

**Establishing a Policy To Terminate Current Litigation Between The County Of Ulster And The Catskill Mountain Railroad Company, Inc.**

Referred to: The Economic Development, Tourism, Housing, Planning & Transit Committee (Chairman Briggs and Legislators Allen, Archer, Litts, Maloney, Maio, and Wishnick), and The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Archer, Donaldson, Roberts, and Ronk)

Chairman of the Railroad Advisory Committee, Legislator David B. Donaldson, and Legislators Manna Jo Greene, Craig Lopez, and Richard Parete offer the following:

WHEREAS, the County of Ulster and the Catskill Mountain Railroad Company, Inc. (CMRR) are currently engaged in a lawsuit (Catskill Mountain Railroad Company, Inc. vs County of Ulster, Index No. 13-2352); and

WHEREAS, the County of Ulster retained the law firm of Keane & Beane, PC to represent County interests and to date has incurred over \$75,000 in legal expenses with Keane & Beane, PC, plus additional fees with Andrea C. Ferster, Esq., Hennington, Durham & Richardson Architecture and Engineering, PC (HDR), Ryan Briggs Associates and countless County man hours and resources; and

WHEREAS, CMRR reports they are spending a similar amount when these resources could be put toward more productive and positive uses; and

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Section A2-5(15) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, to date, this legal expense has never been authorized by the County Legislature; and

WHEREAS, the CMRR has a lease agreement with the County of Ulster thru the Industrial Development Agency that will expire on May 31, 2016; and

WHEREAS, the CMRR has stated publically that they would withdraw their lawsuit if and when the County of Ulster agrees not to cancel this lease agreement before it expires on May 31, 2016; now, therefore be it

**Resolution No. 273      September 23, 2014**

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RESOLVED, the County of Ulster will agree to honor the lease with CMRR until it expires on May 31, 2016 provided CMRR operates in accordance with all Federal Railroad Administration (FRA) regulations, agrees to have inspections by Certified FRA track and bridge inspectors and comply with all New York State and Federal laws regarding the operation and maintenance of Class 1 Rail Road; and, be it further

RESOLVED, the County of Ulster makes no commitment to the further operation of CMRR after the lease expires on May 31, 2016, and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:                      NOES:

**Defeated in Committee: Laws and Rules, Governmental Services on September 22, 2014**

Passed Committee: Economic Development, Tourism, Housing, Planning & Transit on \_\_\_\_\_.

FINANCIAL IMPACT:  
UNDETERMINED SAVINGS