



SULLIVAN COUNTY LEGISLATURE
SULLIVAN COUNTY GOVERNMENT CENTER
100 NORTH STREET
PO BOX 5012
MONTICELLO, NY 12701
845-807-0435
845-807-0447 (fax)

Special Meeting for January 19, 2010 at 9:00AM

Call to Order

Roll Call of Legislators

Reading of the Meeting Notice:

A Special Meeting of the County Legislature has been called for **Tuesday, January 19, 2010 at 9:00AM** in the Legislative Chambers of the County Government Center, Monticello, N.Y. The purpose of the meeting is to discuss the Solid Waste User Fee and other matters related to the Solid Waste System.

Public Comment

1. Amend Resolution No. 474-09 regarding the solid waste user fee for Volunteer Fire and Ambulance Service
2. Amend Resolution No. 474-09 regarding the solid waste user fee for commercial categories
3. Amend Resolution No. 474-09 regarding the solid waste user fee for each Religious Corporation/Entity
4. Amend Resolution No. 474-09 regarding the solid waste user fee for certain property owned by recognized Veterans Organizations
5. Amend Resolution No. 474-09 regarding the solid waste user fee for capping the direct billed user fee for camps, cottages and bungalow colonies
6. Amend Resolution No. 474-09 regarding the solid waste user fee for certain property classified as 680 or 681 cultural facilities
7. Amend Resolution No. 474-09 regarding the solid waste user fee for governmental property owned by towns and villages
8. Authorized Inter-Municipal Agreement between the Town of Neversink related to the transportation of municipal solid waste, bulky waste, construction and demolition debris and recyclable materials
9. Authorized Inter-Municipal Agreement between the Town of Bethel related to the transportation of municipal solid waste, bulky waste, construction and demolition debris and recyclable materials
10. Authorize a mass correction of errors pursuant to RPTL 556-B

Good and Welfare

Recognition of Legislators

Announcements from Chair

Adjournment or Close

Resolution No. _____

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT TO THE USER FEE SCHEDULE FOR VOLUNTEER AMBULANCE SERVICES AND FOR FIRE SERVICES

WHEREAS, on November 13, 2009 the Sullivan County Legislature, after providing the required public notice and conducting a public hearing, adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled “Sullivan County Solid Waste User Fee Article” and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fee, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County’s tax bills in January, 2010, which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and

WHEREAS, following consideration of those issues the Sullivan County Legislature concurred it would be more rational and in the best interests of the County to provide a separate direct billed user fee category for parcels owned by volunteer ambulance and for fire services.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Paragraph “D” of Resolution number 474 of 2009 is hereby further amended by adding a new category of user fees as follows: “Each Volunteer Ambulance and each Fire Service shall pay a single direct billed user fee of eighty four dollars and ninety five cents (\$84.95) for all of the parcels owned by each such Volunteer Ambulance and/or Fire Service”.
2. Upon adoption of this Resolution ___/2010 the County shall forthwith cause amended bills to be sent out to the aforesaid Volunteer Ambulance and Volunteer Fire Services.
3. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.

Moved by _____,

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT TO THE USER FEES FOR COMMERCIAL USERS

WHEREAS, on November 13, 2009 the Sullivan County Legislature, after providing the required public notice and conducting a public hearing, adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled "Sullivan County Solid Waste User Fee Article" and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fee, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County's tax bills in January, 2010 which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and

WHEREAS, the user fee schedule adopted pursuant to Resolution number 474 of 2009, in Paragraph "D" thereof, contained four different commercial property categories with rates based on projected usages, *i.e.*: "Commercial Low", "Commercial Medium", "Commercial High" and "Commercial Very High", and

WHEREAS, the Legislature has determined it would be more rational and equitable and in the County's best interest to have a single rate for all non-residential commercial parcels, except as may be otherwise provided by other Resolutions amending Resolution number 474 of 2009.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Paragraph "D" of Resolution number 474 of 2009 is hereby amended by deleting the four commercial categories, *i.e.* "Commercial Low/Parcel", "Commercial Medium/Parcel", "Commercial High/Parcel" and "Commercial Very High/Parcel" and the rates associated therewith and by substituting therefore a single new category and rate as follows: "Non-Residential Commercial and Other Except as Otherwise Provided - three hundred dollars (\$300.00) per Parcel.
2. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.

3. Upon adoption of this Resolution ___/2010 the County shall forthwith cause amended bills to be sent out to all affected properties.

