



JANUARY 20, 2011 ADDENDUM

RESOLUTIONS FROM EXECUTIVE COMMITTEE:

1. Furtherance of increased access and public disclosure by certain outside agencies and organizations
2. Authorize contract with Sullivan Legal Aid Panel, Inc.
3. Authorize contract with Sullivan County Conflict Legal Aid, Inc.
4. Execute a Service Agreement with ProAct for discount program services
5. Authorize the County of Sullivan to pursue lead agency status for the SEQRA for the proposed public safety communications project
6. Authorize contract with Sullivan County Long Beards New York State Chapter National Wild Turkey Federation, Inc.
7. Eliminate the unfunded mandates and reduce the underfunded mandates

RESOLUTIONS FROM PLANNING ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE:

8. Resolution to Withdraw Parcels from the 2010 Tax Foreclosure Proceeding and to Cancel Certain Taxes
9. Resolution to Correct the 2011 Tax Roll of the Town of Callicoon for Tax Map #22.-1-26
10. Resolution to Correct the 2011 Tax Roll of the Town of Highland for Tax Map #29.-1-9.5
11. Resolution to Correct the 2011 Tax Roll of the Town of Mamakating for Tax Map #10.-1-21.1
12. Resolution to Correct the 2011 Tax Roll of the Town of Mamakating for Tax Map #32.-8-2
13. Resolution to Correct the 2011 Tax Roll of the Town of Mamakating for Tax Map #76.-5-1
14. Resolution to Correct the 2009 Tax Roll of the Town of Callicoon for Tax Map #28.-1-53
15. Resolution to Correct the 2010 Tax Roll of the Town of Callicoon for Tax Map #28.-1-53
16. Resolution to Correct the 2011 Tax Roll of the Town of Callicoon for Tax Map #28.-1-53
17. Resolution to Correct the 2011 Tax Roll of the Town of Rockland for Tax Map #45.-1-34.2
18. Resolution to Authorize a Mass Correction of Errors to Correct the 2011 Tax Rolls of the County of Sullivan Pursuant to RPTL 556-B
19. Resolution to Authorize a Mass Correction of Errors to Correct the 2011 Tax Roll of the Town of Liberty Pursuant to RPTL 556-B

A RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE IN FURTHERANCE OF INCREASED ACCESS AND PUBLIC DISCLOSURE BY CERTAIN OUTSIDE AGENCIES AND ORGANIZATIONS

WHEREAS, the County of Sullivan, either alone, or in conjunction with the State of New York, provides funding to and/or retains a number of agencies and organizations which the County believes can assist with economic development within the County, and

WHEREAS, by Resolution 477-06 the Sullivan County Legislature required that agencies or organizations funded by the County of Sullivan be required to submit certain performance documentation as a condition of continued eligibility for the receipt of County funding, and

WHEREAS, the County Legislature now finds that the same requirements previously applied to funded agencies by Resolution 477-06 should also be applied to any agency or organization with respect to whom the County Legislature has the right to appoint a member or members to their Boards of Directors or has the right to approve appointments thereto, and

WHEREAS, the County Manager previously directed that the County's MIS Department create a webpage on the Sullivan County website (www.co.sullivan.ny.us) dedicated to the maintenance of minutes of the Sullivan County Legislature, and the Boards of external organizations and agencies which receive funding from the County and agencies that have Board of Directors appointed by the Legislature or the Legislature approves the appointments thereto.

NOW, THEREFORE, BE IT RESOLVED by the Sullivan County Legislature that the following Disclosure and Accountability Program is hereby adopted as the public policy of the County of Sullivan:

1. Each outside agency or organization that is either subject to the requirements of Resolution 477-06 or this resolution, shall submit any and all documents required and requested by the County to the County Manager in a timely manner, as frequently as appropriate, but not less than annually. Documents and reports that are otherwise created or available more frequently shall be transmitted to the County Manager in a timely manner.
2. The County Manager shall have the MIS Department create and maintain an exclusive webpage on the County's website on which all of the reports and documents due to be submitted pursuant to this Resolution and pursuant to Resolution 477-06 shall be placed in a timely manner.
3. The website shall contain and be updated as frequently as data is created or available in a timely manner, on at least an annual basis, to contain the policy's and procedures employed by the entity in granting incentives, and any and all measurement tools employed by the agency. The measurement tools employed by the agency shall be in easily understood language, with clearly defined goals and expectations. This includes, but is not limited to, information on (1) the type and location of the project; (2) the project applicant; (3) the nature and value of all tax exemptions granted to the project and the annual PILOT payments due from and actually paid by the project; (4) the status of new jobs to be created or existing jobs to be retained during the period of financial assistance. Any decision by the agency to (1) continue financial assistance to a project that has changed corporate ownership; (2) extend or alter the terms of a current financial assistance agreement; (3) issue additional debt to support a current project; or (4) re-finance outstanding debt shall be reported and disclosed in a timely manner in accordance with this resolution.
4. The website shall contain and be updated on at least an annual basis and contain a comprehensive list of those projects receiving any county agency granted incentives and an analysis of the performance of each project. Such analysis should concisely convey, in easily understood language, performance over the most

recent reporting period and cumulatively over the life of the project incentive agreement. Such analyses will include, though not be limited to, declaring the following performance elements: total net tax exemption; tax exemption for each respective jurisdiction and class; full-time equivalent employment estimated to result from each project incentive agreement; net full-time equivalent employment change, as determined by the current number of full-time equivalents minus the number of full-time equivalents before the project incentive agreement.

