

**Rescinding Resolution No. 30 of 2013 And Appointing And Re-appointing Members To The Ulster County Railroad Advisory Committee – Ulster County Legislature**

Referred to: The Economic Development and Tourism Committee (Chairman Maloney and Legislators Maio, Roberts, Loughran and Wishnick)

Legislator Kenneth J. Ronk, Jr. offers the following:

WHEREAS, it has been the intent of the Ulster County Legislature to encourage the development of the County owned railroad **corridor**; and

WHEREAS, the Ulster County Legislature has sought the advice of the citizens of Ulster County in these matters; and

WHEREAS, pursuant to Resolution No. 70 of 1985, the Railroad Advisory Committee was established; and

WHEREAS, pursuant to the Ulster County Charter Section C-16 and the Administrative Code Section A2-11: *“Advisory committees, commissions and boards. Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of the Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex-officio of all such committees, commissions and boards,”* and

WHEREAS, the Ulster County Railroad Advisory Committee was re-established pursuant to Resolution 127 of May 18, 2010, and was to consist of 8 members, two of which were to be current operating railroad representatives; and

WHEREAS, the Ulster County Legislature unanimously adopted Resolution 30 on February 19, 2013, which maintained the committee structure as defined by Resolution 127 of May 18, 2012; and

WHEREAS, on April 11, 2013, The Board of Ethics issued an opinion that states, “appointing individuals to the Ulster County Railroad Advisory Committee with pecuniary interests in the CMRR creates both a conflict of interest and the appearance of a conflict of interest”; and

WHEREAS, the Ulster County Legislature now finds it necessary to alter the structure and membership of the Ulster County Railroad Advisory Committee; now, therefore, be it

**Resolution No. 131      May 14, 2013**

**Rescinding Resolution No. 30 of 2013 And Appointing And Re-appointing Members To The Ulster County Railroad Advisory Committee – Ulster County Legislature**

RESOLVED, that Resolution No. 30 of February 19, 2013 is hereby rescinded; and, be it further

RESOLVED, that the Ulster County Legislature hereby appoints and reappoints the following individuals to the Ulster County Railroad Advisory Committee for the purpose of continuing the on-going efforts of the previous Railroad Advisory Committee; and, be it further

RESOLVED, that the Ulster County Railroad Advisory Committee be comprised of the following members for the term commencing immediately through December 31, 2013, or until new members are appointed and or re-appointed\*:

- Ulster County Legislature (1 member): Legislator Wayne Harris\*;
- Community (~~4~~**2** members): Michael Berardi (Chairman)\* **and** Charles Busick\*, ~~Jim Bruck, and Norman Jette;~~

\*designates re-appointment

and, be it further

RESOLVED, representatives from the Ulster County government and the community are invited to attend all meetings of the Ulster County Railroad Advisory Committee, and may be asked from time to time to participate and advise the Railroad Advisory Committee; and, be it further

RESOLVED, the Ulster County Railroad Advisory Committee will update and report to the Ulster County Legislature's Economic Development and Tourism Committee as to its findings, conclusions and recommendations on an annual basis,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

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

Passed Committee: Economic Development and Tourism on May 7, 2013

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FINANCIAL IMPACT:

NONE

0237

Legislator Maloney motioned, seconded by Legislator Ronk, to add the word “corridor” to the end of the first WHEREAS, and to strike two names, as indicated above, therefore appointing 2 community members to the Committee instead of 4.

MOTION ADOPTED BY THE FOLLOWING VOTE:

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

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14<sup>th</sup> Day of May, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15<sup>th</sup> Day of May in the year Two Thousand and Thirteen.

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