Moved by _____,

Seconded by _____,

and duly adopted on motion _____, 2010.

Resolution No. _____

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT TO THE USER FEE SCHEDULE FOR CERTAIN PARCELS OWNED BY RECOGNIZED RELIGIOUS ENTITIES

WHEREAS, on November 13, 2009 the Sullivan County Legislature adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled "Sullivan County Solid Waste User Fee Article" and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fees, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County's tax bills in January, 2010, which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and

WHEREAS, following consideration of those issues the Sullivan County Legislature determined it would be more rational and in the best interests of the County to provide a separate user fee category for parcels owned by recognized religious entities on which only the following improvements were contained: a single house of worship and a single residence for a clergyperson or a single house of worship.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Resolution number 474 of 2009 is hereby further amended by adding a new category of user fees to Paragraph "D" of said Resolution as follows: "Each Recognized Religious Corporation/Entity owning a parcel of land which only contains a single house of worship and a single residence for a clergyperson or a single house of worship shall pay a single direct billed user fee of eighty four dollars and ninety five cents (\$84.95) for such parcel".
2. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.

Moved by _____,

Seconded by _____,

**RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE
LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT
TO CERTAIN PROPERTY OWNED BY RECOGNIZED VETERANS
ORGANIZATIONS**

WHEREAS, on November 13, 2009 the Sullivan County Legislature, after providing the required public notice and conducting a public hearing, adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled "Sullivan County Solid Waste User Fee Article" and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fee, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County's tax bills in January, 2010, which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and,

WHEREAS, the Legislature has determined that where improved property is owned by a recognized Veterans' organization and which may contain a meeting hall or other such facility it would be more rational and equitable and in the County's best interest to have such recognized Veteran's organization pay the direct billed residential rate for such property.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Paragraph "D" of Resolution number 474 of 2009 is hereby amended by adding a new sub-paragraph as follows: "Where a recognized Veterans' organization owns improved real property on which a meeting hall or similar facility is located the direct billed user fee rate for any such parcel of property shall be the same as the rate for a single family residence.
2. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.

Resolution No. _____

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT TO CAPPING THE DIRECT BILLED USER FEE FOR CAMPS, COTTAGES AND BUNGALOW COLONIES

WHEREAS, on November 13, 2009 the Sullivan County Legislature, after providing the required public notice and conducting a public hearing, adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled "Sullivan County Solid Waste User Fee Article" and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fee, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County's tax bills in January, 2010, which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and

WHEREAS, the Legislature has determined that where improved property is utilized by a camp, or by a collection of cottages or bungalows it would be more rational and equitable and in the County's best interest to have to have the direct billed user fee for each such parcel capped at a maximum of eight hundred fifty dollars (\$850.00) not-with-standing the number of individual units contained on each such parcel,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Paragraph "D" of Resolution number 474 of 2009 is amended by adding the following language to sub-paragraph "vi" thereof: "Where such improved property is utilized by a camp, or by a collection of cottages or bungalows the direct billed user fee for each such parcel shall be capped at a maximum of eight hundred fifty dollars (\$850.00) regardless of the number of individual improvements contained on each such parcel".
2. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.

Moved by _____,

Seconded by _____,

Resolution No. _____

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT TO CERTAIN PROPERTY CLASSIFIED AS 680 OR 681 CULTURAL FACILITIES

WHEREAS, on November 13, 2009 the Sullivan County Legislature, after providing the required public notice and conducting a public hearing, adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled “Sullivan County Solid Waste User Fee Article” and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fee, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County’s tax bills in January, 2010, which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and

WHEREAS, the Legislature has determined that where improved property is classified as real property class code 680 or 681 Cultural Facilities or a museum it would be more rational and equitable and in the County’s best interest to have such Cultural Facilities or a museum pay the direct billed residential rate for such property.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Paragraph “D” of Resolution number 474 of 2009 is hereby amended by adding a new sub-paragraph as follows: “Where improved property is classified as real property class code 680 or 681 Cultural Facilities or a museum it would be more rational and equitable and in the County’s best interest to have such Cultural Facilities or a museum pay the direct billed residential rate for such property.”
2. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.
3. Upon adoption of this Resolution ___/2010 the County shall forthwith cause amended bills to be sent out to all affected properties.