5. There shall be a required policy in accordance with applicable law to determine the process of "Employment Goal Deficit Repayment" of financial assistance provided to a project, if that project failed to satisfy any clearly defined goals and expectations associated with the project. Said policy shall include, but not be limited to (1) the nature and value of all tax exemptions granted to the project and the annual PILOT payments due from and actually paid by the project; and (2) the status of new jobs to be created or existing jobs to be retained during the period of financial assistance.
6. There shall be an annual report to the County Legislature on the overall financial impacts that resulted from the Agency's assistance and incentive programs that once accepted shall become part of the dedicated Website.

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AUTHORIZE A CONTRACT WITH SULLIVAN LEGAL AID PANEL, INC. FOR
THE FISCAL YEAR 2011**

WHEREAS, pursuant to County Law Section 722, Sullivan County is required to provide counsel to persons charged with a crime or who are entitled to counsel pursuant to Section 262 or Section 1120 of the Family Court Act Article 6-C of the Correction Law or Section 407 of the Surrogate's Court Procedure Act, who are financially unable to obtain counsel; and

WHEREAS, Sullivan Legal Aid Panel, Inc., a not-for-profit corporation, has provided, under an existing contract, such services and legal representation of indigents in all matters in Sullivan County which are mandated by statute or case law; and

WHEREAS, the contract with Sullivan Legal Aid Panel, Inc. expired on December 31, 2010 and both parties are desirous of renewing said contract.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE A CONTRACT WITH SULLIVAN COUNTY CONFLICT LEGAL AID, INC.

WHEREAS, the County has adopted a Plan for representation of persons who are financially unable to obtain counsel pursuant to County Law Section 722; and

WHEREAS, in order to provide the required legal counsel to indigents the County shall enter into a contract with Sullivan Legal Aid Panel, Inc. commencing January 1, 2011 through December 31, 2011; and

WHEREAS, the County has a State mandated responsibility to provide representation of indigents in the event there is a conflict of interest with the Sullivan Legal Aid Panel, Inc.; and

WHEREAS, it is in the best interest of the County of Sullivan to contract with Sullivan County Conflict Legal Aid, Inc. to perform this service.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a contract with Sullivan County Conflict Legal Aid, Inc. for one (1) year commencing January 1, 2011, in an amount not to exceed Four Hundred Fifty-Five Thousand (\$455,000) Dollars, said contract be in such form to be approved by the County Attorney; and

BE IT FURTHER RESOLVED, that the Sullivan County Conflict Legal Aid, Inc. shall deliver a document of financial guarantee to the County Attorney; and

BE IT FURTHER RESOLVED, that the County Manager shall negotiate the primary coverage areas between Sullivan Legal Aid Panel, Inc. and the Sullivan County Conflict Legal Aid, Inc. to provide for an more equitable distribution of the caseload involved; and

BE IT FURTHER RESOLVED, that the County Manager shall provide a written report on the results of the negotiations and a recommended plan of primary coverage to the County Legislature within fifteen days of the adoption of this resolution; and

BE IT FURTHER RESOLVED, that the County Manager is hereby directed to develop a Request for Proposal (RFP) for these services for an award from such RFP to be completed in advance of the 2012 Fiscal year.

**RESOLUTION _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AUTHORIZE THE COUNTY MANAGER TO EXECUTE A SERVICE AGREEMENT
WITH PROACT, INC., FOR DISCOUNT PROGRAM SERVICES**

WHEREAS, ProAct, Inc. ("ProAct"), offers a pharmacy prescription drug discount card plan for the dispensing of prescription drugs to eligible individuals as determined by ProAct, and

WHEREAS, the County of Sullivan Community Services Department desires to engage ProAct to perform services relating to the prescription discount card program in substitution of the present NACO discount card program, and

WHEREAS, ProAct will also provide additional discount services including but not limited to vision, LASIK, hearing and dental, and

WHEREAS, ProAct is qualified to perform the matters referred to in the Service Agreement, which is annexed hereto, and

WHEREAS, ProAct is responsible for any pharmacy network administration fees and therefore the County of Sullivan shall incur no expense as demonstrated in the Service Agreement (attached), and

WHEREAS, the eligible individuals are entitled to pay the cash discount pharmacy reimbursement rates as set forth in Exhibit A of the Service Agreement (attached), and

WHEREAS, the agreement shall become effective February 1, 2011 for a term of three (3) years and thereafter shall continue in effect for an additional one (1) year term.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute a Service Agreement with ProAct and said agreement to be in the form approved by the County Attorney.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2011.



