

Economic Development, Tourism, Housing, Planning & Transit Committee

Committee Meeting Minutes

DATE & TIME: October 1, 2019 – 6:00 PM
LOCATION: K.L. Binder Library
PRESIDING OFFICER: Chair Brian Woltman
LEGISLATIVE STAFF: Nettie Tomshaw
PRESENT: Legislators Archer, Maio, Litts, Maloney (Joseph), Rodriguez
ABSENT: Legislator Delaune
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Kathy Nolan, John Milgrim Deputy County Executive, Dennis Doyle Director Department of Planning, Chris White Deputy Director of Planning, Sajaa Ahmed Deputy Director UCAT, Karla Wainwright, Assistant Director of Applications Development for Information Services, Lisa Berger Director Economic Development, Steve Kelley President & CEO Ellenville Regional Hospital, Eric Kurtz outside Counsel for Ulster County

- Chair Woltman called the meeting to order at 6:00 PM.
- Pledge of Allegiance to the Flag.
- Chair Woltman welcomed Nettie Tomshaw as committee clerk and thanked Mary Beichert for her service and wished her all the best.

Motion No. 1: Moved to Approve the Minutes of September 3, 2019

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Rodriguez
Discussion: None
Voting In Favor: Legislators Woltman, Archer, Maloney, Maio, Rodriguez
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Abstention: 1 Litts
Disposition: Minutes Approved

Resolutions for the October 15, 2019 Session of the Legislature

Resolution No. 423: Amending Capital Project No. 529 (Purchase Of Mass Transit Buses And Related Equipment) And Amending The 2019 Capital Fund Budget – Ulster County Area Transportation (UCAT)

Resolution Summary: This resolution amends Capital Project No. 529 and amends the 2019 Capital Fund Budget for the purchase of two 26 foot Low Floor Cutaway Buses and three 35 foot Mass Transit Buses. \$1,396,384.00 Federal, \$349,096.00 State aid reimbursement. A Bond Resolution will be required.

Motion No. 2: **Motion to Discuss & Adopt Resolution No. 423**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Maio

Discussion:

Chair Woltman called upon Sajaa Ahmed, Deputy Director of UCAT who provided an overview of the Capital Project amendment resolution that will enable a rotational program. Carol Hargrove will be retiring from the County in December. Legislator Rodriguez recognized Director Hargrove’s work and extended his regards.

Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Maloney, Rodriguez
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 419: Approving The Execution Of A Contract Amendment Causing The Aggregate Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – AssetWorks LLC – Information Services

Resolution Summary: This resolution approves the execution of a contact amendment with AssetWorks LLC extending the terms of agreement for the AVL fleet software maintenance and support instituted back in 2010. 100% County, Original Amt. \$407.9K, Amended Amt. +\$21.8K, Amended Term 11/30/2019 – 11/30/2020.

Motion No. 3: **Motion to Discuss & Adopt Resolution No. 419**
Motion By: Legislator Maio
Motion Seconded By: Legislator Rodriguez

Discussion:

Chair Woltman called upon Karla Wainwright, Asst. Director of Applications Development for Information Services who provided an overview of the county fleet maintenance tracking agreement - noting this is same program utilized as in previous years extending the contract an additional year. Legislator Rodriguez confirmed the cost increase is due to renewal terms and conditions. Chairman Woltman confirmed the departments are firmly imbedded using the program and have not made a request for change. Although IT had made a previous inquiry for newer software, the product did not meet their parameters - thus they do not automatically canvas for new software unless asked or problems arise.

Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Maloney, Rodriguez
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Resolution Adopted

Resolution No. 417: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – RUPCO, Inc – Department Of Planning

Resolution Summary: This resolution approves the execution of a contract with RUPCO, Inc. for professional services administering the 2019 Community Development Block Grant Homeownership Program. RUPCO will perform the Program Delivery and Administration for implementation of the New York State Housing and Community Renewal (“NYS HCR”) utilizing U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (“CDBG”) funds on behalf of the County. \$590K, 100 % Federal. Contract dates 11/1/2019 – 6/27/2021.

Motion No. 4: Motion to Discuss & Adopt Resolution No. 417
Motion By: Legislator Maio
Motion Seconded By: Legislator Litts

Discussion:

Chairman Woltman called upon Planning Director Doyle who provided an overview of the contract as stated in the above summary, noting it is pass-through money from the county to RUPCO. The Program is designed to assist a minimum of twenty (20) households. The impact of the NYS HCR CDBG funding shall be a direct homeownership benefit for low to moderate-income homeowners and will generate approximately three million dollars in private equity investment in banks and other funding availability. Deputy Chair Archer noted the previous county executive’s name is listed in Schedule A-5.

Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Maloney, Rodriguez
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Resolution Adopted

Resolution No. 420: Approving The Reallocation Of Funds Within The Ellenville Million Program – Department Of Planning

Resolution Summary: This resolution approves the reallocation of funds within the Ellenville Million program to include Health Care Sector Capital Assistance: Drawing from the remainder of the unobligated or unused funds from all the other allocations consistent with the original goals of the Ellenville Million Program will be used to provide capital assistance to health care organizations for the delivery of critical health care needs to the Ellenville Community. Fund Balance \$113,817.00 No additional county allocation.

Motion No. 5: **Motion to Discuss & Postpone Resolution No. 420**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Maloney

Discussion:
Chair Woltman called upon Lisa Berger, Director of Economic Development who spoke in support of appropriating the unused funds with the Ellenville Regional Hospital being tied to the economy and quality of life within the community offering critical services including those related to opioid use. Legislator Maloney expressed funds should be spent on economic development projects solely. Both Steve Kelley President & CEO of Ellenville Regional Hospital and a member of the Ellenville Million committee along with Legislator Nolan shared common support for hospital “population wellness” program funding. Legislator Rodriguez expressed it’s up to the legislature to decide, noting there is latitude as to how and where to apply the funding and additional outreach is needed. Committee discussion ensued – resolution passed.

Voting In Favor: Legislators Rodriguez, Maloney
Voting Against: Legislators Woltman, Archer, Litts, Maio
Votes in Favor: 2
Votes Against: 4
Disposition: **Motion to Postpone Defeated**

Motion No. 6: **Motion to Adopt Resolution No. 420**
Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Rodriguez
Voting Against: Legislator Maloney
Votes in Favor: 5
Votes Against: 1
Disposition: **Resolution Adopted**

Resolution No. 421: Authorizing The Ulster County Legislature To Conduct A Public Hearing For The Proposed Acquisition For Public Purpose Of Property For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) In The City Of Kingston - Department Of Planning

Resolution Summary: This resolution authorizes the UC Legislature to hold a Public Hearing for the proposed acquisition for public purpose of property for the construction of the UC Midtown Linear Park, in the City of Kingston. \$300.00 estimated advertising costs.

Motion No. 7: Motion to Discuss & Adopt Resolution No. 421
Motion By: Legislator Maio
Motion Seconded By: Legislator Archer

Discussion:

Chris White along with Eric Kurtz – outside counsel provided an overview including the history of said land, eleven proposed acquisitions, ownership interest and heirs dating back to the 1870’s to early 1900’s. The fee ownership interests were not included in the succession of deeds for the adjoining property parcels. Several sections of the right-of-way is an easement for railroad purposed only rather than fee ownership. In order to construct the park the county needs to consolidate its ownership interest from easements-only to fee ownership. Legislator Litts confirmed with Mr. Kurtz property does not automatically revert back to the original property owner when abandoned by the railroad (not railbanked) as long as there is a potential use for original purpose. Committee discussion ensued. The purpose of the public hearing is to inform the public and to review the public use to be served by the projects construction, impact on the environment and residents where the project will be constructed.

Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Maloney, Rodriguez
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Resolution Adopted

Resolution No. 422: Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Labor To Allow The Department Of Planning To Act As Census Designated Affiliate – Department of Planning

Resolution Summary: This resolution authorizes the Chair of the UC Legislature to execute an agreement with the NYS DOL to allow the UC Dept. of Planning to act as the census designated affiliate. \$400.00 Budgeted 2019 Appropriation Dollars.

Motion No. 8: Motion to Discuss & Adopt Resolution No. 422
Motion By: Legislator Maio
Motion Seconded By: Legislator Archer

Discussion:

Chairman Woltman called upon Planning Director Dennis Doyle who provided an overview of the agreement between the DOL and the UC Dept. of Planning to act as the census designated affiliate. We have been a census designated affiliate since 2000.

