

Authorizing The County Attorney To Commence Litigation In Matters Affecting The Waterways And Estuaries Of Ulster County-County Attorney

The Government Operations & Environmental Services Committee (Chairman Shapiro and Legislators Bernardo, Maio, Robert Parete, Petit and Ronk) offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the County Attorney, and

WHEREAS, the New York City Department of Environmental Protection has been discharging and diverting unprecedented amounts of polluted turbid wastewater from the Ashokan Reservoir down the Lower Esopus Creek for more than 100 days thereby causing harm to Ulster County's farmers, private property owners, municipal property owners, the environment, and municipal water system(s), and

WHEREAS, the New York City Department of Environmental Protection has refused and/or failed to cease this activity despite the numerous requests to do so by various stakeholders including the County of Ulster, and

WHEREAS, the New York State Department of Environmental Conservation has failed to halt this activity notwithstanding the fact that it has the authority to do so, and

WHEREAS, as a result of the foregoing, it is in the best interest of the County of Ulster to proceed with litigation upon behalf of the citizens of Ulster County in these matters which affect the waterways and estuaries of the County, and

WHEREAS, the County Attorney is requesting that authority be granted to commence litigation on behalf of the citizens of Ulster County in matters affecting the waterways and estuaries of the County, and

WHEREAS, the County Attorney shall keep the Ulster County Legislature advised of the status of such litigation during the course of this action, and

WHEREAS, the Government Operations and Environmental Services Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

Resolution No. 48 February 15, 2011

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County Attorney**

RESOLVED, that the Ulster County Legislature hereby authorizes the County Attorney to proceed with litigation against the New York City Department of Environmental Protection and any other parties deemed as necessary by the County Attorney for the purpose of seeking any and all relief including damages against the New York City Department of Environmental Protection and enjoining the New York City Department of Environmental Protection from any further activity in regards to the discharging and diverting of wastewater into the Lower Esopus Creek, and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:
UNKNOWN

0229

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