

Approving The Shovel Ready Fund Application From The City of Kingston For Improvements To The Drainage System Behind Flatbush Avenue In The City of Kingston; Authorizing The Execution Of The Disbursement Agreement Between The Ulster County Development Corporation And The City of Kingston; Approving The Delivery Of Project Funds And Administrative Fee To The Ulster County Development Corporation; Establishing Capital Project No. 378; And Amending The 2013 General Fund And Capital Fund Budgets

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Maloney, Roberts, Briggs, and John Parete); The Economic Development and Tourism Committee (Chairman Maloney and Legislators Maio, Roberts, Loughran and Wishnick); and The Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, Chairman of the Economic Development and Tourism Committee, James F. Maloney, and Chairman of the Ways and Means Committee, Richard A. Gerentine, 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 acquiring, constructing, improving, maintaining, and equipping 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, Session Laws of 2000), which is commonly known as the Ulster County Shovel Ready Law, so that the County may fund certain projects; and

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WHEREAS, funds for certain projects are to be administered for the purpose of economic development within 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 Ulster County Legislature (hereinafter referred to as the “Guidelines”); and

WHEREAS, the County, the 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

WHEREAS, pursuant to the Guidelines, the City of Kingston, New York (herein after referred to as the “City”) has submitted an application, copies of which are on file at the offices of the UCDC and the Clerk of the Legislature, for assistance from the Shovel Ready Fund; and

WHEREAS, the application is for a project that would provide for improvements to the storm water drainage system located behind Flatbush Avenue in an industrial area in the City of Kingston; and

WHEREAS, the existing storm system is inadequate to satisfy the discharge of water flows during periods of moderate to heavy rainfall; and

WHEREAS, drainage improvements and proposed mitigation measures, the statement of probable costs, the required permits and approvals for the project are described in Exhibit F of the City’s application, in a document entitled “Report on Drainage Conditions at 132 Flatbush Avenue, City of Kingston prepared by Brinnier and Larios, P.C., dated September 2011;” and

WHEREAS, the total Project cost, including engineering, surveys, permits, construction of storm drains, inspection and legal administration is \$507,565; and

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WHEREAS, \$125,000.00 in funding from the Shovel Ready Fund is requested for this Project, with the remaining Project cost of \$382,565.00 to be funded with \$132,565.00 from the City, and \$125,000.00 each from the manufacturing companies Stavo Industries, Inc. and Wolf-tec, Inc., both of Kingston, New York; and

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

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

WHEREAS, the City'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, commercial, or other industrial use, as well as some residential use; and

WHEREAS, the City's zoning of the site is predominantly industrial use; 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 for industrial use and will thereby retain and develop industry and commerce and thus promote the economic welfare and prosperity of Ulster County inhabitants; and

WHEREAS, this project has been approved in the Ulster County 2013 - 2018 Capital Program; now, therefore, be it

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

Section 1. The storm water drainage improvement Project Application from the City of Kingston for \$125,000.00 from the Shovel Ready Fund is approved.

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

Section 3. The delivery of \$ 125,000.00 from the County to the UCDC to be paid to the City pursuant to the disbursement agreement and in accordance with the Agreement, is authorized subject to the contingencies set forth herein being met by the City.

Section 4. The delivery of \$1,250.00 from the County to the UCDC as an administrative fee in accordance with the Agreement is approved.

Section 5. This resolution is subject to further agreement between the City and the County for any purposes related hereto including (1) conveying joint ownership of the Project, constructed in part with County funds, to the City and the County, subject to the obligations of the City, its successors and assignees to operate and maintain such portions, and (2) indemnifying 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.

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Section 6. This resolution is subject to permits, easements, and satisfaction of all conditions in the Memorandum of Understanding (MOU) dated May 22, 2012, between the City, the County, Stavo Industries, Inc., and Wolf-tec, Inc., and

Section 7. The City has determined (1) that the proposed project will not have significant effect on the environment, and as Lead Agency has rendered a Negative Declaration as an unlisted action, (2) that the proposed project may be progressed as a Type II action in accordance with 6 NYCRR Part 617.21 of the State Environmental Quality Review Act (SEQRA), and (3) that the action does not require any further determination or procedure under SEQRA.

Based upon examination by the Ulster County Legislature, the County's funding of this Project constitutes a Type II action as defined under Sections 4.2.6 and 4.5.5 of the County of Ulster's SEQRA Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010; and be it further

RESOLVED, that the 2013 Ulster County Budget is hereby amended as follows:

TRANSFER

<u>FROM</u>		<u>AMOUNT</u>
A4-1331-4553 (App. #)	Contingent Account	\$ 1,250.00
<u>TO</u>		<u>AMOUNT</u>
A4-2801-4951 (App. #)	Ulster County Development Corp Shovel Ready – City of Kingston	\$ 1,250.00

and be it further

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RESOLVED, that the 2013 Ulster County Capital Fund Budget is hereby amended as follows:

Establish Capital Project No. 378 for the County's Share of \$125,000.00 of a Shovel Ready Project for \$507,565.00 in the City of Kingston for the storm water drainage system behind Flatbush Avenue, and

CREATE

H4-0378-2911 Construction
Storm Water Improvement Project
Shovel Ready-City of Kingston

H3-0378-5710 Serial Bonds, Ulster County
(Rev. #)

INCREASE

AMOUNT

H4-0378-2911 Construction \$ 125,000.00
(Appr#) Storm Water Improvements
Shovel Ready-City of Kingston

H3-0378-5710 Serial Bonds, Ulster County \$ 125,000.00
(Rev. #)

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 0
(Legislator Briggs left at 10:15 PM)
(Absent: Legislator Lopez)

Passed Committee: Public Works and Capital Projects on February 12, 2013

Passed Committee: Economic Development and Tourism on February 13, 2013

Passed Committee: Ways and Means on February 5, 2013

FINANCIAL IMPACT:

\$125,000.00 – CAPITAL PROJECT FUND APPROPRIATIONS

\$125,000.00 – COUNTY SERIAL BONDS (15 Years)

\$ 1,250.00 – BUDGETED COUNTY DOLLARS - (CONTINGENT ACCOUNT)

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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 19th Day of February, 2013, 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 February in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
22nd Day of February, 2013.

Approved by the County Executive this
_____ Day of February, 2013.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Michael P. Hein, County Executive