

Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-Municipal Agreement With The Sullivan County Soil And Water Conservation District To Restore The Stream Bank Of The Rondout Creek Along Ulster County Property In The Town Of Denning – Department Of Public Works (Highways And Bridges)

Legislator Dean Fabiano, Chairman of the Public Works and Capital Projects Committee and Co-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works (Highways and Bridges), and

WHEREAS, the New York City Department of Environmental Protection has funded a Stream Management Plan for the Rondout Creek and identified certain locations within the stream corridor in need of restoration work to address stream bank instability, and

WHEREAS, Ulster County owns a certain parcel of property located at Sheeley Road, SBL 58.1-2-18, in the Town of Denning where a Department of Public Works highway garage is located, and that has been identified in the Rondout Stream Management Plan as a location where such stream bank restoration is needed, and

WHEREAS, the Sullivan County Soil and Water Conservation District (SCSWCD) has designed a riparian buffer restoration project on and adjacent to the Ulster County property that is intended to reduce rates of stream bank erosion and to enhance the overall integrity of the stream bank, and

WHEREAS, reduced rates of stream bank erosion along the County property would benefit the County's Department of Public Works garage by reducing the threat for flooding on the property, and

WHEREAS, reduced rates of stream bank erosion will improve the water quality in the Rondout Creek as it flows through Ulster and Sullivan Counties, and

WHEREAS, the SCSWCD now seeks access over and across the Ulster County property for the purpose of constructing a riparian buffer and subsequently monitoring, maintaining and repairing the buffer at no cost to the County, and

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WHEREAS, the Town of Denning is in the process of assessing the environmental impact of the restoration project with respect to the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Commissioner of Public Works requests that the Chairman of the Ulster County Legislature execute an Inter-Municipal Agreement with SCSWCD that grants them an easement to access the County's property to complete the stream bank restoration project, and

WHEREAS, the Inter-Municipal Agreement requires that the County first review the required insurance certificates, regulatory permits, and SEQRA-related findings prior to the commencement of construction activities, and

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that an Inter-Municipal Agreement between the SCSWCD and Ulster County to create an easement that will allow the SCSWCD to construct a riparian buffer and subsequently monitor and maintain and repair it is in the best interests of the County, and be it further

RESOLVED, that the Chairman of the Ulster County Legislature is authorized on behalf of the County to execute an Inter-Municipal Agreement with SCSWCD and any easement or documents regarding this Inter-Municipal Agreement, in the form as filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney, and be it further

RESOLVED, that in accordance with the Inter-Municipal Agreement, the easement granted by the County to SCSWCD will terminate five years from the date of the initiation of the project,

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 29 NOES: 0
(Absent: Legislators Frey, Richard Parete and Provenzano)
(Legislator Petit left at 8:00 PM)

FINANCIAL IMPACT:
\$0.00 – COUNTY DOLLARS

0722

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 20th day of July, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 22nd Day of July in the year Two Thousand and Ten.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this

22nd Day of July, 2010.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this

29th Day of July, 2010.

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