

Establishing And Funding Capital Project No. 629 – ARPA Brownfields Redevelopment – Planning Department

Referred to: The American Rescue Plan Act Special Committee (Chairman Criswell and Legislators Corcoran, Levine, Lopez, and Sperry), The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Erner, Maloney, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairman of the ARPA Special Committee, Peter J. Criswell, and Deputy Chair Thomas Corcoran, Jr. offer the following:

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

WHEREAS, pursuant Resolution No. 333 dated August 17, 2021 the Ulster County Legislature created Capital Project No. 597, entitled “ARP Housing;” and

WHEREAS, pursuant to Resolution No. 547 dated December 2, 2021, the Ulster County Legislature adopted the 2022-2027 Capital Improvement Program which recommended funding for Capital Project No. 597 including a Brownfields Redevelopment initiative to address foreclosure eligible properties that potential environmental contamination issues that needed better understanding prior to the County taking title; and

WHEREAS, according to the USEPA a brownfield is a property for which “redevelopment or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant” the understanding of which allows for cleanup and reinvestment in these properties that benefits neighbors, communities and the County through removal of environmental hazards, and blight that encourages development at the site and on adjoining properties, creating opportunities neighborhood compatible reuse while reducing pressure to develop green field sites, and increasing the local tax base; and

WHEREAS, there are over thirty properties in the current inventory of foreclosure eligible properties for which Ulster County has deferred initiating proceedings due to documented concerns demonstrating a protection for environmental conditions that would expose the County to potential liability for cleanup while at the same time precluding their potential for redevelopment; and

WHEREAS, Ulster County continues to make the town and school district whole while being unable to auction the properties and is owed approximately \$11 million in back taxes; and

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WHEREAS, under this program Ulster County would avail itself of a mechanism in NY Environmental Conservation Law known as a Temporary Incidence of Ownership (TIO) to gain entry to the properties for the purposes conducting the necessary environmental investigations to understand the risks involved prior to foreclosure eliminating the risk of entering the chain of title; and

WHEREAS, knowing more about the environmental issues that would result from the investigation allows the County to make an informed decision about foreclosure and if foreclosed allows the buyer to make an informed decision concerning purchase. Finally, if significant contamination exists, studies provide the rational nexus for the property to be referred to either the USEPA or the NYSDEC for participation in one of the cleanup programs, and for the county to seek a reduction in the property’s value during that time; and

WHEREAS, the American Rescue Plan Act (ARPA) provided funding to state and local governments known as the State and Local Fiscal Recovery Fund (SLFRF) to broadly address the impacts of the Pandemic and ensure an equitable recovery whereby a Final Rule on the uses of SLFRF funds includes, as an eligible activity costs associated with acquiring and securing legal title of vacant or abandoned properties and other costs to position the property for current or future productive use; and

WHEREAS, it is the intent to use ARPA SLFRF funds for the environmental testing and studies associated with brownfield properties; and

WHEREAS, testing and environmental studies have been determined to be a Type II action under 6 NYCRR Part 617 of the Regulations of Article 8 of the Environmental Conservation Law of New York and no further environmental review is required; now, therefore be it

RESOLVED, that the 2022-2027 Capital Improvement Program is amended as follows to ensure each Capital Project is assigned a unique number:

	<u>DELETE</u>	<u>AMOUNT</u>
Capital Project No. 597	ARP–Brownfields Redevelopment	\$1,000,000.00

and, be it further

RESOLVED, that Capital Project No. 629 for the Brownfields Redevelopment be established as follows:

<u>CREATE</u>	<u>AMOUNT</u>
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Capital Project No. 629 Brownfields Redevelopment \$750,000.00

and, be it further

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

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.8097.0629-4300.4360 (App. #)	Environmental Services	\$750,000.00
HH.8097.0629-3400.4995 (Rev. #),	Federal Aid, ARPA	\$750,000.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 1
(Noes: Legislator Maloney)

No Action Taken in Committee: American Rescue Plan Act on March 30, 2022

Passed Committee: Public Works and Capital Projects as amended on April 5, 2022

Passed Committee: Energy, Environment and Sustainability on April 7, 2022

Passed Committee: Ways and Means on April 12, 2022

Passed Committee: American Rescue Plan Act on April 13, 2022

FINANCIAL IMPACT:

\$750,000.00 – COUNTY CAPITAL FUND APPROPRIATIONS

\$750,000.00 – FEDERAL CAPITAL FUND REVENUES

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 19th Day of April in the year Two Thousand Twenty-Two, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of April in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
22nd Day of April 2022.

Approved by the County Executive this
26th Day of April 2022.

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

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive