

**Sullivan County Legislature
Regular Meeting
September 16, 2010 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:00PM by Chairman Rouis with the Pledge of Allegiance.

Roll Call indicated all legislators present.

The Clerk Read the following communications:

1. LETTER FROM LAURIE FENDRICH PLAGENS OF CALLICOON CENTER DATED AUGUST 23, 2010 EXPRESSING THAT GAS DRILLING IS A LOSING PROPOSITION
2. LETTER FROM JOAN KERN OF NORTH BRANCH DATED AUGUST 27, 2010 EXPRESSING HER VIEW OF SULLIVAN COUNTY'S ECONOMIC STATUS AS WELL AS A COPY OF THE NORTH BRANCH NEWSLETTER
3. COPY OF NYSEG'S SEMIANNUAL INVENTORY REPORT OF PCB EQUIPMENT REITRED FROM SERVICE JANUARY 1, 2010 THROUGH JUNE 30, 2010
4. RECORDS DESTRUCTION NOTIFICATIONS IN ACCORDANCE WITH SARA FROM DEPARTMENT OF PUBLIC WORKS DATED AUGUST 26, 2010 AND DEPARTMENT OF FAMILY SERVICES ACCOUNTING UNIT DATED SEPTEMBER 2, 2010
5. TWO PUBLIC HEARING NOTICES FROM THE TOWN OF MAMAKATING TO BE HELD ON SEPTEMBER 21, 2010 AT 7:00PM TO CONSIDER A LOCAL LAW TO AMEND SECTION 199-44a 199-44b (2) (B) (1) (2) AND (3) AND 199-44d (1) (B) FOR STORMWATER AND A LOCAL LAW TO AMEND Article X Section 199-50 199-51D, 199-54.2A & B FOR SEASONAL DWELLINGS
6. NOTICE OF PRELIMINARY DECISIONS OF CATSKILL WATERSHED CORPORATION DATED SEPTEMBER 8, 2010
7. LETTER RECEIVED SEPTEMBER 10, 2010 FROM KATHY KEEN OF KENOZA LAKE REQUESTING HELP WITH THE REPAIR OF THEIR DRIVEWAY

Public Comment

1. Bruce Ferguson read and distributed his comments as well as an article from a Scranton Newspaper and EPA Comments from the Weiden Lake Property Owners Association in Narrowsburg, New York (see attached). This Property Owners Association represents 100 families in Narrowsburg, New York. They are concerned about the safety of their drinking water. He indicated he would forward their comments to the Legislature.
2. Roy Tedoff read the attached letter on behalf of Grace van Hulsteyn.
3. Carol Roig read the attached letter.
4. Jane Roth stated she is a resident of Cochecton. She doesn't have copies of her comments today to pass out. As it already has been stated the Sullivan County Partnership receives funding from the county and is aggressively promoting gas drilling in the county. As quoted in the minutes of the April 2010 Partnership Meeting, the Partnership will be using its website to support gas drilling. This is an inappropriate activity for a publicly funded entity particularly in light of the lack of transparency. Their minutes stated that the Millennium Pipeline is a positive example for gas drillers. She is a resident of the Town of Cochecton and according to Brian DuBois, Town Superintendent of Highways, for the next 5 to 6 years, some part of my taxes will be used to repair road damage caused by the Millennium Pipeline. The taxpayers of Cochecton will be subsidizing this very comfortable corporation. Prior to commencement, a pipeline representative public assured the town officials that the town roads would not be used and equipment would be used only over right of ways. This is not what happened. Heavy equipment was brought on town roads and caused heavy damage to road surfaces. Cracks in the roads will require resurfacing much sooner than usual.

5. Jeff Allison read the attached letter.
6. Pat Shearer stated she lives in Yulan and she has worked in the property insurance industry for nearly 34 years. Her topic concentrates on the liability issues when drilling comes to town. The person who leases the land loses their property and liability insurance because now they have industrial property with increased hazard on their land. That makes liability insurance impossible because of the risks in drilling. It also means what kind of lease was drawn up, the owner of the land can and will be named in any lawsuit resulting from any drilling activity. If major contamination occurs, thousands of people could file suit and that landowner must answer every lawsuit that they are named in. The neighbor of the leasing landowner may lose their insurance because their home is located in an industrial zone. The property may devalue or may be unsellable. Their land and water may be contaminated from drilling. You see, unless this freight train gold rush, Wild West of an industry is regulated, sooner or later, we won't lose.
7. Carolyn Duke stated she is a small business owner in Sullivan County and is speaking on behalf of many small business owners today who have recently moved full time to Sullivan County. She and her husband have decided to make their weekend summer home in Fremont Center, their full time residence in 1992. She opened a pottery studio in their barn. Her husband, in addition to his photography business, opened a full time recording studio where they connected with WJFF radio and other non-profit music groups to hold concerts from time to time. Others followed and took the same risk. They wanted to live in a rural community surrounded by beautiful landscape and take our chances that the county would improve and that is what happened thanks to the Visitor's Association and Chamber of Commerce. We need a thorough impact study on gas drilling. Please consider all sides of this issue before making any decisions.
8. Mark Keppen read his letter to the editor. If natural gas comes here it will not benefit all of us. The threat of drilling in the Marcellous shale has already dug deep into his pockets and drilling hasn't even begun here yet. For 30 years he has lived in Callicoon and have always made a good living building and renovating barns and old farmhouses. These wonderful old buildings have been treasured by the folks in the Delaware Valley which he calls home. Just one well blowout and chemical spill could pollute the land. Visitors and perspective clients come to the area and are taken in by the beauty of the region. He loathes the idea of being pushed out by heavy industry.
9. Dave Colavito read the attached regarding the Creamery.
10. Eileen Haworth Weil thanked everyone who came here today to express their concern about the Partnership, an agency which she has been very much involved. Back in 2004, there was a meeting about concerns which she raised to the legislature. She attended the meeting as well as Jonathan Drapkin, Christopher Cunningham, Kathy LaBuda as well as three other residents of the county. As a result of those concerns, Mike Sullivan resigned and Marc Baez (Vice President at the time) took over. He was the CEO in charge of the Partnership when it was adamantly in violation of the law. This legislature each year still funds the Partnership. It is difficult to find five people in our community who support the project. In regard to gas drilling, she would like more information before it goes forward and she is glad that the legislature has voted for a moratorium on all county property. She very much supports legislative support for the farmers. It is important to encourage the production of local food and support those who provide the local food to us. In regards to the Creamery she feels that Marc Baez and Tom Shepstone were involved in it. She then read a letter regarding her foil request. The Partnership works very closely with the Empire Zone Board. Marc Baez was never officially appointed. However when Mike Sullivan left the board which was right after he resigned from his position at the Partnership, was not appointed. The Partnership was never appointed. Marc Baez took a seat on that board in 2004 for the next three years. He voted and made motions on several big projects applying for Empire Zone benefits such as Monticello Motor Club, Ideal Snacks, etc. Marc Baez served on the board when the Mushroom Factory was certified. Mr. Baez kept his seat on that board until finally it was made known that he and five other seats were involved with the Partnership.
11. Jill Weiner is here on behalf of Catskill Citizens for Safe Energy. She is here to ask for some reform, accountability and transparency for the tax payer funded projects. She has a list of five—now six things that she would like to ask the legislature for. 1. Minutes for all meetings prior to 2010 should be posted for these entities. 2. Post disclosures of all potential conflicts of interest pertaining to contracts, projects and policies. 3. Financial statements that indicate all sources and amounts of taxpayer money from government sources and also indirect taxpayer funding from non-government sources. 4. Post salaries, bonuses and other compensation paid to all officers with taxpayer funding for agencies. 5. The legislature should post in one location of statements, grants, loans and tax incentives given to individuals, institutions and businesses. The legislature should implement the Charter Commission resolution that you already agreed to adopt. We are just asking for clarity and transparency and reform. 6. Eileen Weil just stated that Marc Baez was sitting on boards illegally and it seems that is the case. She heard

that sometime today that Barc Baez has been given a contract or will be given a contract for the Ag Consultant. He in large part, wrote this Creamery Study. She made an appointment weeks ago when she heard Luiz Aragon on the radio talking to Kirsten Gillebrand to help facilitate a Creamery. We are unpaid volunteers and have a full board that will help facilitate a Creamery. Could you wait before voting on this resolution until we have our meeting.

12. Jodi Tenaldi stated that the Department of Family Services is asking for two regular part time positions to be filled by experienced and retired personnel. She is concerned about this because there are people out there without jobs or have been laid off. She doesn't understand. Another issue is providing BOCES with \$61,000 for services. Has there ever been a study done of their success? What makes one person eligible over another?

Mr. Hiatt moved for discussion, seconded by Mrs. Binder. Mr. Sager moved to table for further discussion and review, seconded by Mrs. Goodman, put to a vote and carried with Mr. Armstrong absent.

RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO CREATE TWO PART-TIME POSITIONS IN THE DEPARTMENT OF FAMILY SERVICES

WHEREAS, staffing needs are reviewed on an on-going basis in the Department of Family Services, and

WHEREAS, the Department of Family Services experiences high demand for services at various times during the year, and

WHEREAS, there is a need for the creation of two (2) regular part-time positions to be filled by experienced retired personnel during peak demand for services times that could improve the responses to these peak demand periods and improve caseload to worker ratios and improve the timeline of claims being processed. These positions will be Family Services Investigator (@ Teamsters' entry rate grade 6) and Social Welfare Examiner (@ Teamsters entry rate grade 5), and

WHEREAS, these positions will be the most cost effective way of addressing these demands on a time limited basis and be rotated within the respective units with the most demand at any given time.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of two part-time (20 hour per week) positions as detailed above to be filled by experienced retired personnel from within the Department of Family Services.

RESOLUTION NO. 432-10 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO EXTEND THE ORIGINAL AGREEMENT AS MODIFIED BETWEEN SULLIVAN COUNTY COMMUNITY COLLEGE AND THE SULLIVAN COUNTY SHERIFF'S OFFICE

WHEREAS, an original Agreement was entered into between Sullivan County Community College ("College") and the Sullivan County Sheriff's Office ("Sheriff") dated August 28, 2006 pursuant to Resolution No. 268-06 adopted by the Sullivan County Legislature on July 20, 2006, and

WHEREAS, said original Agreement was entered into to provide on campus security for the College and was modified on August 27, 2007, September 1, 2008, and September 17, 2009 to extend the original Agreement, and

WHEREAS, it is hereby agreed by and between the College and the Sheriff to further modify the Agreement to extend the term from May 31, 2010 to May 31, 2012, with all other terms remaining the same, and

NOW, THEREFORE, BE IT RESOLVED that the County Manager and the Sheriff are hereby authorized to execute a Modification Agreement with the College extending the aforementioned term in a form approved by the County Attorney's Office.

Moved by Mrs. Binder, seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 433-10 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO AUTHORIZE EXECUTION OF ALTERNATIVES TO INCARCERATION CONTRACT THROUGH DECEMBER 31, 2010.

WHEREAS, the County has a five year contract with the New York State Division of Probation and Correctional Alternatives to provide an Alternatives to Incarceration (ATI) Community Service Program which includes Community Service and Pretrial Release, and,

WHEREAS, Resolution No. 357-06 authorized the execution of the Alternatives to Incarceration contract through December 31, 2010, and

WHEREAS, State funding for the Alternatives to Incarceration (ATI) Community Service Program for the contract year January 01, 2010 through December 31, 2010 is \$13,367.00, and

WHEREAS, State funding for the Alternatives to Incarceration Pretrial Release Program for the contract year January 01, 2010 through December 31, 2010 is \$18,457.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be authorized to execute a contract renewal for the ATI Community Service Program and Pretrial Release Program to continue operations dated January 01, 2010 through December 31, 2010, said contract to be in a form approved by the County Attorney's Office, and

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to execute any documents necessary to receive State funding, in such form as the County Attorney shall approve.

Moved by Mr. Hiatt, seconded by Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 434-10 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO AGREEMENTS FOR THE PROVISION OF DOMESTIC VIOLENCE RELATED SERVICES FOR THE PERIOD FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2011

WHEREAS, the County of Sullivan, through the Department of Family Services, is required to provide certain domestic violence related services for Sullivan County individuals and desires to do so through purchase of service contract, and

WHEREAS, the Department of Family Services desires to contract with Community Action Commission to Help the Economy (CACHE) for the provision of domestic violence related services, at a cost not to exceed \$92,000 for the period from January 1, 2011 through December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreement for the provision of domestic violence related services during the period from January 1, 2011 through December 31, 2011, and

BE IT FURTHER RESOLVED, that the form of said contracts will be approved by the Sullivan County Department of Law.

Moved by Mr. Hiatt, seconded by Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 435-10 INTRODUCED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO AUTHORIZE AN AGREEMENT WITH SULLIVAN COUNTY BOCES TO PROVIDE SERVICES UNDER THE WORKFORCE INVESTMENT ACT.

WHEREAS, the Center for Workforce Development is responsible for the implementation of the Title I provisions of the federal Workforce Investment Act of 1998, and

WHEREAS, the Center for Workforce Development contracted with Sullivan County BOCES (“BOCES”) for the provision of certain services for the adult, dislocated worker and youth populations, and

WHEREAS, the contract with BOCES ends September 30, 2010, and

WHEREAS, the Center for Workforce Development wishes to extend this contract through June 30, 2011, and

WHEREAS, the BOCES will continue to provide comprehensive employment, education and training services to eligible participants from October 1, 2010 through June 30, 2011, and

WHEREAS, amount to be charged by BOCES for the above referenced services shall not exceed \$61,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute an agreement with BOCES as described above, said agreement to be in the form approved by the County Attorney, and

BE IT FURTHER RESOLVED, that the above contract will be contingent upon the County receiving the Federal allocations.

Moved by Mr. Hiatt, seconded by Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 436-10 INTRODUCED THE PERSONNEL COMMITTEE AUTHORIZING THE COUNTY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO RATIFY THE ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE TEAMSTERS UNION LOCAL 445 “MAIN UNIT” RELATED TO EMPLOYEES HIRED

WHEREAS, the County Manager, in accordance with his duties specified in the County Charter, has reached a Tentative Agreement on an addendum to the Collective Bargaining Agreement with the Teamsters Union Local 445 “Main Unit” related to employees hired after September 1, 2010 that has been agreed to by the respective membership of said organization, attached hereto as Schedule “A”, and by this reference is made a part hereof, and

WHEREAS, it is in the best interests of Sullivan County for the County Legislature to ratify said Addendum to the Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Legislature hereby:

1. Authorizes the County Manager to execute any documents necessary to ratify the terms and conditions of the addendum to the Collective Bargaining Agreement with the Teamsters Union Local 455 “Main Unit” related to employees hired after September 1, 2010, and
2. Ratifies the Addendum to the Collective Bargaining Agreement that the County Manager reached with the Teamsters Union Local 445 “Main Unit” related to employees hired after September 1, 2010, and

BE IT FURTHER RESOLVED that the County Manager is directed to execute any and all documents as authorized above, in a form that is acceptable to the Special Labor Counsel and the County Attorney.

Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 437-10 INTRODUCED THE PERSONNEL COMMITTEE AUTHORIZING THE COUNTY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO RATIFY THE ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS INTERNATIONAL UNION LOCAL 17 RELATED TO EMPLOYEES HIRED

WHEREAS, the County Manager, in accordance with his duties specified in the County Charter, has reached a Tentative Agreement on an addendum to the Collective Bargaining Agreement with the Laborers International union Local 17 related to employees hired after September 1, 2010 that has been agreed to by the respective Business Manager of said organization, attached hereto as Schedule “A”, and by this reference is made a part hereof, and

WHEREAS, it is in the best interests of Sullivan County for the County Legislature to ratify said Addendum to the Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Legislature hereby:

3. Authorizes the County Manager to execute any documents necessary to ratify the terms and conditions of the addendum to the Collective Bargaining Agreement with the Laborers International Union Local 17 related to employees hired after September 1, 2010.
4. Ratifies the Addendum to the Collective Bargaining Agreement that the County Manager reached with the Laborers International Union Local 17 related to employees hired after September 1, 2010.

BE IT FURTHER RESOLVED that the County Manager is directed to execute any and all documents as authorized above, in a form that is acceptable to the Special Labor Counsel and the County Attorney.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

**Memorandum of Agreement
By and Between
The County of Sullivan
And
Laborers’ International Union of North America
Local No. 17**

The County of Sullivan will hereinafter be designated as the “Employer,” and Laborers’ International Union of North America Local No. 17, will hereinafter be designated as the “Union” or “Local 17.”

Whereas, the parties have been engaged in discussions since August 3, 2010, regarding proposals for the Employer’s participation in an Early Retirement Incentive Program, offered by the NYS Retirement System; and

Whereas, the parties entered into these discussions in a good faith effort to mitigate the projected 2011 budget shortfall and reduce or avoid a workforce reduction through layoffs of existing employees represented by Local 17; and

Whereas, as a result of those discussions, the parties have reached a tentative agreement and are desirous of reducing that agreement to writing, which agreement shall be subject to ratification by the membership of Local 17 and the Sullivan County Legislature,

- 1) The following adjustments to compensation and benefits shall apply to employees hired after September 1, 2010:

- A. Developing an Apprenticeship Program similar to Providence, Rhode Island model for all new employees. Apprentices could start at a reduced salary for 2 years (Example: 80% of Grade II 1st year and 90% of Grade II 2nd year) Program would include hands-on and paid classroom training.
 - B. Would participate in the Local 17 (90/10) Health Plan which would include dental, vision and health. The County could save \$3,920 per employee on family coverage, \$2,664 per employee on single coverage and \$7,920 on 2 person coverage. In no event shall the County of Sullivan contribute more than what would be contributed towards the NYSHIP Plan. The employee would be responsible for any additional premiums above and beyond the County of Sullivan contribution under the NYSHIP Plan.
 - C. Longevity Bonus Schedule and Infrastructure Services Pay would start after 5 years. After completion of five (5) years of service, the new employees shall receive a longevity bonus of \$500.00 and the schedule shall resume as outlined in the existing CBA. After completion of five (5) years of service, the new employees shall receive a infrastructure services pay according to the existing CBA.
- 2) The Employer shall elect to participate in Part A and Part B of the 2010 Early Retirement Incentive offered by the NYS Retirement System.

We affirm, by our signatures below, that the foregoing is a true representation of the tentative agreement reached by the parties.

Dated:

County of Sullivan

David P. Fanslau, M.G.A., ICMA-CM

*Laborers' International Union of
North America Local No. 17*

L. Todd Diorio, Business Agent

RESOLUTION NO. 438-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE AUTHORIZING THE PAYMENT RATE FOR CENTERLINE MILES FOR THE CONTRACT YEAR JULY 1, 2010 – JUNE 30 2011.

WHEREAS, the County of Sullivan, per Resolution No. 232-09, dated June 18, 2009, entered into contract with the Towns of Bethel, Callicoon, Delaware, Fallsburg, Forestburgh, Fremont, Highland, Liberty, Lumberland, Mamakating, Neversink, Rockland and Thompson to provide Snow and Ice control on various County Roads through June 30, 2012; and

WHEREAS, the contract states the Towns will be paid the rate Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

WHEREAS, the County of Sullivan was paid the rate of \$4,866.00 per centerline mile for the 2009 -2010 contract year; and

WHEREAS, Section 135-a of the Highway Law of the State of New York authorizes the County to enter into contracts with the towns and villages for the control of snow and ice conditions on County Roads located within the Towns and Village; and

WHEREAS, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of the County and the Towns.

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan pay the amount of \$4,866.00 per centerline mile for two lane highways and \$7,299.00 for three lane highways to the aforementioned Towns for the contract year July 1, 2010 – June 30, 2011.

Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 439-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, County Road 108 (Saint Joseph's Road) in the Town of Forestburgh has reached terminal serviceability and is in need of rehabilitation over its entire length of 3.73 miles; and

WHEREAS, the Division of Public Works recommends Full Depth Reclamation in addition to the application of a calcium chloride stabilizing agent as the preferred treatment in the first phase of rehabilitation; and

WHEREAS, bids were received for said Full Depth Reclamation and application; and

WHEREAS, Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, NY 13045, is the lowest responsible bidder for such work; and

WHEREAS, the Division of Public Works approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Suit-Kote Corp. at a contract price not to exceed \$70,000.00 and in accordance with Bid No. B-10-60, dated August 31st, 2010, said contract to be in such form as the County Attorney shall approve.

Moved by Mrs. Binder, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 440-10 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE OF THE STATE MULTI-MODAL PROGRAM-AID ELIGIBLE COSTS OF A CAPITAL PROJECT AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a project for the Route 17-Exit 106 Off Ramp Reconstruction, Reconfiguration (A354), P.I.N. 9066.87 (the "Project") is eligible for funding under the New York State's Multi-Modal Program and State Dedicated Funds (I-86) administered by the NYS Department of Transportation ("NYSDOT"); and

WHEREAS, the County of Sullivan desires to advance the Project by making a commitment of advance funding of the non-local share cost of the Project; and

WHEREAS, the County of Sullivan has previously executed a Multi-Modal Program Capital Project Agreement for the Preliminary Engineering and Right-of-Way Incidentals work for which it appropriated \$860,700, through Supplemental Agreement No. 4.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of Sullivan County is authorized to pay in the first instance 100% of the State and non-State share of the cost of Preliminary Engineering work for the Project or portions thereof, and

BE IT FURTHER RESOLVED, that the total sum of \$13,500 is hereby appropriated in the 2010-2011 budgets and made available to cover the cost increase of participation in the above phase of the Project; and

BE IT FURTHER RESOLVED, that in the event the full State and non-State share of the Project exceeds the amount appropriated above, the Sullivan County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT; and

BE IT FURTHER RESOLVED, that the County Manager be, and hereby is authorized to execute all necessary Agreements, certifications or reimbursement requests, in a form approved by the County Attorney, for the Multi-Modal Program and State Dedicated (I-86) Funding on behalf of the County of Sullivan with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of the project costs and permanent funding of the local share of State-aid and all Project costs that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the Project; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Moved by Mr. Sorensen, **seconded by** Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 441-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP) FOR THE ISSUANCE OF A REVOCABLE LAND USE PERMIT

WHEREAS, The County of Sullivan has historically maintained a regional stockpile site on NYCDEP owned Neversink Reservoir water supply property, on lands adjacent to County Road 105A (Hasbrouck Road), south of the Route 55 intersection, in the Town of Neversink, for the annual resurfacing of County Roads; and

WHEREAS, the NYCDEP is prepared to allow the County of Sullivan to continue such practice; and

WHEREAS, the NYCDEP requires the County of Sullivan to agree to all the conditions, fees, rules and regulations governing the issuance of a Revocable Permit, as specified in an offer dated August 18, 2010; and

WHEREAS, said Revocable Permit shall have an initial term of five (5) years with renewal terms of five (5) years for an annual fee of twenty five (25) dollars; and

WHEREAS, the Division of Public Works recommends that such an agreement would be advantageous to the operations of the Division and should be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute an agreement with the NYCDEP, said agreement to be in such form as the County Attorney shall approve.

Moved by Mr. Sager, **seconded by** Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 442-10 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE THE EXECUTION OF A CONTRACT MODIFICATION WITH CORNERSTONE ENGINEERING PLLC

WHEREAS, the County entered into a contract with Cornerstone Engineering PLLC for the permitting and design of the Sullivan County Materials Recovery Facility/Transfer Station (MRF/TS) by Resolution 158-09; and

WHEREAS, at the direction of the New York State Department of Environmental Conservation, permit documents for the Ferndale and Mamakating transfer stations were required in the interim until the MRF/TS is completed; and

WHEREAS, a permit modification is now required for the new MRF/TS to operate as a single-stream recycling facility rather than a dual stream recycling facility.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a contract modification for the aforementioned permit documents with Cornerstone Engineering PLLC, 90 Crystal Run Road, Suite 201, Middletown, NY 10941 at a cost not to exceed \$79,542, said contract to be in such form as the County Attorney shall approve.

Moved by Mrs. Goodman, **seconded by** Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 443-10 INTRODUCED BY PUBLIC WORKS COMMITTEE TO ISSUE A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE OPERATION OF THE SULLIVAN COUNTY MATERIALS RECOVERY FACILITY AND TRANSFER STATION FOR THE TRANSPORT OF SINGLE-STREAM RECYCLABLES TO A PRIVATE PROCESSING FACILITY AND THE USE OF THE FACILITY AND THE EXISTING GLASS STORAGE BUILDING FOR INDOOR TRAILER STORAGE

WHEREAS, the County Legislature, as the Lead Agency, issued a Negative Declaration, pursuant to Resolution 450-09 in accordance with the New York State Environmental Quality Review Act regarding the construction of the Sullivan County Materials Recovery Facility and Transfer Station(the Project) at the Sullivan County Landfill; and

WHEREAS, the County Legislature has submitted documents to the New York State Department of Environmental Conservation for a modification to the project's permit to operate the Materials Recovery Facility component of the project for the transport of single-stream recyclables to a private processing facility and the use of the Project and existing glass storage building for indoor trailer storage; and

WHEREAS, an independent environmental review has been performed by the County Legislature and that pursuant to a short form Environmental Assessment, the County Legislature has concluded that the proposed Project modification is an Unlisted Action and will not have a significant adverse impact on the environment and recommends that the County Legislature issue a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby accepts the Environmental Assessment described in the SEQRA Negative Declaration Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby determines, based on the above referenced Environmental Assessment, that the operation of the Project for the transport of single-stream recyclables to a private processing facility and the use of the Project and existing glass storage building for indoor trailer storage will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, the Sullivan County Legislature hereby issues a Negative Declaration pursuant to the provisions of the Environmental Quality Review Act, with respect to the operation of the Project to transport single-stream recyclables to a private processing facility and the use of the Project and existing glass storage building for indoor trailer storage.

Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 444-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE AUTHORIZING A CALL-OUT INCREASE CLAUSE TO THE PAYMENT RATE FOR CENTERLINE MILES FOR THE CONTRACT YEAR JULY 1, 2010 – JUNE 30 2011.

WHEREAS, the County of Sullivan, per Resolution No. 232-09, dated June 18, 2009, entered into contract with the Towns of Bethel, Callicoon, Delaware, Fallsburg, Forestburgh, Fremont, Highland, Liberty, Lumberland, Mamakating, Neversink Rockland and Thompson to provide Snow and Ice control on various County Roads through June 30, 2012; and

WHEREAS, the Towns have requested an increase in the payment rate per centerline miles if a predefined number of call-outs are exceeded to allow for extra compensation in more severe winters; and

WHEREAS, the number of callouts to activate the increase would be over thirty (30) call-outs of county forces at the SCDPW Livingston Manor Storm Station; and

WHEREAS, the rate increase would be \$100 per centerline mile of County Road maintained by the Town in addition to the current, base rate per mile.