PROACT, INC.

SERVICE AGREEMENT

with

SULLIVAN COUNTY

for

DISCOUNT PROGRAM SERVICES

ProAct, Inc.
1230 U.S. Highway 11
Gouverneur, NY 13642

SERVICE AGREEMENT

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PROACT, INC. SERVICE AGREEMENT

THIS SERVICE AGREEMENT, hereinafter referred to as the "AGREEMENT," is entered into this 1st day of January, 2011, and shall be effective on the 1st day of February, 2011 (the "Effective Date"), between ProAct Inc., with offices located at 1230 U.S. Highway 11, Gouverneur, NY 13642, hereinafter referred to as "ProAct," and Sullivan County, hereinafter referred to as "Client," with offices located at 100 North Street, Monticello, NY 12701-5012.

WHEREAS, Client is a municipality organized under the laws of the State of New York and desires to offer a pharmacy prescription drug discount card plan providing for the dispensing of prescription drugs to Covered Persons; and

WHEREAS, Covered Persons may obtain discount services principally through the ProAct Pharmacy Network at negotiated prescription drug prices; and

WHEREAS, Client desires hereby to engage ProAct to perform services relating to prescription Discount Card Program processing, pricing and reporting required by Client. ProAct will also provide additional discount services including but not limited to Vision, LASIK, Hearing and Dental; and

WHEREAS, ProAct is qualified to perform the matters referred to hereunder and is willing to do so upon and subject to the terms and conditions hereof.

NOW THEREFORE, in consideration of the mutual promises and agreement herein contained, Client and ProAct hereby agree as follows:

ARTICLE I DEFINITIONS

1.1 Average Wholesale Price.

The term "Average Wholesale Price" or "AWP" means the published wholesale price of a prescription drug or medication based upon the applicable drug manufacturer's published wholesale price as found in the most current First Data Bank electronic pricing compendia.

1.2 Covered Person.

"Covered Person" shall refer to those individuals and their dependents who are entitled to prescription discount card services through the Discount Card Program.

1.3 Discount Card Program.

The term "Discount Card Program" shall mean a discount program where a Covered Person is entitled to pay the Cash Discount Pharmacy Reimbursement Rates set forth on Exhibit A hereof pursuant to the Discount card Program maintained by ProAct through the ProAct Pharmacy Network.

- 1.4 Implementation Date.
The Implementation Date shall be the date on which the Discount Card Program becomes effective, currently scheduled for February 1, 2011.
- 1.5 ProAct Pharmacy Network.
The “ProAct Pharmacy Network” consists of a pharmacy network established by ProAct to provide covered prescription drugs and other products under the Discount Card Program.

ARTICLE II DUTIES TO BE PERFORMED BY CLIENT

- 2.1 Covered Persons. Client understands that ProAct will provide Discount Cards to all persons within Sullivan County that ProAct deems to be eligible to participate in the Discount Card Program. Client understands that the Discount Card Program will be exclusively offered through the ProAct Pharmacy Network.
- 2.2 Transaction Charges. Client and ProAct acknowledge that the ProAct Pharmacy Network (and not the Client) is responsible for any applicable transaction charges associated with the Discount Card Program.
- 2.3 Pharmacy Network Administration. Client and ProAct understand and agree that the ProAct Pharmacy Network and contracting pharmacies (and not the Client) are responsible for a Pharmacy Network Administration fee.

ARTICLE III DUTIES TO BE PERFORMED BY PROACT

- 3.1 Provision of Services to Client. ProAct agrees to provide to Client the following services: Explanation of Benefits (“EOBs”) sent to participating pharmacies which detail each Claim.
- 3.2 Collection of Payment of Participating Pharmacies. Prior to providing to Covered Person any of the discount services to which such Covered Person is or may be entitled, *ProAct* Pharmacy Network shall be required to collect from Covered Persons the Discount Card Reimbursement Rates set forth on Exhibit A for the applicable prescription drug.
- 3.3 Confidential Covered Persons Information. ProAct and Client agree that all Covered Persons information relating to covered drugs prescribed by a physician, and other records identifying Covered Persons, shall be treated as confidential except to the extent that disclosure may be required pursuant to state or federal laws or regulations or as may be permitted by Client.
- 3.6 Hours of Service. ProAct shall provide an 800 Help Line which shall be available to Client and the ProAct Pharmacy Network during ProAct's regular hours of business. These hours shall be Monday through Friday, 7:00 am to 7:00 pm and Saturday, 8am to

4:30pm Eastern Standard Time (EST) and Eastern Daylight Time (EDT). Restat Pharmacy help desk hours will be Monday through Friday 7:00 am to 12:am. Saturday, 8:00 am to 8:00 pm EST and EDT and Sunday, 8:00 am to 8:00 pm EST and EDT. These hours do not include national holidays, and may be altered at any time. It is agreed, however, that Client and the ProAct Pharmacy Network shall be notified of any changes to schedule of business hours.