- We are entitled to privileged information prior to its release for comment
- We received all the materials for the census at no cost
- We receive free census training from the Department of State

Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Maloney, Rodriguez
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Resolution Adopted

Resolution No. 382: Requesting The New York State Legislature Introduce Legislation Removing The Ulster County Industrial Development Agency From Article 18-A Of New York's General Municipal Law

Resolution Summary: This resolution requests the NYS Legislature to introduce legislation to remove the UC IDA from Article 18-A of NY's General Municipal Law established back in 1976. The administrative upkeep for existing PILOT agreements will be reported upon and maintained by the Office of the UC Legislature. No Financial Impact.

Motion No. 9: Motion to Discuss & Adopt Resolution No. 382
Motion By: Legislator Maio
Motion Seconded By: Legislator Maloney

Discussion:

Legislator Maloney, sponsor of the resolution provided details as to why he feels the need to remove /disband the UC IDA including; industrial jobs in Ulster County are now less than 5%. PILOTS have added an unfair strain on owner occupied structures. Outside entities and local insiders have received benefits on the backs of tax payers. The tax crisis is forcing residents to relocate. In summary Legislator Maloney expressed the county would be in a better position without this agency. Legislator Rodriguez explained his vote is only to bring this legislation the floor for the full body to debate.

Voting In Favor: Legislators Maloney, Rodriguez
Voting Against: Legislators Woltman, Archer, Litts, Maio
Votes in Favor: 2
Votes Against: 4
Disposition: Resolution Defeated

Resolution No. 415: Establishing Program Administration For The Ulster County Revolving Loan Fund Committee

Resolution Summary: This resolution assigns the care and custody of all UC Revolving Loan Funds including but not limited to former CDBG funds and HUD Section 108 funds to the Office of the Clerk of the UC Legislature, terminating services relating to the UCRLF. The 2020 UC Budget for the UC Legislature will include an amount equal to the administrative fees paid to the EDA to fulfill those duties.

Motion No. 10: **Motion to Discuss & Postpone Resolution No. 415**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Maio

Discussion:

Chair Woltman called upon resolution sponsor Legislator Rodriguez who in turn deferred to Planning Director Doyle to provide the committee with conversations that have taken place in the first quarter of the year. Director Doyle shared some history how Revolving Loan Funds evolved and were utilized starting in the late 1990's. Director Doyle emailed an overview of the source of funds for the UCRLF, UC Section 108 Funds and what belongs to who. (see attached information) As of today, all of the Section 108 monies have been paid back in full to HUD. Per Dir. Doyle's discussions with the Finance Dept. there are no Revolving Loan Funds due at this time. Legislator Rodriguez noted the EDA financials as of 2018 has \$37,744.00 of housed/unused funds. The EDA Revolving Loan services contract with the County ended December 31, 2018. Director Doyle concluded the County's obligation to HUD with respect to this fund has been satisfied!

On the Revolving Loan Fund – Dir. Doyle continued if the County makes the case and is successful that the money has not been de-federalized and constitutes money belonging to Ulster County as part of Revolving Loan Fund, as of April 1, 2019 because of HUD changes to the way they treat Revolving Loan Funds and program income at the State level, the State Office of Community Renewal has said all Revolving Loan Funds will be paid to the State immediately. Committee discussion ensued. Legislator Rodriguez as sponsor motioned to postpone the resolution to formulate an amendment based on new information received this afternoon from Deputy Executive Rider.

Voting In Favor: Legislators Woltman, Archer, Litts, Maio, Maloney, Rodriguez
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution Postponed**

New Business:

Committee agreed to meet next month on Thursday, November 7, 2019 at 5:00 PM.
Budget talks will also take place at next month's meeting.

Chair Woltman asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Maio
No. of Votes in Favor: 6
No. of Votes Against: 0

