

Approving The Shovel Ready Fund Application From The Town Of Saugerties For The Establishment Of A Sewer District Along Old Kings Highway And Entering Into A Disbursement Agreement Between The Ulster County Development Corporation And The Town Of Saugerties, And The Delivery Of Project Funds And Administrative Fee To The Ulster County Development Corporation – Amending The 2007 – 2012 Capital Program And The 2007 General Fund And Capital Fund Budgets

The Economic Development, Housing, Planning and Transit Committee (Chairman Rodriguez and Legislators Berardi, Gregorius, Loughran, Sheeley, Alfonso and Roberti) and Legislators Aiello, Bartels, Bischoff, Busick, Cahill, Cummings, Dart, Distel, Donaldson, Every, Fabiano, Felicello, Gerentine, Harris, Kraft, Liepmann, Lomita, McAfee, Noonan, R.A. Parete, R.S. Parete, Provenzano, Shapiro, Stoeckeler, Terpening and Zimet offer the following:

WHEREAS, the County of Ulster (hereinafter referred to as the “County”) is desirous of enhancing job creation and retention of employment within its municipal boundaries, and

WHEREAS, the Ulster County Industrial Development Agency (hereinafter referred to as the “IDA”) promotes and assists in the acquiring, constructing, improving, maintaining, and equipping of industrial, manufacturing, commercial, research, recreation, and civic facilities, and

WHEREAS, the Ulster County Development Corporation (hereinafter referred to as the “UCDC) fosters business growth and economic development in the County of Ulster and its municipal subdivisions, and

WHEREAS, the County and IDA wish to accomplish their purposes in part by making funds available that will encourage municipalities within Ulster County to develop, enhance, and expand public supporting infrastructure, and

WHEREAS, the New York State Legislature has adopted legislation (Ch. 208, Section Laws of 2000), which is commonly known as the Ulster County Shovel Ready Law, so that the County may fund certain projects, and

WHEREAS, funds for certain projects are to be administered for the purpose of economic development with in the County of Ulster pursuant to the Procedures and Guidelines of the Shovel Ready Fund dated November 2001, as filed with the Clerk of the Legislature (hereinafter referred to as the “Guidelines”), and

WHEREAS, the County, IDA and UCDC have entered into an Agreement for Administration of the Ulster County Shovel Ready Fund dated November 28, 2001 (hereinafter referred to as the “Agreement”), and

Resolution No. 322 September 11, 2007

Approving The Shovel Ready Fund Application From The Town Of Saugerties For The Establishment Of A Sewer District Along Old Kings Highway And Entering Into A Disbursement Agreement Between The Ulster County Development Corporation And The Town Of Saugerties, And The Delivery Of Project Funds And Administrative Fee To The Ulster County Development Corporation – Amending The 2007 – 2012 Capital Program And The 2007 General Fund And Capital Fund Budgets

WHEREAS, pursuant to the Guidelines, the Town of Saugerties (hereinafter referred to as the “Town”) has submitted an application (a copy of which is on file at the office of the UCDC and the Clerk of the Ulster County Legislature) for assistance to the Shovel Ready Fund, and

WHEREAS, the application is for a project that would provide for sewer service along a portion of Old Kings Highway in accordance with a Map, Plan and Report prepared by Brinnier and Larios dated November 2006 and last revised March 2007, and

WHEREAS, \$500,000 in funding from the Shovel Ready Fund is requested for this project with the remaining project costs to be funded from (A) \$757,000.00 from a USEPA grant, (B) \$1,144,000.00 through the NYSEFC by the district itself over 30 years, and

WHEREAS, in accordance with the Guidelines, the UCDC staff has reviewed and recommended the approval of the application, and

WHEREAS, in accordance with the Guidelines, the Shovel Ready Committee has reviewed and recommended the approval of the application, and

WHEREAS, in accordance with the Guidelines, the Economic Development Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, in accordance with the Guidelines, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Town’s application has represented that the area served and benefited by the project is an industrial site suitable for and presently hosting industrial uses including manufacturing, processing, storage or warehousing of goods, technological research, or other industrial use, as well as some residential use, and

Resolution No. 322 September 11, 2007

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WHEREAS, the Town has represented to the County the zoning of the site is being amended so that the site be predominantly industrial use, and

WHEREAS, the Town has represented that a sewer district is in the process of being created for the area encompassing the site, and

WHEREAS, the County and the County Legislature have relied upon such representation and have determined thereby that the project is an industrial project that will improve infrastructure facilities for industrial use, specifically, sewage collection facilities, and will thereby retain and develop industry and commerce and thus promote the economic welfare and prosperity of Ulster County inhabitants.

