, the type of housing units that could be down here, and I think it was 55 and older versus 65. and older. So, there were some, some minor changes to, to the, to what could go into the project in terms of in terms of eligibility for those people that could access it. But this is a low-income housing tax credit project, project. This is provinces a senior housing project that has Supportive Housing associated with it, and it is going to be what they call a 9% project.

Chair Tracey Bartels

Okay, so thank you. And I'll look more closely to see that update. I didn't I didn't see it. I just saw the data to 2013. And I looked through it. But I guess my question, and it's, you know, it's almost a rhetorical question. It's question for myself as in the circumstance where I might disagree or have questions or concerns about the determination of a lead agency, as it relates to an approval that that I'm being asked to give, you know, it's hard for me to separate, I understand that I'm just being asked to give approval to cross over the railroad. And yet, I have cause for concern about the negative declaration on the project as a whole. So I just don't feel comfortable jumping, you know, jumping in and saying, Okay, so, never mind all that. I don't care what they're building, you can have access to any, you know, because that's all that's a concern to me, not what you're doing. But, in fact, I think, you know, it calls upon us to actually think about both. I mean, they're both connected. That's why That's why the that's why the backup is provided. And again, the County Planning Board's finding and concerns remain. There's not, you know, some of them have been addressed. It seems but not, not all of the concerns. To me. I mean, is your impression that all of the count, not of the County Planning Board's concerns were addressed.

Director Dennis Doyle

There are some concerns that remain outstanding, and I think one of the ones is, is from the County Planning Boards. I don't want to put words in their mouth There is there is a technical review with respect to floodplains that basically say that you have to build to foot above the base flood elevation.

And the I think that the developers can prove that that's what's going to go happening. I think the County Planning Board is more concerned for something called "prudent avoidance" - that if you don't have to build multifamily units in flood, in floodplains, and fill in order to get them built, you probably shouldn't. And I think that's where the County Planning Board basically sat down and said, "We don't believe that this project should be built there." It's not a question of whether you "can" build it. If you want to spend enough money and do enough things, you can find ways to build things. It's a question of whether you "should" build it in that location. And the board was of the, of the opinion that you shouldn't.

Chair Tracey Bartels

And if I may, Chair, just one last comment, which, which, you know, may be unnecessary. But I do think it's channeling Legislator Green, it's important to point out that, you know, at the point that the 2011 is when the Planning Board's concerns were laid out. 2013 is the original draft of the neg dec. And I would argue that's what, what's happened, what's occurred to the environment in the, you know, nine years that have passed, is not insubstantial. We are seeing everything to the nth degree, you know, we're seeing 100 year floods every how many years. Every time you turn on the TV, you hear about a disaster. So, it's like, it would make it all the more important, in my perspective, to be to really be diligent. Diligent about putting senior, senior housing in a floodplain. I mean, it's a real concern to me. So, I'm not prepared to move on this today. I don't know where everyone else is. I'm just if we vote today, I'll be a "no" today. But I, if we don't vote today, I'll continue to to do some more due diligence.

Chair Brian Cahill

Legislator Nolan,

Legislator Kathy Nolan

Thank you, Chair, Cahill, um, I agree and share all these concerns. And sitting on the town of the City of Kingston Planning Board would have voted for a positive Declaration on this project at the very minimum, and, you know, made this project better. I don't sit on that board. And I think that the Director Doyle has been trying to thread a needle here, because they need access, and this access would be better for them and for others than other access. So, they have a bad project where many of us disagree about what the City of Kingston Planning Board did. We didn't take them to court, we didn't challenge it. So that's, I mean, they have the authority to make that determination. We, I guess, could separate this out and make a separate determination. You know, our own SEQRA analysis, but I can't see that we could, you know, issue a pies deck over the easement. So, I don't think there's a way to use the little authority, we have to fix this. So, I hope that there are a lot of people who vote against this and that we have a robust discussion. But I do think this easement makes this bad project better, because it provides a good mechanism of egress. Which if there's flooding they're going to need. So, you know, if I'm one of the votes that's needed to pass it, if I weren't voting on it tonight, I think I'd hold my nose, literally and vote for this, so that the bad project doesn't have terrible egress. And I don't think that we have any, enough weight to throw around to change it in the long run. So, we'll just be potentially hurting others by trying to make a statement about how unhappy we are on this. I don't have a vote here. And I don't you know, and I don't so, but I appreciate your listening to my perspective on it.