Time: 7:20 PM

Respectfully submitted: Nettie Tomshaw, Legislative Staff

Minutes Approved: November 7, 2019

Midtown Linear park
PIN 8761.82

PROPERTIES TO BE ACQUIRED

Map #	Parcel #	Reputed Owner(s)	Deed		Parcel Size ±AC	Area Of Acquisition ±SF	Area Of Acquisition ±AC	Type of Take	% of Take	Cost / Acre	Acquisition Cost	Comments
			Liber	Page								
1	1	Jacob Burhans	168 / Book R	116 / 210	0.85	36942	0.85	FEE	100.0%	\$ 60,750.00	\$ 51,520.00	
2	1	Edwin W. Budington	151 / 1327	114 / 330	0.06	2740	0.06	FEE	100.0%	\$ 38,000.00	\$ 2,390.00	
3	1	Edwin W. Budington	135	151	0.32	13758	0.32	FEE	100.0%	\$ 38,000.00	\$ 12,001.00	
4	1	Sarah B. Reynolds and Robert R. Rodie	485	434	0.27	11882	0.27	FEE	100.0%	\$ 38,000.00	\$ 10,365.00	
5	1	Village of Kingston	48	15	0.24	10491	0.24	FEE	100.0%	\$ 38,000.00	\$ 9,151.00	
6	1	Peter J. Dolson and heirs	168	105	0.01	589	0.01	FEE	100.0%	\$ 38,000.00	\$ 513.00	
7	1	Margaret Ann Chambers	168	106	0.03	1232	0.03	FEE	100.0%	\$ 38,000.00	\$ 1,074.00	
8	1	John H. Hudler and his 4 heirs	168	103	0.18	7945	0.18	FEE	100.0%	\$ 38,000.00	\$ 6,930.00	
9	1	Harrison Brock	168	102	0.02	888	0.02	FEE	100.0%	\$ 38,000.00	\$ 774.00	
10	1	Estate of Thomas Cornell	168	92	0.10	4428	0.10	FEE	100.0%	\$ 38,000.00	\$ 3,862.00	
11	1	Estate of Thomas Cornell	168	92	0.19	8189	0.19	FEE	100.0%	\$ 60,750.00	\$ 11,420.00	
12	1	Herzog Supply Co	3970	001	46.40	9500	0.22	TE	0.5%	\$ 2,030.00	\$ 442.00	
Total						108,584	2.49				\$ 110,442.00	

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ULSTER COUNTY LEGISLATURE

Resolution No. 415
Administration of
Ulster County Section
108 Funds

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- SECTION 108 FUNDS: Section 108 funds are also economic development funds that are of HUD origin. These are NOI revolving loan funds they are repayable to HUD with interest. These fund amounts were authorized as available to the County and then awarded to individual projects. Each project had a repayment schedule. As the authorization was in danger of expiring a temporary drawdown by the County through UCDC was made. UDCD paid the interest on these funds until they were paid back to HUD.
 - UCDC was contracted to provide program delivery and administration for these funds. The revolving loan fund committee was established by the Legislature to authorize UCDC to enter into contracts/awards for these funds rather than have each individual award be authorized by the Legislature
 - Currently no 108 loans are extant to be repaid to HUD.

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ULSTER COUNTY LEGISLATURE

Resolution No. 415 Administration of Ulster County Revolving Loan Funds (UCRLF)

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- The source of funds for the UCRLF are economic development grants from HUD that using Community Development Block Grant (CDBG) funds – these grants funded identified projects when awarded – UCDC provided program delivery and administration for the projects – funds were paid back the UCDC
 - The payback of these funds was used to establish what today is the revolving loan fund
 - A revolving loan fund committee was not established by the Legislature for the use of the funds when awarded.
 - The pay back of the funds was determined to have “defederalized” the funds making them the property of the UCDC and its successor the UCEDA
 - Ulster County has avowed that this is the case in its filings with HUD and the State
 - UCDC and UCEDA carry the funds on their books as belonging to them.
 - UCDC and UCEDA have loaned these funds in some instances in ways that would be in violation of the guidelines if they had remained federal funds

Whose Money Is It ?

- Currently UCEDA has asserted that the funding belongs to them. Ulster County in filing with the NYS OCHR has also avowed that once these funds were paid back to UCDC/UCEDA that they been “defederalized” and are the property of UCEDA and do not represent program income.

What is Program Income?

- Program income is repayment/recapture of funds originally derived from CDBG grants. With regard to revolving loan programs all fund repaid are considered program income. Prior to March of 2019 these funds could be reloaned/revolved as long as their use met the federal guidelines as of April 1 of 2019 all revolving loan repayments were required to be returned to the state as they were received. See requirements from NYS DHCR below

Disposition of Program Income Received Starting April 1, 2019

Beginning April 1, 2019, all program income received by local recipients must be returned to the HTFC as follows:

- For all receipts legally designated for local RLF's, the funds should be returned immediately to the HTFC.
 - For all other receipts from CDBG activities, the funds may be accumulated in a separate local account and returned to the HTFC at the end of the State fiscal year, along with a Program Income Report.
- No funds received after April 1, 2019 may be directly disbursed to activities by the local recipient.