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan pay the amount of \$100.00 per centerline mile to the aforementioned Towns if the number of county call-outs

from the SCDPW Livingston Manor Storm Station exceeds thirty (30) for the contract year July 1, 2010 – June 30, 2011.

Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 445-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE THE SALE OF PROPERTY TO THE SECOND HIGHEST BIDDER(S) FROM THE JUNE 2010 REAL PROPERTY AUCTION

WHEREAS, Sullivan County held a real property auction on June 9th, 2010; and

WHEREAS, Sullivan County Resolution Number 338-10 was adopted on June 17th, 2010 accepting and rejecting bids from the June 2010 Real Property Auction; and

WHEREAS, pursuant to the June 2010 Real Property Auction Terms and Conditions, the first highest bidders were to remit any outstanding balance due to the Sullivan County Treasurer on or before 5:00 p.m. July 27th, 2010; and

WHEREAS, the first highest bidders did not complete the purchase on the following parcels and the second highest bidder(s) has/have agreed to purchase the property for the amount of bid price, plus a ten (10 %) percent auctioneer's commission and additional costs and charges, pursuant to the June 2010 Real Property Terms and Conditions; and

<u>Tract #</u>	<u>Town/Section/Block/Lot Number</u>	<u>Second Bidder</u>	<u>Amount Offered</u>
6	BE19.-1-10.13	Catherine A Burns	\$6,500.00
65	FA28.-1-40.1	Mesbah Abdul	\$1,000.00
128	LI27.-3-6	Sherwin Wilson	\$1,500.00
159	MA13.-3-9.1	Patrick Redican	\$5,000.00

WHEREAS, the purchaser(s) will be responsible for the levied 2010 Town and County tax bill, 2010-2011 School Taxes and the 2011 Town and County Tax; and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to the second highest bidder(s) for their bid amount, plus a 10% auctioneer's commission and other costs & charges.

Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 446-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTY IN THE TOWN OF FALLSBURG KNOWN AS FALLSBURG 51.-1-21.2, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2008 LIEN YEAR

WHEREAS, property located in the Town of Fallsburg designated on the Sullivan County Real Property Tax Map as Fallsburg 51.-1-21.2, Class 481, being 5.00 x 61.36 +/- feet, located on St Hwy 42, is owned by the County of Sullivan and formerly owned by Greater Atlantic LLC Pace Management; and

WHEREAS, there were delinquent taxes due and owing for the 2008 and 2009 for which the County of Sullivan took title to by Deed dated March 9, 2010 and recorded in the Sullivan County Clerk's Office on March 10, 2010 as Instrument #2010-53607; and

WHEREAS, this matter was discussed by the Real Property Advisory Board who advised it is in the best interest of the County of Sullivan to convey the parcel to John Nikic for \$200.00 because this parcel was not sold at the June 2010 auction and he is a owner of an adjoining parcel; and

WHEREAS, the purchaser will be responsible for ten percent of the purchase price (auctioneers fee), the 2010 Town and County taxes, recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges; and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to John Nikic, and upon his payment to the County Treasurer; and

BE IT FURTHER RESOLVED, the purchaser will be responsible for the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

BE IT FUTHER RESOLVED, in the event this conveyance has not been consummated on or before November 1, 2010, then this resolution is void.

Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 447-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTY IN THE TOWN OF MAMAKATING KNOWN AS MAMAKATING 52.-2-23, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2008 LIEN YEAR

WHEREAS, property located in the Town of Mamakating designated on the Sullivan County Real Property Tax Map as Mamakating 52.-2-23, Class 323, being .04 +/- acres, located on Highview Ter, is owned by the County of Sullivan and formerly owned by "Unknown Owner"; and

WHEREAS, there were delinquent taxes due and owing for the 2008 and 2009 for which the County of Sullivan took title to by Deed dated March 9, 2010 and recorded in the Sullivan County Clerk's Office on March 10, 2010 as Instrument #2010-53607; and

WHEREAS, this matter was discussed by the Real Property Advisory Board who advised it is in the best interest of the County of Sullivan to convey the parcel to John Kostanoski for \$300.00 because this parcel was not bid on at the June 2010 auction and he is a owner of an adjoining parcel; and

WHEREAS, the purchaser will be responsible for ten percent of the purchase price (auctioneers fee), the 2010 Town and County taxes, recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges; and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to John Kostanoski, and upon his payment to the County Treasurer; and

BE IT FURTHER RESOLVED, the purchaser will be responsible for the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

BE IT FUTHER RESOLVED, in the event this conveyance has not been consummated on or before November 1, 2010, then this resolution is void.

Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 448-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE APPLICATION FOR FUNDING FROM THE NORTHEAST REGION SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM SPEAKER FUND

WHEREAS, the Northeast Sustainable Agriculture Research and Education (SARE) Program has announced the availability of funding to bring speakers with expertise in sustainable agriculture to meetings, conferences and workshops; and

WHEREAS, this Speaker Fund is intended to disseminate sustainable techniques and approaches; and

WHEREAS, the Division of Planning and Environmental Management has identified a need and proposed project for such funds in an amount not to exceed \$1,000; and

WHEREAS, if awarded, the Speaker Fund will be used to bring a cheese maker to Sullivan County to educate farmers on the cheese making process, to promote value-added and niche business opportunities for farmers and agri-businesses; and

WHEREAS, the knowledge gained by the speaker will promote value-added and niche business opportunities for Sullivan County farmers and agri-businesses, as is consistent with the Sullivan County Agriculture and Farmland Protection Plan.

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature does hereby authorize the Division of Planning and Environmental Management to apply for, accept and administer funding from SARE Speaker Fund in a total amount not to exceed \$1,000; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute any and all necessary documents to accept the grant award, should one be secured, in such a form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that should the funding be terminated, the County shall not be obligated to continue any action undertaken or contemplated to be undertaken for the use of this funding.

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 449-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE APPLICATION FOR FUNDING FROM THE NORTHEAST REGION SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM FOR A 2010 PARTNERSHIP GRANT

WHEREAS, the Northeast Sustainable Agriculture Research and Education (SARE) Program has announced the availability of funding for Partnership Grants; and

WHEREAS, this grant fund is intended to give applicants an opportunity to work with farmers on new approaches to sustainable production or marketing; and

WHEREAS, the Division of Planning and Environmental Management has identified a need and proposed project for such funds in an amount not to exceed \$15,000; and

WHEREAS, if funded, the grant will be used to create a branding and marketing campaign, enabling farmers to market their products while promoting the area to attract future farmers; and

WHEREAS, the branding and marketing campaign will enhance the economic vitality of our agricultural industry, as is consistent with the Sullivan County Agriculture and Farmland Protection Plan.