3.7 HIPAA Compliance. For the purposes of this Agreement, ProAct agrees that ProAct is deemed to be Client's "Business Associate/Clearinghouse" as the terms are defined in the Privacy Standard of the Federal Register, published on December 28, 2000. ProAct agrees to comply with all applicable regulations published pursuant to the Health Insurance Portability and Accountability Act of 1996, Subtitle F – Administrative Simplification, (referred to in this Agreement as "HIPAA"), prior to the effective enforcement date of each standard. In addition, without limiting any other provision of this Agreement:

- a. all services provided by ProAct under this Agreement will be provided in such a manner as to enable Client to remain at all times in compliance with all HIPAA regulations applicable to Client, to the extent that Client's compliance depends upon the manner in which such services are performed by ProAct; and
- b. all software, application programs and other products licensed or supplied by ProAct under this Agreement will contain such characteristics and functionality (including as applicable, but not limited to, the ability to accept and securely transmit data using the standard HIPAA transaction sets) as necessary to ensure that Client's use of such software, application programs and other products and associate documentation from ProAct will fully comply with the HIPAA regulations applicable to Client.

In the event any amendment to this Agreement is necessary for Client to comply with the HIPAA regulations as they relate to this Agreement or its subject matter, including, but not limited to, requirements pertaining to Business Associate agreements, Client and ProAct will negotiate in good faith to amend, and will amend, this Agreement accordingly, such amendment to be effective prior to the date compliance is required under each standard of the HIPAA regulations.

ARTICLE IV RECORDS

4.1 Maintenance of Records. ProAct shall maintain, in the original form or other media, information received from the ProAct Pharmacy Network. Upon notification to ProAct, Client shall have access to such records during normal business hours.

4.2 Ownership of Records. All information obtained by ProAct shall be the property of ProAct. These records shall remain accessible for examination and audit by Client for six

(6) years after the date of payment of claims, upon prior written notice, at reasonable intervals during the regular business hours of ProAct.

ARTICLE V ASSIGNMENT

- 5.1 Assignment by Client. Client may not assign this Agreement or any portion thereof to any service or organization without first having obtained prior written consent of ProAct, which consent shall not be unreasonably withheld.
- 5.2 Assignment by ProAct. ProAct may not assign this Agreement or any portion thereof to any service or organization without first having obtained prior written consent of Client, which consent shall not be unreasonably withheld.

ARTICLE VI HOLD HARMLESS

- 6.1 Indemnity by ProAct. ProAct shall indemnify and hold harmless Client, and its employees and other agents, from and against any claims, liabilities, damages, judgments or other losses (including attorneys' fees) imposed upon or incurred by them arising out of or as a result of any acts or omissions of ProAct, or its officers, directors, employees or other agents, in connection with the performance of any of their respective obligations under this Agreement.

ARTICLE VII GRIEVANCE PROCEDURE

[Intentionally Omitted]

ARTICLE VIII REBATE ADMINISTRATION

- 8.1 Rebate Disclosure. As constituted, the Discount Card Program will not qualify for rebates from drug manufacturers.

ARTICLE IX GENERAL PROVISIONS

- 9.1 Use of Software. Client acknowledges that ProAct asserts ownership of the entire software system used by ProAct in processing Claims and preparing reports including computer programs, system and program documentation, and other documentation relating thereto, and that such software system is the exclusive and sole property of ProAct. Client disclaims any rights to the system, reports, procedures or forms developed by ProAct.

- 9.2 Waiver. The waiver by either party of any breach of this Agreement shall not constitute a waiver of any subsequent breach of any term or condition hereof.
- 9.3 Severability. If any provision of this Agreement shall be invalid, illegal, or unenforceable by a court of competent jurisdiction, the remaining provisions hereof shall not in any way be affected or impaired thereby.
- 9.4 Choice of Law. This Agreement shall be construed, interpreted, and governed according to the laws of the State of New York.
- 9.5 Force Majeure. Neither ProAct nor Client shall be liable for a failure or delay in performance hereunder arising from acts of God, acts of a public enemy, acts of a sovereign nation or any state or political subdivision or any department or regulatory agency thereof or entity created thereby, acts of any person engaged in a subversive activity or sabotage, fires, floods, earthquakes, explosions, strikes, slow-downs, lockouts or labor stoppage, or freight embargoes, unless caused by either party.
- 9.6 Entire Agreement. This Agreement and the exhibits identified below contain the entire agreement of the parties hereto and supersede all prior agreements, representations and understandings, whether written or oral, between the parties relating to the subject matter hereof. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original.
- 9.7 Notice. Any notice required or permitted by this Agreement, unless otherwise specifically provided for in this Agreement, shall be in writing and shall be deemed given three (3) days after the date it is deposited in the Client States mail, postage prepaid, registered or certified mail, or hand delivered addressed as follows:
- To ProAct: David B. Warner, President
 1230 U.S. Highway 11
 Gouverneur, NY 13642
- To Client: Jonathan Rouls, Legislative Chair
 100 North Street
 Monticello, NY 12701
- With a copy to: Samuel S. Yasgur, County Attorney
 100 North Street
 Monticello, NY 12701
- 9.8 Use of Name. Neither party shall use the other party's name, trade or service mark, logo, or the name of any affiliated company in any advertising or promotional material, presently existing or hereafter established by Client, except in the manner and to the extent permitted by prior written consent of the other party.

