

Authorizing Funds For The County Attorney To Commence Litigation – In Matters Affecting the Waterways and Estuaries Of Ulster County – Amending The 2011 Ulster County Budget - County Attorney

The Ways and Means Committee (Chairman Gerentine and Legislators Bernardo, Frey, Hansut, Harris, Maio, Maloney, Rodriguez, Lomita, Provenzano and Sheeley) 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 funds be provided 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, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

Resolution No. 49 February 15, 2011

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Litigation – In Matters Affecting the Waterways and Estuaries Of
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RESOLVED, that the 2011 Ulster County Budget is hereby amended as follows:

TRANSFER

<u>FROM</u>		<u>AMOUNT</u>
A4-1331-4553 (App. #)	Contingent Account	\$50,000.00
<u>TO</u>		<u>AMOUNT</u>
A4-1146-4400	Other Fees Professional Services	\$50,000.00

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:

\$50,000.00 – TRANSFER FUNDS FROM CONTINGENT ACCOUNT
BUDGETED

0230

WITHDRAWN BY SPONSOR