

RONDOUT WATERSHED, ULSTER COUNTY

Intermunicipal Agreement

Regarding

Rondout Creek Watershed Management Plan

THIS AGREEMENT, dated March 4, 2010, by and between the **Rondout Creek Watershed Council (RCWC)** and the Rondout Creek Watershed Municipalities in Ulster County of the Town of Warwarsing, a municipal corporation having its principal place of business at P.O. Box 671, 108 Canal Street, Ellenville, NY 12428; the Town of Rochester, a municipal corporation having its principle place of business at 50 Scenic Road, P.O. Box 65, Accord, NY 12404, the Town of Marbletown, a municipal corporation having its principal place of business at P.O. Box 217, 3775 Main Street, Stone Ridge, NY 12484 and the Town of Rosendale, a municipal corporation having its principle place of business at, P.O. Box 423, 424 Main Street, Rosendale, NY 12472; here and after referred to as the **Rondout Creek Watershed Management Towns (Towns)**.

WITNESSETH THAT:

WHEREAS: The **RCWC** and the **Towns** wish to work together to cooperatively develop a Watershed Management Plan to preserve and protect the Rondout Creek watershed and its water resources (the "Watershed"), and

- a) To promote intermunicipal cooperation by and between the Rondout Watershed municipalities;
- b) To protect, enhance, and utilize the unique assets of the Watershed;
- c) To develop and enhance existing public education, monitoring, and study (scientific understanding) to improve Watershed Awareness regarding the relationship of water quantity and quality to the health and sustainability of the Rondout Creek and Hudson River Ecosystem;
- d) To educate the public on environmental issues affecting the Watershed;
- e) To encourage sustainable economic development that is resource-based and considers the importance of preserving biodiversity; and
- f) To make recommendations to support these goals and findings of the Watershed planning process.

WHEREAS, the parties of this agreement, desire to form and send representatives to a Watershed Planning Committee of the RCWC, hereafter referred to as the **Committee**, which will meet no less than quarterly to administer and oversee the planning process and the implementation of the **Rondout Watershed Management Plan**, hereafter referred to as the **Plan**;

WHEREAS, the parties of this agreement desire Hudson River Sloop Clearwater, Inc. (Clearwater), who has been contracted by the New York State Department of Environmental Conservation (NYSDEC) Hudson River Estuary Program (HREP), to provide for the day-to-day coordination of the RCWC in designing the Rondout Creek Watershed Management Plan;

WHEREAS, under Articles 5-G Section 119-O (1) of the General Municipal Law of the State of New York, municipalities have the authority to enter into intermunicipal agreements and jointly perform services regarding subjects each separately has the power to perform;

WHEREAS, this intermunicipal agreement is voluntary and non-binding, and will not be construed so as to interfere with or diminish any municipal powers, authority, or regulatory authority of any of the participating municipalities;

WHEREAS: The Plan will recognize the need for communities and private sector stakeholders to work together under a comprehensive vision to protect and enhance the Rondout Creek Watershed;

WHEREAS: The Plan will recognize the need for municipal officials to work together under a comprehensive vision to institute stormwater management and flood mitigation, as these are issues common to the four municipalities; and

WHEREAS: Representative municipal officials from all participating municipalities will have had hosted or attended one presentation on stream monitoring, flood mitigation, and/or biodiversity.

NOW THEREFORE BE IT RESOLVED that in consideration of the terms and conditions herein contained, the parties to this agreement do hereby agree as follows:

FIRST: Each of the parties to this agreement authorizes the **RCWC** to draft the **Rondout Creek Watershed Management Plan**, with the goal of providing for the long-term protection of the watershed of the Rondout Creek;

SECOND: The participating municipalities will work together cooperatively in the decision-making process and share the leadership and ownership in continuing the planning process and, if adopted, implementing the Plan, which will have measurable results that are realistic, delineated on a reasonable timeline, and embodied in an implementation plan that outlines how the recommendations will be accomplished, including funded, and how the RCWC and the WMP will be sustainable over time;

THIRD: The participating municipalities will appoint two representatives to serve as liaisons between the municipality and the RCWC.