- 9.9 Independent Contractors. Client and ProAct are independent entities and nothing in this Agreement shall be construed or be deemed to create a relationship of employer and employee or principal and agent or any relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement is intended to be construed, or be deemed to create, any rights or remedies in any third party, including but not limited to an Eligible Member.
- 9.10 Consent to Amend. This Agreement or any part or section of it may be amended at any time during the term of the Agreement by an amendment in writing executed by duly authorized representatives of ProAct and Client.
- 9.11 Headings. The headings of articles and sections contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- 9.12 Compliance with Laws and Regulations. This Agreement will be in compliance with all pertinent federal and state statutes and regulations. If this Agreement, or any part hereof, is found not to be in compliance with any pertinent federal or state statute or regulation, then the parties shall renegotiate the Agreement for the sole purpose of correcting the non-compliance.
- 9.13 Protection of Confidentiality and Programs. ProAct agrees to ensure the confidentiality of all information obtained from Client including but not limited to: financial, utilization, or any other information related to the delivery of health care. Information may be used in a blinded, cumulative manner by ProAct for general plan performance comparisons.

ARTICLE X EXCLUSIVITY

- 10.1 Client agrees that, during the term hereof, ProAct shall be the sole and exclusive agent for the purpose of administration of Client's discount pharmacy services program to its Covered Persons, as described herein.

ARTICLE XI TERM AND TERMINATION

- 11.1 Term. This Agreement shall become effective on the Implementation Date for a term of three (3) years and thereafter shall continue in effect for additional one (1) year terms unless terminated on its anniversary date by either party by certified or registered mail at least ninety (90) days prior to such date. Termination shall have no effect upon the rights and obligations of the parties arising out of any transactions occurring prior to the effective date of such termination.
- 11.2 Termination. This Agreement may be terminated at any time by either party for failure to comply with any terms or conditions herein stated or for any other just and sufficient

cause provided, however, that sixty (60) days' written notice of such failure shall be given to the offending party and such party shall have the opportunity to cure such noncompliance during such sixty (60) day notice period.

11.3 Termination Without Cause This agreement may be terminated at any time by either party without cause; provided, however, that thirty (30) days' written notice of termination shall be given to the other party.

11.4 Immediate Termination. This Agreement may be terminated by either party upon written notice to the other party in the event: the other party makes an assignment for the benefit of creditors, files a petition of bankruptcy, is adjudicated insolvent or bankrupt, has a receiver or trustee appointed for a substantial part of its property, change of ownership, or has a proceeding commenced against it which will substantially impair its ability to perform hereunder.

The provisions of this Agreement shall bind and inure to the benefit of the parties hereto and their heirs, legal representatives, successors and assignees. This Agreement constitutes the entire understanding between the parties hereto.

PROACT, INC.

SULLIVAN COUNTY

DAVID B. WARNER, R.Ph.
PRESIDENT

DAVID P. FANSLAU
COUNTY MANAGER

DATE

DATE

APPROVED AS TO FORM:

SAMUEL S. YASGUR, COUNTY ATTORNEY

EXHIBIT A
FEE SCHEDULE

PROCESSING FEE:

\$0.00 PER PAID CLAIM

Processing services include the following:

- Monthly utilization and savings reports
- Quarterly network pharmacy utilization reports
- Administration of a standard MAC program (MAC – Maximum Allowable Cost)
- EOB claims payment detail sent to network pharmacies

Discount Card Reimbursement Rates:

Covered Persons shall pay to pharmacies participating in the ProAct Pharmacy Network one hundred percent (100%) of the calculated price of each prescription as follows:

Retail Store Rate

Brand:	AWP – 13% + \$4.00 Dispensing Fee
Generic:	AWP – 15% or MAC + \$4.00 Dispensing Fee

Mail Order Rate

Brand:	AWP – 18% + \$3.25 Dispensing Fee
Generic:	AWP – 48% + \$3.50 Dispensing Fee

Vision, LASIK, and Hearing Discount Services

Above and beyond the stated Prescription Drug Discount Card Services, ProAct, Inc. will provide access to Vision, Hearing, and LASIK service discounts. These services and any future discount services will continue to be provided at no cost to the County and no premium cost to participants, who will pay only the discounted rate for such services.