Chair Brian Cahill

Thank you, Legislator Maloney, then we'll go back to Chair Bartels, then Legislator Hewitt and then Chair Bartels.

Legislator Joseph Maloney

So, was it, did I misunderstand or is the was the Ulster County Planning Board more or less against this most of this project?

Chair Brian Cahill

As far as I can tell, there are 100% Will against it.

Legislator Joseph Maloney

But as I watched these meetings, it seems the Head of Planning is more or less, putting things forward. For the project to, to continue.

Director Dennis Doyle

I would think that that we were asked to essentially provide a, a means for them to address access to the project. I would not suggest that the head of the Planning Department is, is, is a, is in favor of that of the easement.

Legislator Joseph Maloney

It's the I, I've perceived, what you come to these committee meetings with as pushing forward and supporting gently, if not, more. So, this over the years, and then I hear that the Planning Board is vehemently against it. That it's just, that's I don't know, if it strikes anyone else is odd, but it strikes me as odd. And it wasn't until the Chair start asking questions that we've heard these things about the Planning Board. Perhaps we should have members of the Planning Board here once in a while to also give us comment on some of these things that have gone before them. I don't know.

Chair Brian Cahill

I just want to make a point here. And I think that Planner Doyle pointed this out before just there's a clear distinction between the County Planning Department and the Ulster County Planning Board. They're independent of each other, although the director Doyle does sit on the Planning Board, I believe, right? But oh, you don't.

Director Dennis Doyle

No. We were staff to the board, You're staff to the board. But the Planning Board is independent to his office. So, I don't disagree with you, Legislator Maloney. I feel like you know, sometimes we're getting a mixed signal. I don't disagree with that. And I you know, for those, that's one of the reasons why we're discussing this, because I've been here now going in my second and a half year now. And this was there back then. And it seems like it's the same issues over and over again.

Legislator Joseph Maloney

But perhaps we should in the future, ask the Chair of the Planning Board to actually come in. The staff of the Planning Board is in support of something and the Planning Board themselves isn't and we're not

hearing from the Planning Board. But we're hearing from the staff of the Planning Board, contrary to what they feel. I'm just saying...

Chair Brian Cahill

I don't think Planner Doyle said he's in favor of it. And I don't think he said ...

Director Dennis Doyle

Please, don't put that in. please don't even intimate that that, that is where that where, it is where my position is.

Chair Brian Cahill

He's providing the resolution for the easement. And giving us the background of that resolution and why it's worded the way it is. But I don't think that he is in support of one way or the other. It's using the County Planning Department to create the resolution

Legislator Joseph Maloney

On, on, just one last question, on behalf of who is he presenting this resolution?

Chair Brian Cahill

Well, it's the county owns the property. Right.

Legislator Joseph Maloney

So, he's putting it on putting it forth in representation of the county.

Chair Brian Cahill

I'll let him answer that. But I believe the answer to that one of

Director Dennis Doyle

One of the departments had to sponsor the resolution. So, we were charged with writing it.

Legislator Herbert Litts, III

Legislator Hewitt.

Legislator Chris Hewitt

Thank you. I also think that it needs work as far as the language and our support of SEQRA I was very interested in I think it was the term reasonable avoidance, and the fact that the planning, the planning board is not in favor of the project. Because Chair Bartels said, it seems like it'd be a positive declaration to fill in the wetland. And that was also why I was against the demolition in the prison. It seems like a positive declaration to have asbestos and lead paint and a project. And so, at that time I brought up why don't we encourage positive declarations more because it could force a better project. Not only is it bad to put senior housing in a wetland. It's bad for the micro species and all kinds of things that fill in a wetland. So, why not have a positive declaration and build something like they have at Omega, with a wetland that filters water, or build a living building? There's two in Amherst, Massachusetts, there are 390 in the world that are pursuing status as living buildings, but only 15 Living

buildings in the world. If we had positive declarations, we can force the developer to make amazing structures. And so I think we should encourage more positive decs.

