

Public Works and Capital Projects Committee Special Meeting Minutes

DATE & TIME: September 17, 2019 – 5:00 PM
LOCATION: COB, 6th Floor, K. L. Binder Library
PRESIDING OFFICER: Chair Laura Petit
LEGISLATIVE STAFF: Nettie Tomshaw
PRESENT: Legislators Bartels, Nolan
ABSENT: Legislator Fabiano, Greene, Litts
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Lynn Archer, Legislator Hector Rodriguez, Counsel David Gorden, Deputy County Executive Marc Rider, Deputy Dir. Planning Chris White, Director Planning Dennis Doyle

Chair Petit called the meeting to order at 5:05 PM.

Pledge of Allegiance to the Flag.

- Legislator Litts was out of town, however participated via cell phone noting he was satisfied with both resolution amendments brought before this committee.
- Legislator Greene was running late and asked for the record to note she was satisfied with the amendments for both resolutions and asked to make the details accessible to the committee when available. Going forward Legislator Greene expressed this information needs to be made available upfront.
- Chair Petit noted sponsors were contacted by Chair Bartels and have agreed to the revisions made on both Resolution Nos. 390 and 391.

Resolutions for the September 17, 2019 Session of the Legislature

Resolution No. 390: Amending Capital Project No. 479 To Provide For Additional Engineering And Right-of-Way Incidental Services For The Ulster County Midtown Linear Park (PIN 8761.82) – Department Of Planning

Resolution Summary: This resolution amends Capital Project No. 479 to provide for additional engineering and right-of-way incidental services for the UC Midtown Linear Park. \$32.9K additional capital project revenue dollars.

Added language: WHEREAS, the scope of work is defined and outlined in a letter dated September 9, 2019 from the project engineers, HVEA Engineers.

Motion No. 2: **Motion to Discuss & ADOPT Resolution No. 390 As Amended**

Motion By: Legislator Nolan

Motion Seconded By: Legislator Bartels

Voting In Favor: Legislator Petit, Nolan, Bartels

Voting Against: None

Votes in Favor: 3

Votes Against: 0

Disposition: Resolution **ADOPTED**

Resolution No. 391: Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

Resolution Summary: This resolution adopts and issues a negative declaration for the construction of the UC Midtown Linear Park, Capital Project No. 479. Pursuant to SEQRA the UC Legislature determined the project will not require the preparation of a draft environmental impact statement as the project will not have a significant adverse environmental impact.

Added language: the amendments include additional language thorough out as indicated above in bold font.

Motion No. 8: **Motion to Discuss & ADOPT Resolution No. 391 As Amended**

Motion By: Legislator Bartels

Motion Seconded By: Legislator Nolan

Discussion:

Chair Petit was pleased to see the language added to the resolution. The committee thanked all parties involved.

Voting In Favor: Legislator Petit, Nolan, Bartels

Voting Against: None

Votes in Favor: 3

Votes Against: 0

Disposition: Resolution **ADOPTED**

Adjournment

Chairwoman Petit asked if there was any other business, and hearing none;

Motion Made By: Legislator Nolan (Honorary motion to adjourn was made by Legislator Litts)

Motion Seconded By: Legislator Bartels

No. of Votes in Favor: 3

No. of Votes Against: 0

TIME: 5:10 PM

Respectfully submitted: Nettie Tomshaw, Legislative Staff

Minutes Approved: October 2, 2019

Amending Capital Project No. 479 To Provide For Additional Engineering And Right-of-Way Incidental Services For The Ulster County Midtown Linear Park (PIN 8761.82) – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Woltman and Legislators Archer, Delaune, Litts, Maio, Joseph Maloney, and Rodriguez), The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, Joseph Maloney, Petit, Rodriguez, and Ronk)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian J. Woltman, Deputy Chair Lynn Archer and Legislator Nolan offer the following:

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

WHEREAS, the Ulster County Midtown Linear Park project (PIN 8761.21) will design and construct a shared-use trail from the east side of Cornell Street to Westbrook Lane in the City of Kingston along the Ulster & Delaware Railroad Corridor in the City of Kingston (the “Project”); and

WHEREAS, pursuant to Resolution No. 503 of 2017, the Ulster County Legislature created Capital Project No. 479 and authorized engineering and right-of-way incidental work for the Project totaling \$165,000.00; and