Discounted Dental Plan

Above and beyond the stated Prescription Drug Discount Card Services, ProAct, Inc. will also provide access to discounted dental plans. This service will be provided at no cost to the County with a premium cost to the participant, who will pay the discounted rate for the selected plan.

**RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AUTHORIZE THE COUNTY OF SULLIVAN TO PURSUE LEAD AGENCY STATUS FOR
THE SEQRA PROCESS FOR THE PROPOSED PUBLIC SAFETY COMMUNICATIONS
SYSTEM PROJECT**

WHEREAS, the County of Sullivan is in the process of investigating the upgrade of its
Emergency and Public Radio Communications System ("Project"), and

WHEREAS, the Project is subject to the requirements of the State Environmental Quality
Review Act (SEQRA) as defined in Title 5 NYCRR Section 617, and

WHEREAS, the Project will include acquisition of new communication frequencies and the
acquisition of new equipment, rehabilitation of existing transmission towers and construction of new
transmission towers, and

WHEREAS, in accordance with the SEQRA requirements the County of Sullivan is eligible
to act as Lead Agency for the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does
hereby authorize the County of Sullivan to pursue designation of and act as Lead Agency for the
SEQRA process for the Project.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2011.

RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE EXECUTION OF A CONTRACT WITH THE SULLIVAN COUNTY LONG BEARDS NEW YORK STATE CHAPTER, NATIONAL WILD TURKEY FEDERATION INC.

WHEREAS, the Sullivan County Long Beards New York State Chapter, National Wild Turkey Federation Inc. provides services, activities and educational programs for the youth in Sullivan County; and

WHEREAS, the County of Sullivan has appropriated \$2,000 in the 2011 County Budget for the Sullivan County Long Beards New York State Chapter, National Wild Turkey Federation Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to enter into a contract at a cost of \$2,000 with the Sullivan County Long Beards New York State Chapter, National Wild Turkey Federation Inc. to enable payment of the budgeted appropriation in such form as approved by the County Attorney, and

BE IT FURTHER RESOLVED, that compliance with all of the reporting requirements of this resolution and resolution 477-06 shall be a precondition for continued eligibility for funding by the County of Sullivan.

**Moved by,
Seconded by,
and adopted on motion, 2011**

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE URGING THE STATE OF NEW YORK TO ELIMINATE THE UNFUNDED MANDATES AND REDUCE THE UNDERFUNDED MANDATES THAT CAUSE COUNTY PROPERTY TAX INCREASES IN CONJUNCTION WITH IMPOSING A CAP ON COUNTY PROPERTY TAXES

WHEREAS, Governor Andrew Cuomo and many State Legislators are supportive of a cap on Local and County property tax levies of 2%, or inflation, whichever is less; and

WHEREAS, little or no action has been taken by the State of New York to decrease or control the costs of unfunded State mandates, which have been driving County property tax levels for decades; and

WHEREAS, without mandate reform, such a cap would be disingenuous because State mandates make up as much as 75 to 85 percent of a County budget, and these State costs increase substantially each year, well over the proposed 2% cap. Some examples:

- County payments to the NYS Retirement System are expected to rise 15% in 2012.
- The local cost of Medicaid rises 3% each year, and Sullivan County will send approximately \$20.5 million of local tax money to Albany in 2012.
- The State continues to shift its costs to Counties in the 2010-11 budget and likely will shift costs in the 2011-12 State budget.
- New York State currently owes Sullivan County about \$15 million, overdue for State services rendered by Sullivan County.
- During the 2010 legislative session, the State shifted over \$100 million in costs to Counties for delivering state services locally in child welfare and youth detention programs, representing yet another unfunded mandate.
- The State of New York has cut aid to Public Nursing Homes.
- The Mental Hygiene mandates require more than \$2 million of property tax revenues annually in Sullivan County.
- Health Insurance premiums through NYSHIP grew by more than 13% in 2011, requiring an additional \$1 million from Sullivan County's property tax levy, or more than a 2% increase.

WHEREAS, Counties are mandated by the State to use County tax dollars to pay for State programs such as Medicaid, mental hygiene, early intervention services, pre-school special education services, public assistance, child welfare, youth detention, jails, and numerous other programs; and

WHEREAS, the property tax cap proposal does nothing to reduce or eliminate the current mandates; and

WHEREAS, the property tax cap proposal allows County boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to County governments, but also unfairly shifting blame to County leaders for property tax increases that are actually caused by the State Government.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature urges the State not to impose a Local or County property tax cap, unless it is coupled with the elimination of the unfunded and underfunded State mandated programs that directly cause County property tax increases; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall transmit copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos , Senate Minority Leader John Sampson, Assembly Speaker Sheldon Silver, Assembly Republican Leader Brian Kolb, State Senator John J. Bonacic, 42nd Senatorial District, Assemblywoman Aileen M. Gunther, 98th Assembly District, all New York State County Governing Bodies, all Sullivan County Towns and Villages, and the New York State Association of Counties.