Chair Brian Cahill

Thanks. Legislator Criswell,

Legislator Peter Criswell

I just want to get super clear on what our power is here. Because what I heard Legislator Nolan saying is, we don't have any say in whether this project is going to get built or not. All we have a say on is where the cars come and go. That's all we have a say on. So we're having this whole conversation about the neg dec or the positive dec. But it almost doesn't matter because we don't have any power. That is not our land. It's the city is doing it with a developer. All we can say is "cars go here, cars don't go here". So I think we just need to get super clear about that. Because we're spinning, in my opinion, we're spinning our wheels about this whole conversation about something that we don't have any power over.

Chair Brian Cahill

I think we do have some power in that we're, their, he developer is asking the county to grant an easement over our properties for egress and entering and exiting their, their project.

Legislator Peter Criswell

But if we say no, they will go another way.

Chair Brian Cahill

Well, you know, that may, may or may not be true. Or maybe they'll pack up their bags and go away. The other part of it is, is that, you know, from my perspective, you know, I, you know, I agree, you know, our role here is to determine whether or not we grant an easement. But I have, I have a little issue with how the language and the resolutions make it sound like we're in lockstep with the neg dec from the City of Kingston, because I don't agree with that. Right. And I would like to see that worded differently. As a matter of fact, I'd like to see exactly say exactly that the County Legislature has not made a determination on the SEQRA review of this parcel, and the City of Kingston has, you know, I mean, for that, that's a different story. And that's kind of where I am. Legislator Criswell.

Legislator Peter Criswell

I'm, I'm totally, if I may respond, I'm totally with you on that. I just think we need to clear it up about what's in our purview and what's not and get this resolution to actually be more clear about that.

Chair Brian Cahill

I'm with you. Chair Bartels.

Chair Tracey Bartels

Thank you. I just wanted to ask, I looked back over the packet material, and I don't see anything. Any addendum or any addition to the 2013 neg dec, unless it's just a paragraph with like, you know,

Director Dennis Doyle

It's actually a single letter in there, as I recall, I haven't looked at in a while. But as I recall, it's actually a, a vote of the of the of the of the planning board that reaffirms their negative declaration and updates it and I'll be happy to provide that, Chair Bartels.

Chair Tracey Bartels

Thank you, if you wouldn't mind. That would be great. Thank you. I just want to I just want to see that. And may I ask a procedural question in relation to that. When a negative dec or whatever it let it be, you know, let's say negative dec when a negative declaration has been made, and this much time has elapsed? Is it? Is there a requirement to re undertake SEQRA? Or does it stand in perpetuity?

Director Dennis Doyle

That is a great question. And the short answer is some of it can stand. And some of it can't. And the examples I would give you, as the wetland question, changes in stormwater work, changes in rules that apply. So those changes should be updated as part of the SEQRA update. In this instance, in this instance, that the developer did do those, do those necessary updates. And they determined that there wasn't any wetland impacts, even though there were new wetland boundaries established because of the timeframe that went by. Our Planning Board was diligent and looking at the things that needed to be looked at as part of the update are all, is all of that agree with their conclusions? But that's they were diligent and essentially reaching them?

Chair Tracey Bartels

Where is that information? Where is the all the updates and all the detail? Because it can't be just in one letter. You're not even saying like, where is the update?

Director Dennis Doyle

It's file, it's filed? It's filed on the city. In the city project page website, I can give you that that information. It's they file all that material on the city's project page website for the project.

Chair Tracey Bartels

Could we possibly get a copy of it circulated to the to the committee. Thank you.

Chair Brian Cahill

Okay, with all that said, what's the committee's pleasure on and I'm going to I'm gonna couple 415 with that as well, right? Because they're basically, you know, once once for central Hudson as well. Right, that one is just a clear power lines, I guess we'll just do 414 and then we'll talk about f45. Any recommendations for the committee on what we do 414 before? Legislator Criswell.

Legislator Peter Criswell

I'd really like to see the language cleaned up so that it it clearly states: What's in our purview; What's not in our purview; how our decision is connected to the SEQRA, you know, all those different things. And so I'm not sure how that can get cleared up. But I just feel like it's it's muddy right now at best. And I'd love to see that worked on so I feel like tonight, I would be a "no" as well. Or I personally don't want to vote on it tonight, because I just don't feel like I have the correct language in front of me.