Resolution No. _____

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION NUMBER 474 OF 2009 WITH RESPECT TO THE USER FEE SCHEDULE FOR GOVERNMENTAL PROPERTY OWNED BY TOWNS AND VILLAGES

WHEREAS, on November 13, 2009 the Sullivan County Legislature adopted Local Law 7/2009 which created Article VII of Chapter 171 of Part II of the Sullivan County Code entitled “Sullivan County Solid Waste User Fee Article” and

WHEREAS, on December 17, 2009, the Sullivan County Legislature, pursuant to the Sullivan County Solid Waste User Fee Article, adopted Resolution number 474 of 2009 establishing a schedule of user fees to be direct billed, in addition to the tipping fee, for the year 2010 to the owners of parcels of improved property in Sullivan County, and

WHEREAS, following the distribution of the County’s tax bills in January, 2010, which contained a separate line item for the direct billed portion of the Solid Waste User Fee with respect to parcels of improved property certain issues were brought to the attention of the members of the County Board of Legislators, and

WHEREAS, after consideration of those issues the Sullivan County Legislature determined it would be more rational and in the best interests of the County and its Towns and Villages to provide a single user fee category for property directly owned by Town and Village governments.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Paragraph “D” of Resolution number 474 of 2009 is hereby amended by adding a new category of user fees as follows: “The fifteen (15) Towns and six (6) Villages shall each pay a single direct billed user fee of eight hundred fifty (\$850.00) dollars with respect to all of the governmental property owned by each such Town or Village.
2. Upon adoption of this Resolution ___/2010 the County shall forthwith cause amended bills to be sent out to the aforesaid Towns and Villages.
3. This Resolution shall be deemed to be effective on the same date as Resolution number 474 of 2009.

Moved by _____,

Seconded by _____,

**RESOLUTION INTRODUCED BY ELWIN "WOODY" WOOD, DISTRICT 3
LEGISLATOR AND LENI C. BINDER, DISTRICT 7 LEGISLATOR TO AUTHORIZE
THE COUNTY MANAGER TO EXECUTE AN INTER-MUNICIPAL AGREEMENT
BETWEEN THE TOWN OF NEVERSINK AND THE COUNTY OF SULLIVAN
RELATED THE TRANSPORTATION OF MUNICIPAL SOLID WASTE, BULKY
WASTE, CONSTRUCTION AND DEMOLITION DEBRIS, AND RECYCLABLE
MATERIALS FROM THE TOWN OF BETHEL TRANSFER
STATION/CONVENIENCE CENTER**

WHEREAS, The Town of Neversink operates a municipal solid waste transfer station located at 7951 State Route 55, P.O. Box 307, Grahamsville, New York; and

WHEREAS, the Town of Neversink and the County desire to enter into an Inter-Municipal Agreement to assure equity in that certain other municipalities in the County are able to utilize County owned or operated transfer stations for the disposal of municipal solid waste, bulky waste and for construction and demolition debris (C & D) without any surcharge over the then current applicable tipping fee charged to all users; and

WHEREAS, the County and Town of Neversink are authorized to enter into an Inter-Municipal Agreement pursuant to General Municipal Law Article 5-G. This Agreement shall permit the County to transport municipal solid waste from the Town's Transfer Station to one of the County's Solid Waste Facilities; and

WHEREAS, the Inter-Municipal Agreement details the duties and obligations of the County and the Town in regard to the County aiding the Town in the transporting of municipal solid waste; and

WHEREAS, the Town of Neversink and the County have agreed to enter into the attached Inter-Municipal Agreement, attached hereto as Schedule "A".

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute an inter-municipal agreement between the Town of Neversink and the County of Sullivan related the transportation of municipal solid waste, bulky waste, construction and demolition debris, and recyclable materials from the town of Neversink transfer station/convenience center, attached hereto as Schedule "A".

INTER-MUNICIPAL AGREEMENT

This Inter-Municipal Agreement (“Agreement”), dated as of January 1, 2010, by and between the County of Sullivan, a municipal corporation, located at 100 North Street, Monticello, New York, (“County”) and the Town of Neversink, a municipal corporation with an address of 273 Main Street, P.O. Box 307, Grahamsville, New York (“Town”).

The Town operates a municipal solid waste transfer station located at 7951 State Route 55, P.O. Box 307, Grahamsville, New York (“Town Transfer Station”). The County operates a municipal solid waste system (“County’s Solid Waste System”) which includes multiple locations for the collection and transportation of municipal solid waste (“County Solid Waste Facilities”) throughout the County.