FOURTH: The RCWC Committee will report back to the Towns to receive their input at regular intervals throughout the process, at minimum including when the Plan outline is created, when a draft is written, when preliminary recommendations are made and when the final Plan is completed;

FIFTH: That although every effort will be made to include wide stakeholder input and to assure a very collaborative, iterative process, participating in the planning process does not commit the Towns to approve or adopt the Plan;

SIXTH: Through the continuation of the planning process and the implementation of the Plan the various benefits conveyed by the Watershed and its ecosystems will be maintained and enhanced;

SEVENTH: Any employees or contractors hired for the performance of the work under the Plan will be hired without discrimination by reason of race, creed, color, sex, age, physical disability, or national origin;

EIGHT: That any party to this agreement may terminate its participation within the Committee at any time but must do so by notifying within sixty (60) days all other parties in writing of the determination, reasons for the termination, and the effective date thereof. Withdrawal from the agreement by one party shall not operate to terminate the agreement, which shall continue in full force and effect with respect to all other parties;

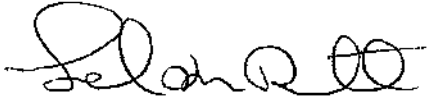
NINTH: This agreement shall be for a nine month period commencing on March 4, 2010 and ending on December 31, 2010;

TENTH: If any term or provision of this agreement or the application thereof shall, to any extent, be invalidated or unenforceable, the remainder of this agreement or the application of such term or provision, other than those to which it is held invalid or unenforceable, shall be unaffected thereby, and each term and provision of the agreement shall be valid and enforceable to the fullest extent permitted by law; and

ELEVENTH: This agreement supersedes all previous Intermunicipal agreements that address the management of the Rondout Creek Watershed.

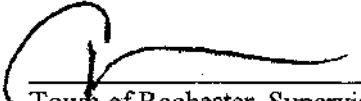
IN WITNESS WHEREOF, the following parties through their Chief Executive Officials of each of the
aforementioned Municipalities have executed this agreement.

SIGNATURES.....



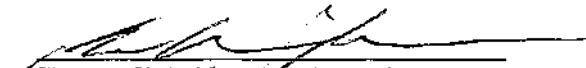
Town of Warwarsing, Supervisor
Leonard M. Distel

3-10-10
Date




Town of Rochester, Supervisor

4/2/2010
Date



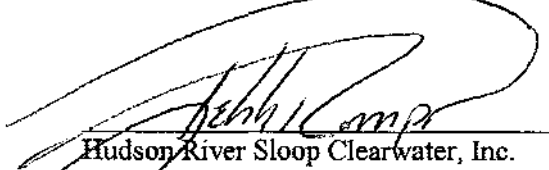
Town of Marbletown, Supervisor

3-22-10
Date



Town of Rosendale, Supervisor

4/15/10
Date



Hudson River Sloop Clearwater, Inc.

3/16/10
Date

Resolution - Rondout Creek Watershed Council Inter-Municipal Agreement Renewal

WHEREAS, the Town Board of the Town of Rosendale recognizes the importance of inter-municipal cooperation in management and protection of resources in the Rondout Valley watershed region; and

WHEREAS, the Town of Rosendale has been a leader in the areas of reducing run-off and non-point source pollution by being the first community in Ulster County to adopt MS4 stormwater regulations; and

WHEREAS, we understand that it far easier and more cost effective to prevent flood damage and water pollution than to correct problems after they have occurred; and

WHEREAS, the Rondout Creek Watershed Coalition has been actively involved in addressing these issues for the past four years, and has been actively involved in the process of creating a watershed management plan that will span the municipalities which make up the non-tidal portion of the Lower Rondout Creek Watershed (Marbletown, Rochester, Rosendale and Wawarsing); and

WHEREAS, the Town of Rosendale desires to renew an inter-municipal agreement with the other towns to help create a watershed management plan, such agreement being attached hereto and made a part hereof,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rosendale shall authorize the Supervise to enter into the above described agreement.

Motion made at a regular meeting of the Town Board of the Town of Rosendale, April 14, 2010,

by Supervisor and seconded by Councilman Minissali

VOTING MEMBERS:

Councilman Gallagher	_____	Yes
Councilwoman Greene	_____	Yes/Abstain
Councilman Hassett	_____	Yes
Councilman Minissali	_____	Yes
Supervisor McDonough	_____	Yes