

**Sullivan County Legislature
Special Meeting
September 10, 2009 at 12:00PM**

The Special Meeting of the County Legislature was called to order at 12:01PM by Chairman Rouis with the Pledge of Allegiance.

Roll Call indicated Mr. Sager absent and Mr. Sorensen not present.

The Clerk Read the following Meeting Notice:

A Special Meeting of the County Legislature has been called for **Thursday, September 10, 2009 at 12:00PM** in the Legislative Chambers of the County Government Center, Monticello, N.Y. The purpose of the meeting is to approve two resolutions relating to the new Jail Project: 1. The Environmental Review (Negative Declaration) and 2. The acquisition of the property for the new jail, and to oppose New York City's request to FERC for an abbreviated review of the West of Hudson Hydro-Electric Project.

At this point, Mr. Sorensen joined the meeting.

Business in Order:

RESOLUTION NO. 358-09 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO ISSUE A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE PROJECT TO CONSTRUCT THE NEW COUNTY JAIL ON THE SO-CALLED MAPES SITE

WHEREAS, the County Legislature has previously determined that it would construct a new County jail to replace the existing inadequate and antiquated facility, and

WHEREAS, the County, through a deliberate and deliberative process examined many possible sites for a new County jail, including sites on both County owned property and on private property, and

WHEREAS, the New York State Commission of Corrections reviewed the possible sites identified by the County and advised the County which of those sites would be acceptable for the construction of the new County jail, and

WHEREAS, the County thereafter carefully reviewed all of the potential advantages and disadvantages of each of the sites approved by the Commission of Corrections, and

WHEREAS, as a result of that in-depth process the County selected the so-called Mapes site, which consists of two parcels of land in the Town of Thompson, 37.1 and 43, totaling approximately 50 acres, was selected as the preferred site, and

WHEREAS, pursuant to Resolution 309-09 the Sullivan County Legislature declared itself lead agency with respect to the environmental review of the new jail construction project, and

WHEREAS, pursuant to its agreement with the County for the design of the new County jail, LaBella Associates, PC, conducted an extensive, hard look, environmental review, in conformity with the provisions of the State's Environmental Quality Review Act of the Mapes site, and has completed a long form Environmental Assessment, including detailed appended reports, and

WHEREAS, the referenced environmental assessment concludes that the proposed project at the Mapes site will not have a significant adverse impact on the environment and recommends that the County Legislature issue a Negative Declaration in conformity with the provisions of the LaBella report,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Sullivan County Legislature hereby accepts the Environmental Assessment and accompanying detailed reports submitted by LaBella Associates and based on the reasons described in Appendix F of the SEQR Negative Declaration Notice of Determination of Non-Significance.

2. The Sullivan County Legislature hereby determines based on the above referenced Environmental Assessment and accompanying reports that the construction and operation of the proposed new Sullivan County jail on the Mapes site will not have a significant adverse impact on the environment.
3. Accordingly, the Sullivan County Legislature hereby issues a Negative Declaration, pursuant to the provisions of the Environmental Quality Review Act, with respect to the proposed project to construct and operate a new Sullivan County jail on the Mapes site.

Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote with Mr. Sager absent, unanimously carried and declared duly adopted on motion September 10, 2009.

RESOLUTION NO. 359-09 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE A CONTRACT FOR THE PURCHASE OF THE SO-CALLED MAPES FARM AS THE SITE FOR THE NEW SULLIVAN COUNTY JAIL AND FOR THE DETERMINATION OF A FINAL PRICE FOR SUCH ACQUISITION

WHEREAS, the County Legislature has previously determined that it would construct a new County Jail to replace the existing facility, and

WHEREAS, the County, through a deliberate and deliberative process examined many possible sites for a new County jail, including sites on both County owned property and on private property, and

WHEREAS, the New York State Commission of Corrections reviewed the possible sites and advised the County which of the originally considered sites would be acceptable for the construction of the new County Jail, and

WHEREAS, the County thereafter carefully reviewed all of the potential advantages and disadvantages of each of the sites approved by the Commission of Corrections, and

WHEREAS, as a result of that in-depth process the County selected the so-called Mapes site, which consists of two parcels of land in the Town of Thompson, 37.1 and 43, totaling approximately 50 acres, was selected, and

WHEREAS, the County has already had the proposed site surveyed and appraised and has conducted the requisite field work, studies and analysis and has prepared an environmental assessment of the proposed site, and

WHEREAS, the County Legislature has determined that the construction of the new jail on the Mapes site will not result in any significant adverse environmental impacts and has issued a Negative Declaration with respect to the proposed project on the Mapes site, and

WHEREAS, the sellers have indicated a willingness: (1) to sell the proposed site to the County, (2) to enter into a contract for the sale of the property to the County, and (3) to agree to binding arbitration by a mutually agreed upon arbitrator to determine the final price in the event the County and the sellers are unable to agree on the price, and

WHEREAS, the sellers and the County Attorney have tentatively agreed to employ Steve Hunter, Esq. of Goshen, NY as the above referenced arbitrator,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The County Manager is hereby authorized to execute a contract for the purchase of the so-called Mapes property, which contract shall be in a form approved by the County Attorney, and
2. The County Manager is hereby authorized to enter into an agreement with the Sellers and with Mr. Steve Hunter pursuant to which Mr. Hunter will be retained to serve as the mutually agreed upon arbitrator to establish the final price for the purchase of the property, which agreement shall be in a form approved by the County Attorney, and

3. That the County Attorney is hereby authorized to enter into an arbitration agreement among the County, the attorney(s) for the seller(s) and the arbitrator governing the terms and conditions of the arbitration relating to the price for the site, and
4. That the County Attorney is authorized to commence such price arbitration on the earliest date mutually agreeable to the arbitrator, the attorney(s) for the seller(s) and the County Attorney and any expert or other witnesses whose presence may be required.

Moved by Mrs. Binder, seconded by Mr. Armstrong, put to a vote with Mr. Sager absent, unanimously carried and declared duly adopted on motion September 10, 2009.

**RESOLUTION NO. 360-09 INTRODUCED BY THE PLANNING,
ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE
RESOLUTION TO OPPOSE NEW YORK CITY'S REQUEST TO FERC FOR AN
ABBREVIATED REVIEW OF THE WEST OF HUDSON HYDRO-ELECTRIC
PROJECT, USING THE "TRADITIONAL LICENSING PROCEDURE" IN LIEU
OF THE CURRENT DEFAULT PROCEDURE, KNOWN AS THE
"INTEGRATED LICENSING PROCEDURE"**

WHEREAS, the City of New York ("City") applied for and obtained a Preliminary Permit, dated March 20, 2009, from the Federal Energy Regulatory Commission ("FERC") for a project to develop hydro-electric power on the four existing dams of the Cannonsville, Neversink, Pepacton and Schohairie reservoirs (the "Project"), which comprise part of the City's water supply system; and

WHEREAS, the City submitted to FERC on August 13, 2009, a letter requesting use of FERC's Traditional Licensing Process ("TLP") for review of the Project; and

WHEREAS, the TLP, while authorized under law, represents a deviation from FERC's Integrated Licensing Process ("ILP"), which was adopted as the default procedure under the federal Energy Policy Act of 2005; and

WHEREAS, the ILP is intended to streamline FERC's licensing procedures by "providing a predictable, efficient, and timely process that continues to ensure adequate resource protections;" and

WHEREAS, a goal of the ILP is to ensure timely public involvement by building "a solid foundation of participant understanding and working relationships among parties;" and

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan finds in the City's presentation insufficient justification for deviation from the ILP, based on FERC's five factors for determining situations in which the TLP may be applied: "the likelihood of timely license issuance; the complexity of the resource issues; the level of anticipated controversy; the amount of available information and potential for significant disputes over studies; and the relative cost of the traditional process compared to the integrated process;" and

BE IT FURTHER RESOLVED, that the County of Sullivan hereby registers its opposition the City's request for FERC to use the TLP in reviewing the Project and recommends that FERC deny this request.

Moved by Mr. Wood, seconded by Mr. Hiatt, put to a vote with Mr. Sager absent, unanimously carried and declared duly adopted on motion September 10, 2009.

Mrs. LaBuda stated she doesn't think anyone here wants to build an \$80 million jail, especially in this economic environment. It would be at this point, irresponsible of us not to build the jail and get the ball rolling. There has been talk about building a jail for 20 years now and we can't just keep pushing it off to the next set of legislators. Putting that aside, she thinks our deputies deserve better working environments and she thinks it is just a matter of time before something happens over in the jail and the county being sued for millions. While we don't want to build an \$80 million dollar jail, we have to look at the flip side of the coin. We have to make sure that our deputies are in a safe environment and we have to make sure that we are being responsible legislators to our constituents. She then thanked her colleagues for supporting this in an 8-0 vote and having the confidence of moving forward.

Mrs. Binder concurred.

There being no further comments, Mrs. Binder moved to adjourn, seconded by Mrs. Goodman, put to a vote and carried. The Special Meeting was declared closed at 12:04PM subject to the call of the Chairman.

ANNMARIE MARTIN, Clerk of the Legislature