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature does hereby authorize the Division of Planning and Environmental Management to apply for, accept and administer funding from the SARE Partnership Grant Program in a total amount not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute any and all necessary documents to accept the grant award, should one be secured, in such a form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that should the funding be terminated, the County shall not be obligated to continue any action undertaken or contemplated to be undertaken for the use of this funding.

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 450-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE APPLICATION FOR FUNDING FROM THE NORTHEAST REGION SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM FOR A 2010 SUSTAINABLE COMMUNITY GRANT

WHEREAS, the Northeast Sustainable Agriculture Research and Education (SARE) Program has announced the availability of funding for Sustainable Community Grants; and

WHEREAS, this grant fund is intended to connect agriculture and rural economic development; and

WHEREAS, the Division of Planning and Environmental Management has identified a need and proposed project for such funds in an amount not to exceed \$15,000; and

WHEREAS, if funded, the grant will be used to purchase equipment for a shared-use commercial kitchen; and

WHEREAS, the purchase of equipment will enhance the ability of local farmers to produce value-added products, thereby expanding their market opportunities, as is consistent with the Sullivan County Agriculture and Farmland Protection Plan.

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature does hereby authorize the Division of Planning and Environmental Management to apply for, accept and administer funding from the SARE Sustainable Community Grant Program in a total amount not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute any and all necessary documents to accept the grant award, should one be secured, in such a form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that should the funding be terminated, the County shall not be obligated to continue any action undertaken or contemplated to be undertaken for the use of this funding.

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 451-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO MAKE AN APPOINTMENT TO THE SULLIVAN COUNTY AGRICULTURE AND FARMLAND PROTECTION BOARD

WHEREAS, Legislator Frank Armstrong has resigned as the County Legislature representative on the Sullivan County Agriculture and Protection Board; and

WHEREAS, the Chair of the Planning, Environmental Management, and Real Property Committee has offered to serve as the County Legislature representative; and

WHEREAS, the Planning, Environmental Management, and Real Property Committee has relevant jurisdiction as in accordance with the Administrative Code of the County of Sullivan.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby makes the following appointment to the Sullivan County Agriculture and Farmland Protection Board:

Kathleen LaBuda, County Legislator
For term to expire December 31, 2011

BE IT FURTHER RESOLVED, That the Clerk of the County Legislature is hereby directed to transmit a copy of this resolution to the Sullivan County Agriculture and Farmland Protection Board, and said resolution shall be filed with any appropriate agency.

Moved by Mr. Wood, seconded by Mr. Sorensen, put to a vote with Mrs. LaBuda abstaining and Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 452-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE APPLICATION FOR FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY FOR A COMMUNITY-WIDE BROWNFIELD'S ASSESSMENT GRANT

WHEREAS, the United States Environmental Protection Agency (EPA) has announced availability of funding for 2011 Brownfield's Assessment Grants; and

WHEREAS, the Sullivan County Division of Planning & Environmental Management was approached by the Urban Design Lab (UDL), a joint laboratory of the Earth Institute and Columbia University, to be co-applicant because they have manpower, staff, and expertise to perform the Brownfield assessment; and

WHEREAS, the Brownfield's Assessment Grant Fund provides funds to inventory, characterize, assess, and conduct planning and community involvement related to Brownfield sites; and

WHEREAS, the Division of Planning and Environmental Management has identified a need and proposed project for such funds; and

WHEREAS, if funded, the grant will be used to develop an inventory of Brownfield's, sites contaminated by petroleum, sites contaminated by hazardous waste, and mine-scarred lands in Sullivan County; and

WHEREAS, the above will assist in enhancing Sullivan County's public welfare, environmental health, and economic development potential; and

WHEREAS, only governmental or quasi-governmental entities are eligible to apply for funding under the grant; and

WHEREAS, the County will serve as grant applicant and will enter into contract with the UDL, which will carry out the grant work.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the Commissioner of Planning and Environmental Management to submit an application for \$400,000 in funding for a Community-Wide Grant under the EPA Brownfield's Assessment Grant Program; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute any and all necessary documents to accept the grant award, should one be secured, in such a form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that should the funding be terminated, the County shall not be obligated to continue any action undertaken or contemplated to be undertaken for the use of this funding.

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 453-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL OF THE TOWN OF COCHECTON FOR TAX MAP #16.-1-2.2

WHEREAS, an application dated July 23, 2010 having been filed by Frank Smith with respect to property assessed to said applicant on the 2010 tax roll of the Town of Cochecton Tax Map #16.-1-2.2 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the failure of the assessor to remove estimated completed value even though the improvement was not completed by taxable status date; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated September 1, 2010 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 Mrs. Binder, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 454-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL OF THE TOWN OF COCHECTON FOR TAX MAP #20.-1-7

WHEREAS, an application dated July 23, 2010 having been filed by the Cochecton Community Center with respect to property assessed to said applicant on the 2010 tax roll of the Town of Cochecton Tax Map #20.-1-7 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the failure to charge the correct solid waste fee for a house of worship as authorized by Resolution No. 12 of 2010; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated September 1, 2010 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 Mrs. Binder, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 455-10 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, a bid was received for Custodial Services, and

WHEREAS, UGL Unicco, 275 Grove Street, Suite 3-200, Auburndale, MA 02466, is the lowest responsible bidder for such work, and

WHEREAS, the Division of Public Works approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with UGL Unicco, at a contract price not to exceed \$152,441.00 per year, and in accordance with the bid, B-10-59, dated July 23, 2010 said contract to be in such form as the County Attorney shall approve.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the contract to be awarded for Custodial Services is only for the following County facilities; A) Part I – Complete Cleaning – Community Services (\$52,423.00/year) and Child Care Council (\$1,094.00/year); B) Part II – Partial Cleaning – Government Center, (a) Daily (\$83,909.00/year) and Shared Clinic (\$15,015.00/year).

Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 456-10 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO MODIFY RESOLUTION NO. 222-09 WITH RESIDUALS MANAGEMENT SERVICES, INC.

WHEREAS, pursuant to Resolution No. 222-09, adopted by the Sullivan County Legislature on June 18, 2009, the County Manager executed a contract dated July 1, 2009 with Residuals Management Services, Inc. (“Original Contract”) for the cleaning of the SBR & Leachate Storage Tanks at the Sullivan County Landfill (B-09-31), and

WHEREAS, the Original Contract authorized a one (1) year terms with an option for two (2) additional one – year extensions, at an annual contract price not to exceed \$37,010.00.

WHEREAS, Resolution No. 222-09 should be amended to reflect the intention of the parties that Residuals Management Services, Inc. was to be paid \$37,010.00 annually and not \$37,010.00 for the entire length of the original contract.