RESOLVED by the County Legislature of Ulster County, New York as follows:

Section 1. The sewer project application from the Town for \$500,000.00 from the Shovel Ready Fund is approved.

Section 2. The entering into of a disbursement agreement as shall be filed with the Clerk of the Ulster County Legislature between the UCDC and the Town in accordance with the Guidelines, is approved subject to the review and approval of the Ulster County Attorney.

Section 3. The delivery of \$500,000.00 from the County to the UCDC to be paid to the TOWN pursuant to the disbursement agreement and in accordance with the Agreement is authorized subject to the contingencies set forth herein being met by the Town.

Section 4. The delivery of \$5,000.00 from the County to the UCDC as an administrative fee in accordance with the Agreement is approved.

Section 5. This resolution is subject to a further agreement between the Town and the County for any purposes related hereto including conveying joint ownership of all sewer service portions of the project constructed with County funds

Resolution No. 322 September 11, 2007

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to the County, subject to the obligations of the Town, its successors and assignees to operate and maintain such portions and indemnify the County with respect thereto, which agreement the Chairman of the Ulster County Legislature is authorized to sign in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney.

Section 6. This resolution is subject to and shall not take effect until such time as the sewer district is created by the Town and approved by the Comptroller of the State of New York.

Section 7. This resolution is subject to and shall not take effect until such time as the Town of Saugerties adopts the zoning amendments referenced herein.

Section 8. This resolution is subject to the Town of Saugerties completing the State Environmental Quality Review regarding the creation of the sewer district and zoning amendments and obtaining any and all necessary permits.

Section 9. Based upon the examination of the Ulster County Legislature, and pursuant to Part 617 of the implementary regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined that Ulster County's funding of a portion of the project constitutes a Type II action as defined under 6 NYCRR 617.5(c)(11), (20) and (27) and does not require any determination or procedure under SEQRA.

Section 10. This resolution shall take effect immediately.

FURTHER RESOLVED, that the 2007 Ulster County Budget is hereby amended as follows:

Resolution No. 322 September 11, 2007

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TRANSFER

<u>FROM</u>		<u>AMOUNT</u>
A4-1331-4553 (App. #)	Contingent Account	\$ 5,000.00

<u>TO</u>		<u>AMOUNT</u>
A4-2801-4832 (App. #)	Ulster County Development Corp Shovel Ready – Saugerties Sewer Project	\$ 5,000.00

, and

FURTHER RESOLVED, that the 2007-2012 Capital Program is hereby amended as follows:

ADD: 2007 – 2012 CAPITAL PROGRAM

Economic Development	Shovel Ready Projects Capital Project No. 302 Town of Saugerties Sewer Project Old Kings Highway	\$500,000.00
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, and

FURTHER RESOLVED, that the 2007 Ulster Capital Fund Budget is hereby amended as follows:

CREATE

H4-0302-2911 (App. #)	Sewer Project, Town of Saugerties Shovel Ready Projects	\$500,000.00
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Resolution No. 322 September 11, 2007

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H3-0302-5710 (Rev. #)	Serial Bonds, Ulster County	\$500,000.00
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INCREASE

H4-0302-2911 (App. #)	Sewer Project, Town of Saugerties Capital Project No. 302 Shovel Ready Projects	\$500,000.00
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H3-0302-5710 (Rev. #)	Serial Bonds, Ulster County	\$500,000.00
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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Every, Felicello and Kraft)

FINANCIAL IMPACT:

\$500,000.00 – COUNTY SERIAL BONDS – SHOVEL READY
\$ 5,000.00 – COUNTY DOLLARS (CONTINGENT)