The Town and the County desire to enter into this Agreement to assure equity in that certain other municipalities in the County are able to utilize County owned transfer stations for the disposal of municipal solid waste, bulky waste and for construction and demolition debris (C & D) without any surcharge over the then current applicable tipping fee charged to all users.

The County and Town are authorized to enter into this Agreement pursuant to General Municipal Law Article 5-G. This Agreement shall permit the County to transport municipal solid waste from the Town’s Transfer Station to one of the County’s Solid Waste Facilities.

This Agreement details the duties and obligations of the County and the Town in regard to the County aiding the Town in the transporting of municipal solid waste.

The Town and the County have agreed to enter into this Inter-Municipal Agreement.

The County’s obligations are as follows:

1. The County shall adopt a resolution authorizing the County to transport municipal solid waste from the Town Transfer Station to one of the County’s Solid Waste Facilities.
2. The County will pick up and transport acceptable municipal solid waste and acceptable bulky and C & D collected at the Town’s Transfer Station to one of the County’s Solid Waste Facilities, without charging the Town for such transportation, pursuant to a schedule to be agreed upon from time to time.
3. The County shall be responsible for the costs and expenses associated with the transportation of the municipal solid waste, bulky waste, and C & D from the Town’s Transfer Station to one of the County’s Solid Waste Facilities.
4. The County will provide the appropriate vehicles and personnel to transport the Town’s roll-off containers containing municipal solid waste, bulky waste, and/or C & D from the Town’s Transfer Station to one of the County’s Solid Waste Facilities.
5. Once the County transports the municipal solid waste, bulky waste, and/or C & D to a County facility it will be the County’s responsibility to properly dispose of same.
6. The County will return the empty roll-off containers to the Town’s Transfer Station.

7. The County will care for the Town's roll-off containers from pick up at the Town's Transfer Station to their return at the Town's Transfer Station.
8. The County will continue to transport recyclables from the Town's transfer station to the County's Materials Recovery Facility at no cost to the Town.
9. The County will maintain appropriate insurance with respect to the Town's roll-off containers during such time as they are being transported and handled by the County.

The Town's obligations are as follows:

1. The Town shall adopt a Resolution authorizing the Town to enter into this Agreement.
2. The Town shall have the municipal solid waste prepared for transportation by loading same into roll off type containers at the Town's Transfer Station.
3. The Town shall be responsible for the costs and expenses associated with preparing the municipal solid waste, bulky waste and/or C & D for transportation.
4. The Town shall be responsible to see to it that only items which meet the criteria for acceptable municipal solid waste and acceptable bulky waste and C & D, and no other items, are placed into the Town's roll-off containers at the Town's Transfer Station.
5. The Town shall provide the County with access to the Town's Transfer Station at the days and times listed in the County's Obligations paragraph #2 above.
6. The Town shall provide the appropriate vehicles, machinery and personnel that will permit the County to pick up the roll off containers.
7. The Town shall provide the County with any information including documents and data the County needs in order to perform its services and shall cooperate with the County at all times the County requests its cooperation.
8. The Town shall pay the County the then applicable tipping fee for municipal solid waste, bulky waste, or C & D for all Municipal Solid Waste, bulky waste, and C & D transported by the County from the Town's transfer station to one of the County's solid waste facilities.
9. The Town shall provide the County with proof of insurance including types and amounts of coverage satisfactory to the County's Director of Risk Management.
10. The Town shall indemnify and hold the County, its officers, employees or agents, harmless for any acts or omissions by the County its officers, employees or agents pursuant to the Agreement. The Town shall also indemnify and hold the County, its officers, employees or agents harmless for any acts or omissions by the Town, its officers, employees or agents pursuant to this Agreement.

Mutual Covenants and Restrictions

1. The County and the Town("Parties") agree and consent to the following covenants and restrictions:
 - a. Either Party can terminate this Agreement, with or without cause, upon sixty (60) days prior written notice to the other Party. Notice shall be sent to the Parties at the addresses listed above.
 - b. Both Parties acknowledge that they have had the opportunity to review this Agreement with their attorney and are prepared to fulfill or comply with all of their respective obligations, duties and covenants contained herein.
 - c. This Agreement shall be governed by the laws of the State of New York. Any disputes relating to this Agreement shall be heard in a court of competent jurisdiction having venue in Sullivan County.
 - d. This Agreement shall be for a term commencing on January 1, 2010 and terminating on December 31, 2010.

