

Authorizing The Chairman Of The Ulster County Legislature To Execute An Assistance Agreement To Accept United States Department Of Energy, Energy Efficiency And Conservation Block Grant (EECGB) Program Funds – Amending The 2009-2014 Capital Program, And Establishing Capital Project No. 327 – Energy Efficiency and Conservation Project – Department Of The Environment

The Environmental Committee (Chairman Shapiro and Legislators Bischoff, R.A. Parete, Rodriguez, Fabiano, Petit, and Roberts) and co-sponsors: The Public Works and Capital Projects Committee (Chairman Loughran and Legislators Decker, Donaldson, Hochberg, Fabiano, Felicello, and Roberts) offer the following:

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

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law February 17, 2009 and allocated \$36.7 billion in funding to the United States Department of Energy, and

WHEREAS, the United States Department of Energy used ARRA funding to fund the Energy Efficiency and Conservation Block Grants (hereinafter referred to as “the EECBG”) Program with the express goal of helping state, county and other municipal governments reduce energy use and fossil fuel emissions, and to improve energy efficiency, and

WHEREAS, on March 17, 2009, the eligible communities under the EECBG program were announced and Ulster County was allocated \$754,400 in funding under the EECBG program, and

WHEREAS, in December 2008, prior to the EECBG award, the Ulster County Legislature adopted the Ulster County Government Energy Policy, which specifies priority areas for increasing energy efficiency and utilizing renewable energy within Ulster County Government, and

WHEREAS, an application to utilize EECBG Program funding was developed utilizing guidance from the Ulster County Government Energy Policy and included the following activities: comprehensive energy audits of Ulster County buildings, a solar photovoltaic on the Ulster County Highway Department substation in New Paltz, and an outdoor lighting retrofit, and

WHEREAS, the United States Department of Energy approved Ulster County’s application on September 25, 2009, and requires Ulster County to execute an “Assistance Agreement” bearing Award/Document No. DE-SC0002595, in the

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amount of \$754,400.00, to be used during the performance period of September 28, 2009 through September 27, 2012, and

WHEREAS, the funds will be used in part for energy efficiency and conservation capital improvements as set forth below, such improvements totaling \$923,650.00, and

WHEREAS, the costs of these improvements are anticipated to be provided by \$690,000.00 from the EECBG, \$221,425.00 from the New York State Energy Research and Development Authority, and \$12,225.00 from in-kind services from the Ulster County Department of Public Works, and

WHEREAS, the remaining EECBG funds, in the amount of \$64,400.00 (\$754,400 less \$690,000) will be used for administration and to supplement the purchase of hybrid vehicles, and

WHEREAS, the Environmental Committee has met and reviewed said request with a majority of the members voting approval,

WHEREAS, the Public Works and Capital Projects Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, that as part of the grant application, documents required under the National Environmental Policy Act (NEPA) were submitted and approved, and Ulster County has no further responsibilities in relation to NEPA, and, be it further

RESOLVED, that the Ulster County Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that the proposed project constitutes a Type II action pursuant to 6 NYCRR Part 617.5(c)(1),(2) and (27) and therefore, that pursuant to 6 NYCRR 617.6(a)(1)(i), Ulster County determines that it has no further responsibilities under 6 NYCRR Part 617 (SEQRA) with respect to this project, and, be it further

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RESOLVED, the 2009-2014 Capital Program is hereby amended as follows:

	<u>ADD</u>	<u>AMOUNT</u>
Capital Project No. 327	Energy Efficiency & Conservation Project	\$923,650.00

and, be it further

RESOLVED, that the Capital Project Fund is hereby amended as follows:

	<u>CREATE</u>
H4-0327-2911	Construction
H4-0327-2962 (App. #'s)	Engineering Services
H3-0327-4097	FA, General Government Projects
H3-0327-3097 (Rev. #'s)	SA, General Government Projects

	<u>INCREASE</u>	<u>AMOUNT</u>
H4-0327-2911	Construction	\$718,575.00
H4-0327-2962 (App. #'s)	Engineering Services	\$192,850.00
H3-0327-4097	FA, General Government Projects	\$690,000.00
H3-0327-3097 (Rev. #'s)	SA, General Government Projects	\$221,425.00

and, be it further

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RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute the Assistance Agreement (Award/Document No. DE-SC0002595) in the amount of \$754,400.00, as well as all necessary understandings, assurances, amendments, and additional information as may be required, with the United States Department of Energy for the purposes of the EECBG Program, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney, and, be it further

RESOLVED, that if the NYSERDA funds are not realized that funding for this project will be reviewed and amended or portions of the project will be reduced or eliminated,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 25 NOES: 0
(Absent: Legislators Aiello, Briggs, Dart,
Felicello, Loughran, Shapiro and Stoeckeler)

FINANCIAL IMPACT:

\$911,425.00 – ADDITIONAL APPROPRIATION DOLLARS
\$ 12,225.00 – BUDGETED APPROPRIATION DOLLARS
\$690,000.00 – ADDITIONAL FEDERAL REVENUE DOLLARS
\$221,425.00 – ADDITIONAL STATE REVENUE DOLLARS
\$ 12,225.00 – IN-KIND SERVICES – PUBLIC WORKS

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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 10th Day of November, 2009, 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 13th Day of November in the year Two Thousand and Nine.

/s/ Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Submitted to the County Executive this

13th Day of November, 2009.

/s/ Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Approved by the County Executive this

19th Day of November, 2009.

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