Chair Brian Cahill

So, so Planner Doyle. If we, if we postpone this for a month, is there a way that you will commit to looking at that language and working with the committee to have something that we're a little bit more comfortable with when it comes to the SEQRA language?

Director Dennis Doyle

Absolutely. I would say this, though, that, you know, eventually, you know, the decision to grant access for a project that's proposed, and part of the action that you're taking is to allow that project to go forward. It is difficult given the given the way that the State Environmental Quality Review Act works to disassociate yourself from the, from the, from the, from the project itself. The idea that you can grant the, grant the access, but not essentially deal with the project itself. Is it a bit different? I mean, in my opinion I there there are others that may say that that's not the case. But in my opinion, you what you're looking at is the cumulative impact of what your, of what you're proposing. And in that queue of impact is all that all of the things that are associated with the action you're taking?

Chair Brian Cahill

Chair Bartesl, then Legislator Nolan, then I think we'll ask for a vote here.

Chair Tracey Bartels

Thank you, you know, and thank you very much for that, Dennis, because I think that's what I was trying to get at earlier. You know, just it's very, it's very hard to separate the two. And so if we are always to think of our authority as extended only to that very limited thing. We could be none. I'm not even speaking about this, we could be approving some pretty terrible things. And I think that it is actually our responsibility to think about it as the whole. I mean, that's, in fact, what's what SEQRA demands in general, is that you're looking at the whole, the totality of impact. So I realized we're not undertaking SEQRQ but in taking exception to Kingston's determination. I have to err on the side of caution. Thank you.

Legislator Kathy Nolan

Thank you, Chair Cahill. Um, I would like to suggest language. I'm not 100% sure that this is the case, but I'm pretty sure it is. That language might be given at the City of Kingston Planning Board, issued a negative declaration over the over required modifications that had been suggested by Ulster County Planning Board, which they can do by having a supermajority vote, they can ignore those required modifications. So I think that's what happened in that case. And if it is, then we could state that, that they did it over objections basically. Or if that language doesn't work, for one reason or another, just simply state, this given whereas the City of Kingston has issued a negative declaration. And there is a need for safe acting, egress, and ingress to the site and not, not get too much further into those details.

Legislator Peter Criswell

They asked, also asked for clarification of what's the other option? Like I don't think I actually really understand clearly, if we say "no" to this, what, what is the other option that the city would do? I think that would just help me have a more holistic view of the project

Chair Brian Cahill

So that's up to them. Right? We wouldn't have anything to do with it at all then, right? Our only skin in this game is granting an easement over the railroad tracks. That's it. Right. And, you know,

Legislator Peter Criswell

I guess I'm just asking for my own knowledge of like, what, what...

Chair Brian Cahill

I don't know, there's anybody, certainly on this committee, or who has that answer that would have to come from, you know, the planning, the planner of that project, and then the Planning Department from the City of Kingston, I would imagine, right? I mean, I don't know, I know, the

Legislator Kathy Nolan

The developer, the developer has to walk, to my knowledge, reached out to other neighboring properties to seek an easement. If they don't get this one from Ulster County. Yeah, they're

Chair Brian Cahill

talking about going through the, the hotel parking lot, which

Legislator Peter Criswell

That's who I heard this from too, as well, it tells you

Chair Brian Cahill

That will never fly. I mean, but anyway, it's kind of like I said, you know, that's not - it's out of our scope entirely. Now, right? When you start talking about those things,

Director Dennis Doyle

The Planning Department in, the Planning Board in the City of Kingston has, has not issued a site plan approval until they have necessary access. So, they're withholding the site plan approval. It's my understanding that there is existing legislation on, existing criminal, existing trial action going on a court action going on with respect to a potential or existing easements through the Best Western as to whether or not that could constitute access. They may also take action against the county to force access.

Legislator Peter Criswell

If you don't mind, Chair, I'm just gonna push back for one minute against what you just said. Because you said it's outside of the scope of what we're talking about, but Chair Bartels just said, we should look at the project holistically. So, if we're looking at holistically, that means looking at the whole thing, which is like, what would they do if we said, No, that's part of the question. And I personally am gonna find, dig and try and find that answer.