The Parties agree to comply with the foregoing obligations and acknowledge their consent to same as indicated by the signatures below. This Agreement is authorized by Resolution No. - 10 adopted by the Sullivan County Legislature on January 21, 2010 and Resolution No. _____ adopted by the Town of Neversink's Board of Trustees on _____, 2010.

TOWN OF NEVERSINK

By: Greg Goldstein, Supervisor

COUNTY OF SULLIVAN

By: David Fanslau, County Manager

**APPROVED TO FORM
SULLIVAN COUNTY ATTORNEY**

By: County Attorney

RESOLUTION INTRODUCED BY DAVID A. SAGER, DISTRICT 1 LEGISLATOR TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN INTER-MUNICIPAL AGREEMENT BETWEEN THE TOWN OF BETHEL AND THE COUNTY OF SULLIVAN RELATED THE TRANSPORTATION OF MUNICIPAL SOLID WASTE, BULKY WASTE, CONSTRUCTION AND DEMOLITION DEBRIS, AND RECYCLABLE MATERIALS FROM THE TOWN OF BETHEL TRANSFER STATION/CONVENIENCE CENTER

WHEREAS, the Town of Bethel operates a municipal solid waste transfer station located at 608 Old White Lake Turnpike, Swan Lake, New York; and

WHEREAS, the Town of Bethel and the County desire to enter into an Inter-Municipal Agreement to assure equity in that certain other municipalities in the County are able to utilize County owned or operated transfer stations for the disposal of municipal solid waste, bulky waste and for construction and demolition debris (C & D) without any surcharge over the then current applicable tipping fee charged to all users; and

WHEREAS, the County and Town of Bethel are authorized to enter into an Inter-Municipal Agreement pursuant to General Municipal Law Article 5-G. This Agreement shall permit the County to transport municipal solid waste from the Town's Transfer Station to one of the County's Solid Waste Facilities; and

WHEREAS, the Inter-Municipal Agreement details the duties and obligations of the County and the Town in regard to the County aiding the Town in the transporting of municipal solid waste; and

WHEREAS, the Town of Bethel and the County have agreed to enter into the attached Inter-Municipal Agreement, attached hereto as Schedule "A".

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute an inter-municipal agreement between the Town of Bethel and the County of Sullivan related the transportation of municipal solid waste, bulky waste, construction and demolition debris, and recyclable materials from the town of Bethel transfer station/convenience center, attached hereto as Schedule "A".

INTER-MUNICIPAL AGREEMENT

This Inter-Municipal Agreement (“Agreement”), dated as of January 1, 2010, by and between the County of Sullivan, a municipal corporation, located at 100 North Street, Monticello, New York, (“County”) and the Town of Bethel, a municipal corporation with an address of 3454 Route 55, P.O. Box 300, White Lake, New York (“Town”).

The Town operates a municipal solid waste transfer station located at 608 Old White Lake Turnpike, Swan Lake, New York (“Town Transfer Station”). The County operates a municipal solid waste system (“County’s Solid Waste System”) which includes multiple locations for the collection and transportation of municipal solid waste (“County Solid Waste Facilities”) throughout the County.

The Town and the County desire to enter into this Agreement to assure equity in that certain other municipalities in the County are able to utilize County owned transfer stations for the disposal of municipal solid waste, bulky waste and for construction and demolition debris (C & D) without any surcharge over the then current applicable tipping fee charged to all users.

The County and Town are authorized to enter into this Agreement pursuant to General Municipal Law Article 5-G. This Agreement shall permit the County to transport municipal solid waste from the Town’s Transfer Station to one of the County’s Solid Waste Facilities.

This Agreement details the duties and obligations of the County and the Town in regard to the County aiding the Town in the transporting of municipal solid waste.

The Town and the County have agreed to enter into this Inter-Municipal Agreement.