WHEREAS, funding under Capital Project No. 479 needs to be increased to cover costs of additional services for engineering and right-of-way incidentals, the cost of which will be covered by grant funding from the Community Foundations of the Hudson Valley; and

WHEREAS, the scope of work is defined and outlined in a letter dated September 9, 2019 from the project engineers, HVEA Engineers; now, therefore, be it

RESOLVED, that Capital Project No. 479 (Ulster County Midtown Linear Park) is hereby amendment in the amount of \$32,945.00 for Engineering Services; and

Resolution No. 390 September 17, 2019

Amending Capital Project No. 479 To Provide For Additional Engineering And Right-of-Way Incidental Services For The Ulster County Midtown Linear Park (PIN 8761.82) – Department Of Planning

RESOLVED, that the 2019 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0479-4300.4355 (App.#)	Engineering	\$32,945.00
HH.7197.0479-3120.2797 (Rev.#)	Other Local Sources	\$32,945.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit as amended on September 3, 2019

Postponed in Committee: Public Works and Capital Projects on September 4, 2019

Postponed in Committee: Ways and Means for One Week on September 10, 2019

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$32,945.00 – ADDITIONAL CAPITAL PROJECT NO. 479 APPROPRIATION
DOLLARS

\$32,945.00 – ADDITIONAL CAPITAL PROJECT REVENUE DOLLARS



September 9, 2019

Ulster County Planning Department
244 Fair Street
Kingston, New York 12401

Attn: Mr. Christopher White, Deputy Director

**Re: Supplemental Agreement
PIN 8761.82 – Midtown Linear Park
Ulster County
HVEA Job Id. 18-317**

Dear Mr. White,

We respectfully request a supplemental agreement for out-of-scope work for the above referenced project. Throughout the preliminary design, environmental coordination and right-of-way incidental process, additional information and/or procedures were deemed necessary.

A breakdown for each additional task is below:

Additional Right-of-Way Incidental work:

Our contract with the County included the preparation of taking maps, appraisals and appraisal reviews for 8 parcels that would need to be acquired as part of this project. During the preliminary design phase, it became clear that 12 takings were necessary to progress the preferred alternative. The increase in necessary right-of-way resulted in additional mapping and property owner coordination/meetings. The expanded scope amounts to an additional \$8,550.00 of out-of-pocket costs and approximately \$6,000 of direct costs.

Preparation of and Revisions to the SEQR Long EAF

Our contract with the County assumed that this project would be processed as a SEQR Unlisted Action with Short EAF to be prepared at most. Since that time, the County has reclassified the project to a Type I Action and requiring a Long EAF which required unforeseen coordination with interested agencies. This additional work and coordination amounted to approximately \$4,000.

Additional Record Plan Research and Coordination with Agencies

Our contract assumes revisions to the Design Report from one round of comments from the DOT. The DOT supplied several incomplete reviews, resulting in multiple revisions and submissions of the Design Report. Further, one comment necessitated a level of research on the

ownership of the Albany Avenue and Elmendorf bridges beyond the scope of the project. This additional work and coordination amounted to approximately \$3,000.

Additional Design Features

During the public involvement process, it became clear that the City Officials and members of the public desired the trail to be lit with decorative lighting and stairwells be provided at the Albany Avenue and Elmendorf Bridges. These design features are beyond the scope of the shared-use trail and required additional design time amounting to approximately \$3,000.

Cornell Rail Yard Cleanup

During contract negotiations it was unclear what the long term plan was for the former Cornell Rail Yard. After thorough consideration and discussions with the NYSDEC, the County has elected to remediate the soil at the former Cornell Rail Yard. The additional design work and coordination with our environmental subconsultant will result in approximately \$8,000 of out-of-scope work.

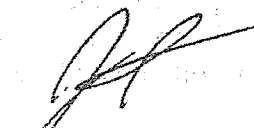
We respectfully request a supplemental agreement for \$32,767.00 to cover the additional services performed and requested. We understand that the County is contemplating leaving an additional 300 feet +/- of railroad tracks in place near I-587 (Colonel Chandler Drive). We consider this change to be minor in nature and will update the project plans accordingly at no additional cost to the County. Further, none of the work to date will be impacted by this change.