Chair Brian Cahill

Yeah, no, I hear. Yeah. And I don't disagree with what you're saying. All I'm saying is, is that if we if we say "no" to the easement, we'll never talk about it again. Right. So this is Our opportunity here, you

know, you know, to grant them an easement over the tracks or not. You know, that's what it boils down to. And my, my concern has been, I'll repeat again is, is the language in the resolution, and I think we've beaten this enough, but I'll let... So, and then Chair Bartels go, and then that will be it and we'll take a vote.

Chair Tracey Bartels

I just want to follow up on what you just said. And I think you're right. You know, if we say "No", that'll be the end. But in fact, if we say "Yes", that'll be the end, too. The end even if it's a terrible project. That'll be the end. So that's why we need to really think about this holistically.

Chair Brian Cahill

So, I'll accept a motion to postpone this for a month to give the Planning Department an opportunity to reword the resolves in there that will kind of relieve us, relieve us release, relieve us of our agreement of the SEQRA Review. We'll see Kingston had some bashing as much as we can. And by the way, I'm also going to ask our council to look at it as well. All right, and we have a motion by Litts. A second by Legislator Hewitt, all those in favor?

Committee Members

Aye.

Chair Brian Cahill

Opposed? Great, thank you. Okay, now we have 415 and 415 is Authorizing an easement across the lands owned by the county, Ulster County associated with the Ulster Delaware rail corridor on of near milepost 5.1 City of Kingston to Central Hudson Gas and Electric, Department of Planning. And my understanding is is that they need this easement to clear brush underneath existing power lines, is that correct?

Legislator Herbert Litts, III

I'll make a motion for discussion,

Legislator Megan Sperry

Second.

Legislator Herbert Litts, III

Legislator Sperry, right.

Director Dennis Doyle

So, what's going on here is that the, the company is in the process of rebuilding their power lines in order in and around from Hurley all the way up through actually into, into Saugerties and pass that. And as part of that work, they've looked at all of their easements that they currently have or don't have, relative to the lines that are currently existing out there. This line is essentially parallels the access road to their Trailways bus garage, which is West of the Thruway. And when they looked at, when they looked at their crossing of the U&D quarter, they have discovered that effectively, they don't have the necessary rights to maintain the brush and other work underneath the crossing. And they've

approached the county to essentially grant them the right to do that for the existing line that's there. I would add that Central Hudson, we're in the process of doing the Kingston Rail Trail, and the Kingston Rail Trail runs a substantial portion of the Central Hudson right of way out from Kingston, all the way out to the Route 209 corridor. And there are substantial portions of their right of way that runs into the Hurley substation that we have basically taken an easement, taken an easement on their lines that they've granted us free of charge to, to build that trail.

Chair Brian Cahill

Okay, any discussion on this one?

Legislator Herbert Litts, III

Legislator Litts. Yes. Oh, am I muted? Okay. So, the difference between this one and 414 is we actually do own the property. Is that correct?

Director Dennis Doyle

Yes. Yes.

Legislator Kathy Nolan

And we like the project,

Chair Brian Cahill

Well, I'm going to assume that we have easements like this and other parts of the county to maintain power lines.

Director Dennis Doyle

This is a standard easement from Central Hudson with the language that had been chained to change to essentially recognize the fact that there is a railroad underneath it. And it gives the county and the railroad operator that an opportunity to essentially maintain that railroad and or a trail system associated with that railroad in this location. It also puts some notification requirements back on the company versus the notification requirements from the landowner to notify the company. So we've changed the notification requirements back to the company notifying us rather than us notifying the company.

Chair Brian Cahill

All right. So with that, I'll accept a motion.

Fawn Tantillo

It's been moved, you can just vote.

Chair Brian Cahill

Okay, so then all those in favor?

Committee Members

Aye. Aye.

Chair Brian Cahill

All those opposed? Okay, thank you. Note that Chair Bartels was not on camera and did not vote. Okay, so we're gonna move to 416, which is approving the execution of a contract for \$199,792 entered into by the county for Inter-Fleuve Engineering, P.L.L.C., Department of Planning.

Legislator Peter Criswell

I'll move that.

Chair Brian Cahill

Is there a second?

Legislator Chris Hewitt

Second

Chair Brian Cahill

Second by Legislator Hewitt. Any discussion? Okay, all those in favor?

