

Establishing A Process And Setting An Application Fee For The Ulster County Railroad Advisory Committee To Receive And Review Requests To Use Railroad Lands Owned By Ulster County

The Public Works Committee (Chairman Berardi and Legislators Bischoff, Cahill, Dart, Lomita, Stoeckeler, Fabiano, Felicello and McAfee) offers the following:

WHEREAS, Ulster County is the owner of the former Ulster and Delaware Railroad extending from Kingston to Highmount, and

WHEREAS, pursuant to Resolution No. 144 of 1991, Ulster County authorized the lease of the former Ulster and Delaware Railroad to the Ulster County Industrial Agency (IDA) which assigned that lease to the Catskill Mountain Railroad, and

WHEREAS, Ulster County maintains title and rights to the underlying real estate of the Catskill Mountain Railroad including the right to allow additional crossings or other use of railroad lands, and

WHEREAS, Ulster County pursuant to Resolution No. 31 of 1972 purchased the former Ontario and Western Railroad for highway and recreation purposes and maintains title to the portion of the railroad in the Town of Marbletown, and

WHEREAS, Ulster County, pursuant to Resolution No. 70 of 1985 established an Ulster County Railroad Advisory Committee (UCRAC) to advise the Legislature on matters referred to it concerning the use of railroad lands, and

WHEREAS, Ulster County continues to receive numerous requests for use of railroad lands whose review requires significant use of County resources in order to advise the Legislature, and

WHEREAS, the UCRAC Committee has developed an application package that formalizes the process and information required for their work and recommended that the County establish URAC as the initial review point for all applications involving the use of railroad lands as well as institute an application fee to offset costs, and

WHEREAS, the Ulster County Legislature must approve and authorize any agreements involving the use of railroad lands owned by the County, and

WHEREAS, it is the desire of the Ulster County Legislature to preserve open space upon the railroad lands owned by the County in so far as it is practical, and

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WHEREAS, the Public Works Committee has met and examined the County resources currently utilized in reviewing applications and has recommended a fee of \$500.00 be established as part of the UCRAC application process, and

WHEREAS, the Public Works 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.

RESOLVED, the Ulster County Legislature hereby establishes an application process that provides for the Ulster County Railroad Advisory Committee to receive and review requests for use of railroad lands owned by Ulster County, and render advisory recommendations to the appropriate committee(s) of the Legislature, and

FURTHER RESOLVED, that the application, review and recommendation process by the Ulster County Railroad Advisory Committee shall take into consideration, among other things, the preservation of open space upon the railroad lands owned by the County, and

FURTHER RESOLVED, that all agreements regarding the use of railroad lands owned by the County, the same of which must be approved by the County Attorney, shall include, among other things, terms and conditions that shall indemnify the County as well as requirements that the applicant insure the County of Ulster in at least the amount and type of insurance that the County of Ulster has established as its minimum insurance requirements, and

FURTHER RESOLVED, the Ulster County Legislature hereby sets a fee of \$500.00 payable to the Ulster County Treasurer as necessary to begin consideration of any application for use of railroad lands by the UCRAC, and

FURTHER RESOLVED, that the Ulster County Legislature finds this fee to be consistent with the expenditure of County resources necessary to advise the Legislature on requests to utilize railroad lands it owns, and

FURTHER RESOLVED, that the Ulster County Railroad Advisory Committee shall have the authority to waive the fee on a case-by-case basis for applications made by not-for-profit groups or other community organizations for recreational purposes uses,

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and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 32 NOES: 0
(Absent: Legislator Felicello)

Legislator Bartels motioned, seconded by Legislator Shapiro to amend the resolution to include a fifth "FURTHER RESOLVED" as indicated above.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 32 NOES: 0
(Absent: Legislator Felicello)

FINANCIAL IMPACT:
UNKNOWN

0133