NOW, THEREFORE, BE IT RESOLVED, Resolution No. 222-09 should be amended as detailed above.

Moved by Mrs. LaBuda, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 457-10 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO MODIFY RESOLUTION NO. 332-10 WITH MED WORLD PHARMACY FOR SULLIVAN COUNTY JAIL

WHEREAS, pursuant to Resolution No. 332-10 adopted by the Sullivan County Legislature on June 17, 2010, the County Manager executed a Modification Agreement dated July 15, 2010 with Med World Pharmacy, 80 Red Schoolhouse Road, Chestnut Ridge, NY 10977, (“Original Contract”) for Pharmacy Services for the Sullivan County Jail, and

WHEREAS, paragraph #6 of Resolution No. 332-10, must be amended to read:

“NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a modification contract with Med World, at a contract price, for the Sullivan County Jail, not to exceed \$135,000 for 2010, and \$265,000 for 2011. Each year of the contract shall be subject to annual appropriation by the County Legislature.”

WHEREAS, Resolution No. 332-10 should be amended to reflect the intention of the modification is that the additional monies are to be paid for the Sullivan County Jail.

NOW, THEREFORE, BE IT RESOLVED, Resolution No. 332-10 should be amended as detailed above.

Moved by Mr. Wood, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 458-10 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, a bid was received for Runway and Taxiway Painting at the Sullivan County International Airport, and Safety Marking, Inc., 460 Bostwick Avenue, Bridgeport, CT 06605

WHEREAS, Safety Marking, Inc., is the lowest responsible contractor for such work,
and

WHEREAS, the Division of Public Works approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Safety Marking, Inc., at a contract price not to exceed \$150,000.00, and in accordance with the bid, B-10-54, dated July 30, 2010 said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Hiatt, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

MOVED BY MR. SORENSEN, SECONDED BY MRS. LABUDA TO TABLE. RESOLUTION TABLED 5-3 WITH MR. SAGER, MR. ROUIS AND MR. WOOD OPPOSED TO TABLE.

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT WITH BAEZ ASSOCIATES TO PROVIDE TECHNICAL ASSISTANCE IN AREAS RELATED TO THE PRESERVATION, PROMOTION AND DEVELOPMENT OF AGRICULTURE AND FARMLAND IN SULLIVAN COUNTY

WHEREAS, according to Resolution No. 424-10, the Sullivan County Division of Planning and Environmental Management issued a Request for Proposals to seek a consultant to provide technical assistance in areas related to the preservation, promotion and development of agriculture and farmland in Sullivan County; and

WHEREAS, an RFP was issued and proposals were received to provide technical services; and

WHEREAS, Baez Associates, 198 Bridgeville Road, Monticello, NY 12701, is the firm whose proposal met the needs of the RFP; and

WHEREAS, the Commissioner of Planning has reviewed and approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Baez Associates at a contract price not to exceed \$25,000 in 2010 and \$45,000 in 2011, subject to appropriations in the 2011 Adopted Budget, and in such form as the County Attorney shall approve.

RESOLUTION NO. 459-10 INTRODUCED BY EXECUTIVE COMMITTEE OF THE COUNTY LEGISLATURE TO SET A PUBLIC HEARING FOR A PROPOSED LOCAL LAW OF 2010 TO AMEND LOCAL LAW NO. 3 OF 2010 EXTENDING THE OPEN PERIOD UNTIL NOVEMBER 8, 2010 FOR THE 2010 NEW YORK STATE RETIREMENT INCENTIVE PROGRAM PART A – CHAPTER 105, LAWS OF 2010

WHEREAS, there has been introduced and presented at a meeting of the Sullivan County Legislature held on September 16, 2010 a proposed Local Law of the year 2010 entitled “A Local Law to Amend Local Law No. 3 of 2010 Extending the Open Period until November 8, 2010 for the 2010 New York State Retirement Incentive Program Part A – Chapter 105, Laws of 2010”.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on said proposed local law by the Sullivan County Legislature on October 7, 2010 at 9:30 a.m. in the Legislative Chambers, County Government Center, Monticello, New York, and at least six (6) days’ notice of public hearing be given by the Clerk of the Sullivan County Legislature by due

posting thereof on the bulletin board of the County of Sullivan and by publishing such notice at least once in the official newspaper of said County.

Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

COUNTY OF SULLIVAN
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been duly presented and introduced at a meeting of the Legislature of the County of Sullivan, New York, held on September 16, 2010, a proposed Local Law of 2010 entitled "A Local Law to Amend Local Law No. 3 of 2010 Extending the Open Period until November 8, 2010 for the 2010 NYS Retirement Incentive Program Part A - Chapter 105, Laws of 2010".

The proposed Local Law shall amend Local Law No. 3 of 2010 by extending the open period, currently set to expire on October 15, 2010, until Nov. 8, 2010.

NOTICE IS FURTHER GIVEN that the Legislature of the County of Sullivan will conduct a public hearing on the aforesaid proposed Local Law at the Legislative Chambers, County Government Center, Monticello, New York, 12701, on October 7, 2010 at 9:30 a.m. at which time all persons interested will be heard.

DATED: September 16, 2010

ANNMARIE MARTIN
Clerk to the Legislature

RESOLUTION NO. NO. 460-10 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2010 COUNTY BUDGET

WHEREAS, the County of Sullivan 2010 Budget requires modification,

NOW, THEREFORE, BE IT RESOLVED, that the attached budgetary transfers be authorized.

Moved by Mrs. Binder, seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

See Attached

RESOLUTION NO. 461-10 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE AUTHORIZING THE COUNTY MANAGER TO EXECUTE A RIDER TO THE CURRENT CONTRACT WITH THE SCVA RELATED TO ITS PRO-RATA SHARE OF THE I LOVE NEW YORK COSTS

WHEREAS, as part of its contract with the Sullivan County Visitors Association (SCVA) the County contracted to provide the SCVA certain matching funds in respect to the I Love New York funds provided to the SCVA by the State of New York, and

WHEREAS, in past years the State of New York made certain written commitments of I Love New York Funding to the SCVA which the County was able to use as the basis for providing its matching funds, but

WHEREAS, for the year 2010 the State of New York Division of Tourism has only provided the SCVA with an estimate of I Love New York Funding but has not made a commitment, and

WHEREAS, in order to timely produce its portion of certain promotional pieces as part of the I love New York Program the SCVA, in good faith reliance on the estimates provided to it by the New York State Division of Tourism, made certain commitments and caused certain promotional pieces to be produced, and

WHEREAS, the SCVA has requested that the County provide its “matching share” of such expenditures in accordance with the aforesaid contract, and

WHEREAS, the County recognizes an obligation to deal with the SCVA in good faith and to pay its appropriate share of such expenses whether or not the State of New York provides its share,

NOW, THEREFORE, BE IT RESOLVED by the Sullivan County Legislature as follows:

1. The County Manager is hereby authorized to execute a rider to the current contract with the SCVA providing that the County will pay its pro-rata share of the I Love New York Costs, up to a cap of \$75,000 or 5% of the total New York State Matching Funds Budget, whichever is less, calculated as though the State of New York had contributed its share and as though such payments were “Matching Funds” under the original contracting, whether or not the State of New York shall pay its share, providing that the SCVA shall document to the County auditor its actual expenses for the I Love New York Program, and
2. Be it further resolved that this Resolution shall only be applicable for the calendar year 2010, and
3. Be it further resolved that upon such contract modification and the submission of such required documentation the County Auditor shall be authorized to approve such requests for payment.
4. Be it further resolved that the Rider to the SCVA agreement be in a form acceptable to the County Attorney.