Committee Members

Aye. Aye.

Chair Brian Cahill

Opposed? Okay, thank you. Resolution 417, which is setting a public hearing on the sale and or transfer of county owned property located in a town of Gardiner to the Ulster County Economic Development Alliance, UCEDA, a Local Development Corporation for purpose of the open space protection and recreation. Space protection and recreation. Okay, looks like my copy got cut off there. So I'll accept the motion for 417. For discussion, anyone care to move it?

Legislator Peter Criswell

I'll move it.

Legislator Megan Sperry

Second.

Chair Brian Cahill

Alright, Legislator Sperry. Thank you. So, we know what this is right? Or no,

Director Dennis Doyle

If I may, Chair, we're going to request if the legislature would, would, would in allow us we're going to request at this resolution be postponed. We're actually looking at being able to advance this in a different manner. Based on public use and benefit, we may be able to exercise a direct sale to OSI rather than a sale through UCEDA. So, we're examining that right now. And we'll be back to you. If that works out. We'll come back to you with a resolution in September.

Legislator Herbert Litts, III

Okay. That's good.

Chair Brian Cahill

So, I want to make that resolution for postpone recommendation for postponement. Legislator Litts. A second?

Legislator Joseph Maloney

Here. Can we just get a little more? I mean, this is a chance to educate us all. Why would you? Why would sometimes you need to go through, you're seated to do some transfer property, this time, we may not be able to this, might be a chance to quickly educate us on the difference. And what's coming down the line and who are we working on a deal with?

Director Dennis Doyle

Well, the, the, the person, or the group that we'd be working with is OSI, Open Space Institute and Open Space Institute is, is looking to either transfer this to the Mohawk preserve and or to the Minnewaska State Park. And so, it'd be held in open space. And we would basically make that a condition of, of moving that forward, that it'd be permanent open space. Open space is a is a county purpose. And therefore, we can use a section of article 11. And please don't quote me on this, and the Department of Finance can certainly work is through that. But we can use a section of article 11 that allows for those things to take place on a basically on a public use and benefit basis. That's why, that's why it can, it can proceed this way. And it mirrors some of the things the county has done in the past, particularly with respect to some of the sales directly to municipalities that we've done in the past based on public use and benefit.

Legislator Joseph Maloney

Thanks. Thank you, Dennis.

Director Dennis Doyle

Does that help?

Legislator Joseph Maloney

Yeah. Okay.

Chair Brian Cahill

Chair Bartels.

Chair Tracey Bartels

Thank you. Yes. And thank you, I support the weight. And certainly, it's that's the way I recall us doing it with municipalities pretty much each and every time. And I'm just I just want to be certain that if for some reason that's not allowable, it'll be back before us this way. I mean, the, the, the end result is, is to get the property forever open space in one of those.

Director Dennis Doyle

Yeah, this has gone through the, the started it in the auction process, and we had notification to heirs it has, it has a difficult title associated with it. So OSI is going to have to clear up title on this, as it relates to that. And we hopefully will, will, I don't see us not moving forward in some way or fashion with respect to this. And OSI as you can tell from the materials I submitted to you is extremely interested in acquiring this property. And I don't know whether you've got the pictures, but it is literally an amazing piece of amazing piece of property right on the escarpment and immediately adjacent to either the Mohawk preserve and or the.. and/or the, the, the Minnewaska State Park. I would add that we've had conversations with the with the Supervisor of the town to make sure that they were on board as well.

Chair Brian Cahill

And they are going to make the County whole for the back taxes as well. Correct.

Director Dennis Doyle

That's correct. They would be they would make the County Hall for the back taxes. That's correct.

Chair Brian Cahill

All right. Great. So then accept the motion for a postponement for one month or however long it takes to for them to sort that out.

Legislator Chris Hewitt

Motion.

Legislator Joseph Maloney

Second.

Chair Brian Cahill

Legislator Maloney. All those in favor for a postponement.

Committee Members

Aye.