If you have any questions, please call me.

Sincerely,

HVEA Engineers

by



Jack Gorton, P.E.



PATRICK K. RYAN
County Executive

COUNTY OF ULSTER

PLANNING DEPARTMENT

244 Fair Street, PO Box 1800
Kingston, New York 12402
(845) 340-3340

DENNIS DOYLE
Director

CHRISTOPHER WHITE
Deputy Director

September 5, 2019

Hon. Laura Petit, Chair
Public Works Committee
PO Box 1800
Kingston, NY 12402

RE: Ulster County Midtown Linear Park
Resolutions No. 390 and 391

Dear Chair Petit:

I am writing to follow-up questions raised at the Public Works Committee meeting yesterday evening. The Committee questioned the proposed removal of approximately three-hundred (300) feet of existing railroad track located immediately westward of the I-587 Underpass in the City of Kingston for the Midtown Linear Park project (the "subject track"). Currently, the preferred design calls for the removal of the subject track to address public safety concerns in the immediate vicinity of this underpass, which has experienced criminal activities, illegal drug use, trespassing and nuisance activities in recent years.

Removing the subject track with the large railroad box cars and other equipment currently parked on it would eliminate a potential area for people to conceal themselves to trail users, improve visibility for trail users at night, and allow better maintenance and lighting of this sensitive location along the proposed trail. This proposed design is consistent with the Legislature's Rail and Trail Policy pursuant to Resolution No. 488 of 2015. The subject track is also not included in the Permit issued to the Catskill Mountain Railroad, which has used the subject track for equipment storage since at least February 2018 in violation of its Tourist Railroad Permit.

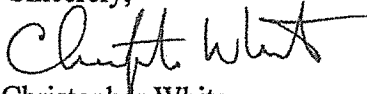
In the interest of moving this project forward in a timely manner, I offered verbally-- and hereby document-- my commitment that if the Legislature as a full body determines that the subject track should be left in place, the Planning Department's engineer will make this minor alteration to the plans for the Midtown Linear Park project. Construction cannot begin until at least spring 2020 and will require additional votes of the Legislature to authorize, so the Legislature would have ample opportunity to examine this matter in more detail and make its determination. I have confirmed with our project engineer that if the Legislature requests this revision from the current proposed design, the effort to complete is minor and would not cost the County any additional funds (please see attached letter from HVEA Engineers).

In light of these concerns being addressed, I would respectfully request that the Public Works Committee reconvene to pass Resolutions No. 390 and 391 so that they may progress to the full Legislature for a vote. As I highlighted, the delay of these resolutions will push back the planned

bidding and construction of the Midtown Linear Park project next year, which is under aggressive time deadlines linked to the \$1.5 million federal Transportation Alternatives Program grant funding awarded to the County.

Thank you for your consideration of this matter.

Sincerely,

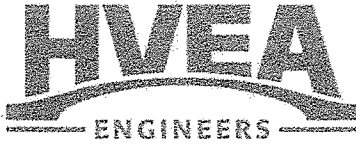
A handwritten signature in cursive script, appearing to read "Chris White", with a long horizontal flourish extending to the right.

Christopher White

Deputy Director

Project Manager, Midtown Linear Park

Enc/



September 5, 2019

Chris White, Deputy Director
Ulster County Planning Department
244 Fair St
Kingston NY 12401-3806

Re: Kingston Midtown Linear Park

Dear Chris,

Per our conversation, we understand that the limits of existing rail west of Colonel Chandler Drive may remain in place on the Midtown Linear Park project.

If the existing limits of rail are to remain, HVEA considers this change to be minor in nature and will update the project plans accordingly at no additional cost to the County.

Feel free to contact me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Gorton".

