

Establishing Policy For Use Of The Environmental Remediation Fund

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk, and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio and Maloney, and Richard Parete)

Legislator John Parete offers the following:

WHEREAS, Resolution No. 42 established an Environmental Remediation Fund; and

WHEREAS, a policy is required to ensure the proper use of this fund; and

WHEREAS, this fund was established with a goal of returning qualifying environmentally blighted property in Ulster County to a useful status within a reasonable timeframe; now, therefore be it,

RESOLVED that the Ulster County Legislature hereby adopts the following policies regarding the use of the Fund:

1. The purpose of the fund is to pay for the evaluation and/or remediation of properties identified in the County's annual tax foreclosure process as having, or potentially having environmental problems.
2. The Legislature hereby recommends that a list of at least ten parcels to evaluate and remediate will be created and maintained using the following criteria and considerations:
 - a. property which has already been evaluated/studied;
 - b. property which can be more easily remediated, or which may involve limited environmental problems;
 - c. parcels which have large market value;
 - d. ongoing businesses which are not paying taxes and are not being foreclosed on due to environmental concerns;
 - e. property which has had interest in purchase expressed and/or has high potential for redevelopment and reuse.
3. The Legislature hereby recommends that an Environmental Site Review of these parcels will be conducted. This review will involve the preparation of a data report listing information sources and findings, site features and conditions observed during the visual inspection, and conclusions regarding the potential or confirmed existence of recognized environmental conditions that warrant further investigation and/or remediation. Recommendations for further site investigation or remediation, if necessary, will be included. It is anticipated that the County, in

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its tax foreclosure process, may request County Court to grant "temporary incident of ownership" to gain access to the property for remedial investigation.

4. The Legislature recommends that in cases involving parcels which have been remediated by NYS Department of Environmental Conservation or the New York State Environmental Protection and Spill Compensation Fund, the County will negotiate with the State to permit its tax foreclosure process to continue, by seeking the removal of any environmental liens covering State cleanup costs.

5. The Legislature hereby recommends that parcels be selected for evaluation and remediation, using the criteria and considerations defined above, by a team that includes the Chairman of the Energy and Environment Committee, the Chairman of the Ways and Means Committee, the Commissioner of Finance, the Director of the County Planning Department, and Director of the Department of the Environment and the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Wishnick)

Postponed in Committee: Energy and Environment on February 4, 2015

Passed Committee: Energy and Environment as amended on March 4, 2015

Passed Committee: Ways and Means on March 17, 2015

Referred back to the Ways and Means Committee at Legislative Session on March 17, 2015

Passed Committee: Ways and Means as amended on April 15, 2015

FINANCIAL IMPACT:
NONE

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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 21st Day of April in the year Two Thousand and Fifteen, 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 23rd Day of April in the year Two Thousand and Fifteen.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
23rd Day of April, 2015.

Approved by the County Executive this
28th Day of April, 2015.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

[s] Michael P. Hein
Michael P. Hein, County Executive