Moved by Mrs. Goodman, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion September 16, 2010.

RESOLUTION NO. 462-10 INTRODUCED BY MANAGEMENT & BUDGET COMMITTEE TO TERMINATE AN EXISTING 3-YEAR AGREEMENT FOR ONLINE WESTLAW SERVICES AND ENTER INTO A NEW 3-YEAR AGREEMENT WITH THOMPSON/WEST FOR “WESTLAW NEXT” AND ELIMINATE WESTLAW PRINT SUBSCRIPTIONS THROUGHOUT THE COUNTY.

WHEREAS, Westlaw is a computer based search engine, provided by Thomson/West, created to provide extensive legal research to individuals in various disciplines including Federal statutory and case law and New York State statutory and case law, and

WHEREAS, various County departments have used this online version of their search engine under an existing contract almost on a daily basis since June 2008 and have found it to be extremely helpful in accessing the most up-to-date legal authority available, and

WHEREAS, to reduce overall annual costs to the County and eliminate all redundant expenses for Westlaw paper subscription services and migrate all users to the new online version of Westlaw (now named Westlaw Next), Thomson/West has proposed a new three-year contract which will provide additional licenses for their online product and eliminate print subscription services in an upgrade plan that will provide the County with more databases at a reduced overall annual fee.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to enter into a new three-year contract, for a total not to exceed \$81,236.00, subject to annual budget appropriation, as follows:

2010-2011 = \$25,769.00

2011-2012 = \$27,057.00

2012-2013 = \$28,410.00

in such form as the County Attorney shall approve, and

BE IT FURTHER RESOLVED, that should the County fail to appropriate sufficient funds to pay for this service, its obligations under this agreement shall cease.

Moved by Mr. Sager, seconded by Mr. Hiatt, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

RESOLUTION NO. 463-10 INTRODUCED BY THE MANAGEMENT & BUDGET COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF MAMAKATING TO PROVIDE WEB DEVELOPMENT SERVICES.

WHEREAS, the Town of Mamakating (“Town”) has requested that the County of Sullivan (“County”) aid the Town by performing web development services; and

WHEREAS, the County’s Management Information Systems (“MIS”) department has the knowledge, expertise and ability to aid the Town with web development services; and

WHEREAS, the specific services to be performed by MIS for the Town are detailed on a Schedule of Services, attached hereto, and by this reference made a part hereof; and

WHEREAS, the County shall charge the Town a fee of \$2,250 for the work listed on the Schedule of Services; and

WHEREAS, it is necessary for the County to enter into an Inter-Municipal Agreement (“IMA”) with the Town to provide web development services to the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute an IMA with the Town to provide web development services to the Town for a fee of \$2,250, said IMA to be in a form approved by the County Attorney, and

BE IT FURTHER RESOLVED, that upon completion of work detailed in the Schedule of Services that the County shall have no further obligation to perform web development services for the Town.

Moved by Mr. Sager, seconded by Mr. Hiatt, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** September 16, 2010.

Schedule of Services

County of Sullivan agrees to perform web development services for the Town of Mamakating which may include but is not limited to:

Webpage design, Layout, and Production (~52 hrs.)

- Remove all frames from current website
- Develop new layout
- Transfer all existing data from current website (378 “pages”) to new layout
- Remove JavaScript code embedded into each frame

Content Management System (CMS) for easy maintenance and updates (~10 hrs.)
(Town of Mamakating is required to purchase CMS. Onetime fee \$ 199.97)

- Install & Configure CMS
- Develop databases as required
- Setup initial user accounts with permissions
- Provide initial CMS training

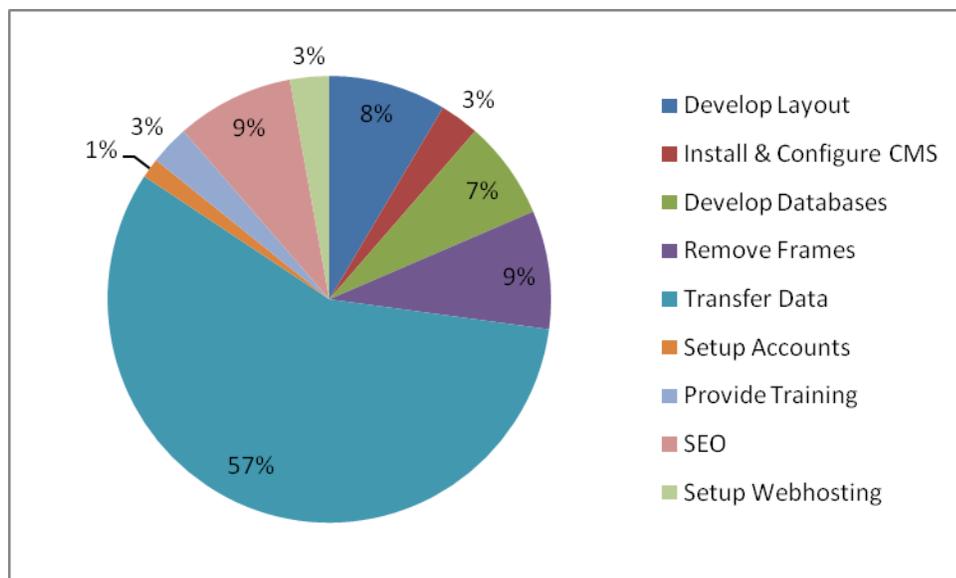
Search engine optimization (~6 hrs.)

- Enhance or develop meta tags for each page
- Enhance title tags

Webhosting (~2 hrs.) (*With County assistance/guidance, Town of Mamakating is financially responsible for setting up a web hosting account. (approx. \$10/month)*)

- County setup and configuration of hosting.

County Charge to Town for the above services: \$
2,250.00



Mr. Hiatt expressed his concern about talking about people personally in public comment.

There being no further business, Mr. Hiatt moved to adjourn, seconded by Mr. Sager, put to a vote and carried. The Regular Meeting was declared closed at 3:31PM subject to the call of the Chairman.

ANNMARIE MARTIN, Clerk of the Legislature