Resolution No. _____

RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO WITHDRAW PARCELS FROM THE 2010 TAX FORECLOSURE PROCEEDING AND TO CANCEL CERTAIN TAXES

WHEREAS, the County Treasurer is the real property tax Enforcement Officer for the County of Sullivan pursuant to the Real Property Tax Law of the State of New York; and

WHEREAS, five parcels, TH23.-1-66; TH 23.-1-67.1; TH 23.-1-67.2; TH 121.-2-1; TH121.-2-2, meet one or more of the criteria so that they should be withdrawn from the foreclosure proceedings pursuant to Section 1138 of the Real Property Tax Law; and

WHEREAS, with regard to said parcel, the County Treasurer has determined that the commencement of supplementary proceedings pursuant to Section 1138(5) of the Real Property Tax law in the manner provided by Section 990 of the Real Property Tax Law would not be an effective means to enforce collection of the delinquent tax liens at the present time because the property owner is an entity with no apparent assets; and

WHEREAS, there is no practical method to enforce the collection of the delinquent tax liens regarding said parcels and a supplementary proceeding to enforce collection of the taxes would not be effective; and

WHEREAS, it would be in the best interest of the County to have the County Treasurer execute and file a Certificate of Cancellation and a Certificate of Prospective Cancellation affecting said parcels; and

WHEREAS, the County has made the other tax districts whole regarding the delinquent tax liens affecting said parcels; and

WHEREAS, it would be in the best interest of the County to charge back to the various municipal corporations the amount so credited or guaranteed.

NOW, THEREFORE, BE IT RESOLVED, should the Sullivan County Treasurer execute and file a Certificate of Withdrawal pertaining to TH 23.-1-66, TH 23.-1-67.1, TH 23.-1-67.2, TH 121.-2-1, TH 121.-2-2 pursuant to Real Property Tax law Section 1138(1) then he is hereby authorized to issue a Certificate of Cancellation pursuant to Section 1138(6)(b) and to charge back to the affected municipal corporations the amounts so credited or guaranteed pursuant to Section 1138(6)(d), and to file a copy of same with the Assessor of the assessing unit in which said parcel is located, and with the County Director of Real Property Tax Services pursuant to Section 1138(6)(d) of the Real property Tax law, thereby making said parcels exempt until this governing body shall determine that said parcels should be restored to the taxable portion of the assessment roll.

Moved by,
Seconded by,
and adopted on motion, 2011.

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2011
TAX ROLL OF THE TOWN OF CALLICOON FOR TAX MAP #22.-1-26**

WHEREAS, an application dated January 4, 2011 having been filed by Richard and Diane Conroy with respect to property assessed to said applicant on the 2011 tax roll of the Town of Callicoon Tax Map #22.-1-26 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the failure to apply the Enhanced STAR to the School Tax which was relieved onto the 2011 Town and County Tax Roll; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 12, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT
AND REAL PROPERTY COMMITTEE TO CORRECT THE 2011 TAX ROLL OF THE
TOWN OF HIGHLAND FOR TAX MAP #29.-1-9.5**

WHEREAS, an application dated January 5, 2011 having been filed by Robert W. Nelson Jr. & Beatrice M. Nelson with respect to property assessed to said applicant on the 2011 tax roll of the Town of Highland Tax Map #29.-1-9.5 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the vacant property being incorrectly charged a solid waste fee; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 12, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2011
TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #10.-1-21.1**

WHEREAS, an application dated January 3, 2011 having been filed by Town of Mamakating with respect to property assessed to said applicant on the 2011 tax roll of the Town of Mamakating Tax Map #10.-1-21.1 pursuant to Section 554 of the Real Property Tax Law, to correct an unlawful entry on said tax roll resulting from the property being used for highway purposes and as such should have been wholly exempt; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 12, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of an unlawful entry.

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE
2011 TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #32.-8-2**

WHEREAS, an application dated January 5, 2011 having been filed by Patricia M. Tunick with respect to property assessed to said applicant on the 2011 tax roll of the Town of Mamakating Tax Map #32.-8-2 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the property being incorrectly charged the maximum solid waste fee for its class when it should have been charged for only 5 units; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 12, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE
2011 TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #76.-5-1**

WHEREAS, an application dated January 5, 2011 having been filed by Westbrookville Volunteer Fire Co. with respect to property assessed to said applicant on the 2011 tax roll of the Town of Mamakating Tax Map #76.-5-1 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the vacant property being incorrectly charged a solid waste fee; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 12, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT 2009 TAX
ROLL OF THE TOWN OF CALLICOON FOR TAX MAP #28.-1-53**

WHEREAS, an application dated January 6, 2011 having been filed by John and Valerie Denier with respect to property assessed to said applicant on the 2009 tax roll of the Town of Callicoon Tax Map #28.-1-53 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the erroneous calculation of the Disabled Veterans Exemption; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 18, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error.

