

ASDRP Resolution:

Resolution (2017-07)

Whereas, on March 21, 2001 the Department of the Army and the State of New York entered into an agreement (the "State Agreement") to perform a Coastal Storm Risk Management Feasibility Study in the Village of Asharoken (the "Feasibility Study") with the State of New York as the Non-Federal Sponsor; and

Whereas, on April 18, 2001 the State of New York and the Village of Asharoken entered into an agreement (the "Village Agreement") wherein the Village agreed to be the Local Sponsor for the Feasibility Study;

Whereas the Village Agreement expressly states that entering into the agreement in no way obligates the Department of Army, the State of New York or the Village of Asharoken to implement a project, and that whether any of said parties budget for implementation funding depends upon the outcome of the Feasibility Study; and

Whereas, prior to completion of the Feasibility Study, the State of New York, by letter dated November 22, 2016, informed the Village of Asharoken that the Department of Army will not complete the Feasibility Study unless, among other things, the Village of Asharoken agrees to construct a specific project alternative; and

Whereas, the Village of Asharoken cannot, and is not required pursuant to the Village Agreement, to agree to construct a specific project alternative until the Feasibility Study is completed and the cost of the project is known; and

Whereas, the Department of Army, by letter dated December 14, 2016, informed the State of New York that, since there has been no clear commitment on the part of the State of New York or the Village of Asharoken to construct the project, the Department of Army was stopping work on the Feasibility Study in accordance with Engineering Regulation, ER 1105-2-100, paragraph 4-3;

Now Therefore, Be It Resolved that the Village of Asharoken considers the Village Agreement to be terminated by the action of the Department of Army and no further action will be taken by the Village of Asharoken with respect to the Feasibility Study.

Motion was made by Mayor Letica, seconded by Deputy Mayor Pierce

Roll Call Vote:

Trustee Jablonski	AYE
Trustee Ettinger	AYE
Deputy Mayor Pierce	AYE
Mayor Letica	AYE