Chair Brian Cahill

Against none. Okay, great. So, we're on to our last resolution, which is 418, which is authorizing the required steps for the transfer of real property owned by you see Ulster County and located at the Town of Ulster to the Ulster County Economic Development Alliance, Department of Economic Development. It's my understanding is just a procedural vote, procedural step that we have to take to transfer the ownership of the property that we foreclosed on. What, two months ago, three months ago? I don't know if Tim is still actually there. But I'm pretty sure that that's what it is. I don't think Tim is here. Chris, maybe you know about that, or No,

Chris Kelly

I recall it the same way you do. Yeah. Just a property. Yeah.

Chair Brian Cahill

Right. So there's this. Yeah, we have to wait a certain number of days in order to do the next step. And we've reached that timeline, and now we're going forward with that. Okay, all those in favor?

Fawn Tantillo

It needs to be moved and seconded.

Legislator Peter Criswell

I'll move it.

Legislator Herbert Litts, III

Second.

Chair Brian Cahill

Second by Litts, Okay. All those in favor?

Committee Members

Aye.

Chair Brian Cahill

Opposed?

Legislator Joseph Maloney

Here.

Chair Brian Cahill

One, Legislator Maloney, opposed. Okay. Thank you. Okay with that. Is there any old business that anyone wants to bring up tonight? Okay, any new business that anyone would like to bring up tonight? Legislator Maloney.

Legislator Joseph Maloney

I see Chris Kelly here. I think the title of that 701 Grant Avenue was the something about the Business Center of Ulster County, we're in economic development. And he updates as we just talked about, you know, we've, we've transferred a lot of properties over from Tech City, which was foreclosed upon late, but eventually any updates on the foreclosure process on 701 Grand Avenue?

Chris Kelly

Yeah, so we'll be getting ready to file we received significant amount of information from the current LLC, in terms of budget tenants, all of that stuff. So, we've been analyzing that and getting ready to finalize what our budget is for the property, what the plan is, and how we're going to move forward. So, we're just about there.

Legislator Joseph Maloney

Maybe we could get an update on that in the next Ways and Means and no chance that this company is going to come and pay the back taxes for \$11 million. I'm, you know, I'm frustrated that we got to this point, what we waited too long.

Legislator Herbert Litts, III

Thank you, legislator.

Legislator Joseph Maloney

You're welcome.

Chair Brian Cahill

Any other new business? Just want to remind everyone here real quick one more thing, I just want to remind everybody at the Ulster County Fair is tomorrow night and this Agricultural Committee and I would really encourage everybody who can make an appearance there to do so. We've had a couple of special invitations. One is to tour the 4-H building at 4:30. And then the other one is to take part in the opening ceremonies. And like I said, our committee is charged with overseeing the agricultural aspects of Ulster County. I would really like to show strong support. Have a strong showing at the fair if possible, so I encourage everyone to attend. Legislator Sperry, you have your hand up.

Legislator Megan Sperry

I do. I just wanted to share with everybody that um, I will not be there tomorrow evening because my teens that I had for the youth film lab for the Woodstock Film Festival just wrapped on Friday, and we're screening their films tomorrow at the Rosendale theatre. And I just have to tell you guys, I'm really proud of this cohort. We only had 10 students, but we they were worked in two groups of five. And they both, both groups decided to produce documentaries. This session. And one documentary is about food security issues in Kingston. And the other documentary is about local bookstores and the book bands. So, I'm just very, very impressed with the work that they did. So, we're screening them tomorrow at 5pm at the Rosendale theatre. And if you can't come tomorrow, there'll be screened at the Woodstock Film Festival in the fall so you can come to the Woodstock Film Festival.

And the other thing I wanted to share was that I'll be working the snack bar at the fair on Thursday and 100 degrees from 3:30 to 9:30. So,, please come visit me.

Chair Brian Cahill

Great, thank you. Legislator Hewitt.

Legislator Chris Hewitt

That's just an applause.

Chair Brian Cahill

Oh, okay.

Fawn Tantillo

And I will let you know the Fair committee is very proud. They just put up a new poll building. It's like a barn. It's a new building a red building with a nice porch on it. You'll see it when you're down there. It's across from where they show the goats and the chickens and things. So they're very proud of that.

Chair Brian Cahill

Okay, folks, Herb.

Legislator Herbert Litts, III

I make a motion to adjourn.

Legislator Peter Criswell

Second.

Chair Brian Cahill

All those in favor. And, again, thank you guys again for a good meeting.