The County’s obligations are as follows:

1. The County shall adopt a resolution authorizing the County to transport municipal solid waste from the Town Transfer Station to one of the County’s Solid Waste Facilities.
2. The County will pick up and transport acceptable municipal solid waste and acceptable bulky and C & D collected at the Town’s Transfer Station to one of the County’s Solid Waste Facilities, without charging the Town for such transportation, pursuant to a schedule to be agreed upon from time to time.
3. The County shall be responsible for the costs and expenses associated with the transportation of the municipal solid waste, bulky waste, and C & D from the Town’s Transfer Station to one of the County’s Solid Waste Facilities.
4. The County will provide the appropriate vehicles and personnel to transport the Town’s roll-off containers containing municipal solid waste, bulky waste, and/or C & D from the Town’s Transfer Station to one of the County’s Solid Waste Facilities.
5. Once the County transports the municipal solid waste, bulky waste, and/or C & D to a County facility it will be the County’s responsibility to properly dispose of same.
6. The County will return the empty roll-off containers to the Town’s Transfer Station.

7. The County will care for the Town's roll-off containers from pick up at the Town's Transfer Station to their return at the Town's Transfer Station.
8. The County will continue to transport recyclables from the Town's transfer station to the County's Materials Recovery Facility at no cost to the Town.
9. The County will maintain appropriate insurance with respect to the Town's roll-off containers during such time as they are being transported and handled by the County.

The Town's obligations are as follows:

1. The Town shall adopt a Resolution authorizing the Town to enter into this Agreement.
2. The Town shall have the municipal solid waste prepared for transportation by loading same into roll off type containers at the Town's Transfer Station.
3. The Town shall be responsible for the costs and expenses associated with preparing the municipal solid waste, bulky waste and/or C & D for transportation.
4. The Town shall be responsible to see to it that only items which meet the criteria for acceptable municipal solid waste and acceptable bulky waste and C & D, and no other items, are placed into the Town's roll-off containers at the Town's Transfer Station.
5. The Town shall provide the County with access to the Town's Transfer Station at the days and times listed in the County's Obligations paragraph #2 above.
6. The Town shall provide the appropriate vehicles, machinery and personnel that will permit the County to pick up the roll off containers.
7. The Town shall provide the County with any information including documents and data the County needs in order to perform its services and shall cooperate with the County at all times the County requests its cooperation.
8. The Town shall pay the County the then applicable tipping fee for municipal solid waste, bulky waste, or C & D for all Municipal Solid Waste, bulky waste, and C & D transported by the County from the Town's transfer station to one of the County's solid waste facilities.
9. The Town shall provide the County with proof of insurance including types and amounts of coverage satisfactory to the County's Director of Risk Management.
10. The Town shall indemnify and hold the County, its officers, employees or agents, harmless for any acts or omissions by the County its officers, employees or agents pursuant to the Agreement. The Town shall also indemnify and hold the County, its officers, employees or agents harmless for any acts or omissions by the Town, its officers, employees or agents pursuant to this Agreement.

Mutual Covenants and Restrictions

1. The County and the Town("Parties") agree and consent to the following covenants and restrictions:
 - a. Either Party can terminate this Agreement, with or without cause, upon sixty (60) days prior written notice to the other Party. Notice shall be sent to the Parties at the addresses listed above.
 - b. Both Parties acknowledge that they have had the opportunity to review this Agreement with their attorney and are prepared to fulfill or comply with all of their respective obligations, duties and covenants contained herein.
 - c. This Agreement shall be governed by the laws of the State of New York. Any disputes relating to this Agreement shall be heard in a court of competent jurisdiction having venue in Sullivan County.
 - d. This Agreement shall be for a term commencing on January 1, 2010 and terminating on December 31, 2010.

The Parties agree to comply with the foregoing obligations and acknowledge their consent to same as indicated by the signatures below. This Agreement is authorized by Resolution No. - 10 adopted by the Sullivan County Legislature on January 21, 2010 and Resolution No. _____ adopted by the Town of Bethel's Board of Trustees on _____, 2010.

TOWN OF BETHEL

By: Dan Sturm, Supervisor

COUNTY OF SULLIVAN

By: David Fanslau, County Manager

**APPROVED TO FORM
SULLIVAN COUNTY ATTORNEY**

By: County Attorney

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE TO AUTHORIZE A MASS CORRECTION OF ERRORS PURSUANT TO RPTL 556-B.

WHEREAS, an application dated January 19, 2010 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 2010 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 user 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, 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 Solid Waste user 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 and the rate schedule set by the Legislature.
- (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 user 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 Director of Real Property Tax Services that an application to correct a user fee is not covered by any Correction of Errors provision of the Real Property Tax Law then an application shall be made to and determined by the Grievance Board established by the Solid Waste User 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 _____ **day of** _____, **2010.**