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute and order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT 2010 TAX
ROLL OF THE TOWN OF CALLICOON FOR TAX MAP #28.-1-53**

WHEREAS, an application dated January 6, 2011 having been filed by John and Valerie Denier with respect to property assessed to said applicant on the 2010 tax roll of the Town of Callicoon Tax Map #28.-1-53 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the erroneous calculation of the Disabled Veterans Exemption; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 18, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error.

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute and order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2011
TAX ROLL OF THE TOWN OF CALLICOON FOR TAX MAP #28.-1-53**

WHEREAS, an application dated January 6, 2011 having been filed by John and Valerie Denier with respect to property assessed to said applicant on the 2011 tax roll of the Town of Callicoon Tax Map #28.-1-53 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the erroneous calculation of the Disable Veterans Exemption; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 18, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2011
TAX ROLL OF THE TOWN OF ROCKLAND FOR TAX MAP #45.-1-34.2**

WHEREAS, an application dated January 4, 2011 having been filed by LuAnne Roberts with respect to property assessed to said applicant on the 2011 tax roll of the Town of Rockland Tax Map #45.-1-34.2 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the property being incorrectly classified as commercial when it should have reflected a vacant land classification which caused it to be incorrectly charged a solid waste fee; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 18, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of a clerical error

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute an order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE A MASS CORRECTION OF ERRORS TO CORRECT THE 2011 TAX ROLLS OF THE COUNTY OF SULLIVAN PURSUANT TO RPTL 556-B

WHEREAS, an application dated January 12, 2011 having been filed by David Fanslau, County Manager, on behalf of the County of Sullivan with respect to properties assessed to property owners on the 2011 tax roll of the Towns of Bethel, Callicoon, Cochection, Delaware, Fallsburg, Forestburgh, Fremont, Highland, Liberty, Lumberland, Mamakating, Neversink, Rockland, Thompson, and Tusten Tax Map #'s on the list attached to the application which is on file in the offices of the Clerk to the Sullivan County Legislature and the Director of Real Property Tax Service, pursuant to Section 556-b of the Real Property Tax Law, to correct a clerical error, on said tax roll by the erroneous entry of solid waste fees that had been charged analogous to a unit of service provided by a special district; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 19, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because Solid Waste Fees were erroneously charged against several properties throughout Sullivan County. With respect to those properties on the list filed in the offices of the Clerk to the Legislature and Director of Real Property Tax Services they have been changed to reflect the intent of the Local Law 7 of 2009, as amended, and the rate schedule set by the Legislature pursuant to Resolution No. 540-10.
- (b) It is the intention of this Legislature that the Correction of Errors provisions of the Real Property Tax Law be applicable to applications to correct solid waste fees on a case by case basis in the same manner as said provisions would be applicable to a tax. When it is determined by a town assessor and the County Direct of Real Property Tax Services that an application to correct a solid waste fee is not covered by any Correction of Errors provisions of the Real Property Tax Law then an application shall be made to and determined by the Grievance or Appeals Board established by the Solid Waste Fee Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this board on the application, execute and order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any refund pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so refunded and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the refund made pursuant to this resolution includes a relieved school tax, the Treasurer shall comply with the provisions of Section 556 (6) (b) of the Real Property Tax Law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**

RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE A MASS CORRECTION OF ERRORS TO CORRECT THE 2011 TAX ROLL OF THE TOWN OF LIBERTY PURSUANT TO RPTL 556-B

WHEREAS, an application dated January 10, 2011 having been filed by Hon. John Schmidt, Supervisor, Town of Liberty with respect to properties assessed to his constituents on the 2011 tax roll of the Town of Liberty Tax Map #'s on the list attached to the application which is on file in the offices of the Clerk to the Sullivan Legislature and the Director of Real Property Tax Service, pursuant to Section 556-b of the Real Property Tax Law, to correct a clerical error, on said tax roll resulting from incorrect sewer district rates of SD033; SD036 and SD042, in the Town of Liberty, caused by a key punch error using the wrong roll year; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated January 19, 2011 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because the tax rate for the aforementioned sewer districts in the Town of Liberty has been recalculated and has changed.

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this board on the application, execute and order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any refund pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so refunded and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the refund made pursuant to this resolution includes a relieved school tax, the Treasurer shall comply with the provisions of Section 556 (6) (b) of the Real Property Tax Law.

**Moved by,
Seconded by,
and adopted on motion, 2011.**