Jack Gorton, P.E.
Project Manager

Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Woltman and Legislators Archer, Delaune, Litts, Maio, Joseph Maloney, and Rodriguez), The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro, and Woltman)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian J. Woltman, Deputy Chair Lynn Archer and Legislator Nolan offer the following:

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

WHEREAS, pursuant to Resolution No. 503 of 2017, the Ulster County Legislature established Capital Project No. 479 to authorize and fund engineering work for the Ulster County Midtown Linear Park- PIN 8761.82 (the “Project”), and further, the Ulster County Legislature declared its intent to act as Lead Agency for a coordinated review as provided by 6 NYCRR Part 617 of the **New York State Rules and Regulations, the regulations** pertaining to Article 8 of the Environmental Conservation Law of New York State (“SEQRA”), **and** ~~determined~~ that the Project was an Unlisted Action; and

WHEREAS, pursuant to Resolution No. 362 of 2018, the Ulster County Legislature, after conducting a lawfully segmented review under SEQRA for the removal of railroad track from I-587 to Downs Street along the future Midtown Linear Park for purposes of the Interim Public Safety Improvement Project, adopted and issued a Negative Declaration for this action; and

WHEREAS, pursuant to Resolution No. 244 of 2019, the Ulster County Legislature reclassified the Project as a Type 1 Action due to the proximity of several historic properties and again declared its intent to act as Lead Agency for a coordinated review under SEQRA; and

WHEREAS, **a full environmental assessment form was completed on June 8, 2019**, Ulster County circulated the full Environmental Assessment Form and necessary notifications on July 9, 2019, and, receiving no objections, became Lead Agency 30 days after this date; and

Resolution No. 391 September 17, 2019

Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

WHEREAS, Ulster County has examined the proposed action consisting of the construction of the Ulster County Midtown Linear Park project, including removing rail, ties and other track materials and constructing an approximately 0.8-mile asphalt-paved public recreational trail and prepared the Environmental Record as now on file with the Clerk of the Legislature; and

WHEREAS, as part of the Project approval process, the County has completed an expanded Environmental Evaluation of Impacts and Negative Declaration that includes an analysis of impacts to historic and archeological sites, wetlands and water bodies, threatened or endangered species, traffic, cumulative growth, **hazardous materials** and other environmental considerations as required under SEQRA; and

WHEREAS, the Project will provide environmental benefits by removing contaminated soil, debris and hazardous materials from portions of the corridor, improving drainage to avoid erosion and stormwater impacts, providing a much-needed linear park and recreational facility that will primarily benefit low- and moderate- income neighborhoods in an area of the City of Kingston where no parkland or public recreation opportunities exist, providing a valuable expansion of bicycle and pedestrian transportation and access by creating a connection between residential neighborhoods in the City of Kingston and everyday needed services, and increasing public safety by providing a lighted, well used corridor compared to the existing conditions; and

WHEREAS, pursuant to SEQRA, the Ulster County Legislature has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations **to identify relevant areas of environmental concern**; (b) examining the EAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the EAF, together with other available supporting information from its project consultants, interested and involved agencies, and the public, to identify the relevant areas of environmental concern; and (c) thoroughly analyzing the areas of relevant environmental concern; and

WHEREAS, such evaluation of impacts and negative declaration has been filed with the Clerk of the Legislature and made available to members of the Legislature; and

Resolution No. 391 September 17, 2019

Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

WHEREAS, Ulster County has addressed all SEQRA issues as identified, considered and examined by the Involved and Interested Agencies and members of the public in conducting the environmental review; now, therefore, be it

RESOLVED, that pursuant to SEQRA, the Ulster County Legislature hereby determines that the Project will not **result in any significant adverse environmental impact and therefore determines not to** require the preparation of a Draft Environmental Impact Statement ~~and that the Project will not have a significant adverse environmental impact~~; and, be it further

RESOLVED, that the Ulster County Legislature hereby adopts and issues the Negative Declaration under SEQRA for the Ulster County Midtown Linear Park- PIN 8761.82 as filed with the Clerk of the Legislature, a copy of which is annexed to and made part of this Resolution; and, be it further

RESOLVED, that Clerk of the Legislature shall file this Resolution and accompanying Negative Declaration with the Involved and Interested Agencies as enumerated in the Negative Declaration and publish the Resolution and Negative Declaration in the Environmental Notice Bulletin; and, be it further

RESOLVED, that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction of the Ulster County Midtown Linear Park Project- PIN 8761.82,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on September 3, 2019

Postponed in Committee: Public Works and Capital Projects on September 4, 2019

Resolution No. 391 September 17, 2019

Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

Passed Committee: Energy and Environment on September 5, 2019

Postponed in Committee: Public Works and Capital Projects on September 4, 2019

Passed Committee: Public Works and Capital Projects on _____.

FINANCIAL IMPACT:
NONE