

ADDENDUM TO FEBRUARY 18, 2010 FULL BOARD MEETING

Recessed Government Services

1. Request the New York State Department of Environmental Conservation to ensure that local community impacts are considered by a local SEQR Process and not preempted by the Generic Environmental Impact Statement For Gas Drilling
2. Oppose the sale of wine in grocery stores and drug stores

Recessed Planning and Environmental Management and Real Property Committee

3. Resolution to Correct Tax Roll for the Town of Fallsburg Tax Map #2.-1-42
4. Resolution to Correct Tax Roll for the Town of Fallsburg Tax Map #60.-1-15.1/6901
5. Resolution to Correct Tax Roll for the Town of Fremont Tax Map #21.-1-4.5
6. Resolution to Correct Tax Roll for the Town of Highland Tax Map #10.-1-77.4
7. Resolution to Correct Tax Roll for the Town of Highland Tax Map #25.-1-4.2
8. Resolution to Correct Tax Roll for the Town of Lumberland Tax Map #14.-1-47.3
9. Resolution to Correct Tax Roll for the Town of Lumberland Tax Map #28.-1-25.1
10. Resolution to Correct Tax Roll for the Town of Mamakating Tax Map #27.-2-4.3/26
11. Authorize a Mass Correction of Errors

RESOLUTION INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO REQUEST THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO ENSURE THAT LOCAL COMMUNITY IMPACTS ARE CONSIDERED BY A LOCAL SEQR PROCESS, AND NOT PREEMPTED BY THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR GAS DRILLING

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is currently considering the adoption of a Generic Environmental Impact Statement (GEIS) for gas drilling, and

WHEREAS, a GEIS for gas drilling may set the threshold for what is already covered under NYSDEC rank approval, and it will set standards for air quality, and

WHEREAS, a GEIS for gas drilling should provide provisions that require a local SEQR process related to local community impacts, specifically the transportation related impacts, as site specific transportation impacts on the specific roads and the specific bridges must be subject to a site specific SEQR review, and not a GEIS preemption, and

WHEREAS, the GEIS for gas drilling must state that it doesn't cover the specific transportation related impacts, which will be evaluated on a case by case basis through the New York State SEQR process that is very technical and significant, and

WHEREAS, the GEIS for gas drilling must provide for the local community to address impacts that are specific to the community as provided for in the SEQR process for site specific impacts, and

WHEREAS, the County of Sullivan requested action by the New York State Legislature, through Resolutions 254 and 255 of 2009, to enact legislation to amend Section 23-0303 of the Environmental Conservation Law of the State of New York, and this resolution reaffirms the requests made therein.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby request that the New York Department of Environmental Conservation take the following action:

1. The adopted GEIS for gas drilling provide provisions that require a local SEQR process related to local community impacts, specifically the transportation related impacts, as site specific transportation impacts on the specific roads and the specific bridges must be subject to a site specific SEQR review, and not a GEIS preemption.
2. The adopted GEIS for gas drilling must state that it doesn't cover the specific transportation related impacts, which will be evaluated on a case by case basis

through the New York State SEQR process that is very technical and significant.

3. The adopted GEIS for gas drilling must provide for the local community to address impacts that are specific to the community as provided for in the SEQR process for site specific impacts.

BE IT FURTHER RESOLVED, that the Sullivan County Legislature reaffirms the requests that were made of the New York State Legislature, through Resolutions 254 and 255 of 2009, to enact legislation to amend Section 23-0303 of the Environmental Conservation Law of the State of New York, and

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a copy of this resolution, and a copy of Resolutions 254 and 255 of 2009, to the Commissioner of the New York State Department of Environmental Conservation, Governor David A. Paterson, Senator John J. Bonacic, Assemblywoman Aileen M. Gunther, the presiding officer of the New York State Senate, the Speaker of the New York State General Assembly, the New York State Association of Counties, and all Towns and Villages within Sullivan County.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2010

**RESOLUTION NO. INTRODUCED BY GOVERNMENT SERVICES COMMITTEE
OPPOSING THE SALE OF WINE IN GROCERY, CONVENIENCE AND DRUG
STORES AND URGING THE NEW YORK STATE SENATE AND ASSEMBLY TO
VOTE AGAINST LEGISLATION THAT SEEKS TO AMEND THE ALCOHOLIC
BEVERAGE CONTROL LAW TO PERMIT THE SALE OF WINE IN GROCERY,
CONVENIENCE AND DRUG STORES**

WHEREAS, New York State Governor David A. Paterson has declared New York State's economy to be in an "economic recession" and seeks to create new revenue streams to close the anticipated budget gap, and

WHEREAS, Governor Paterson recently proposed legislation which seeks to amend the Alcoholic Beverage Control Law to create a new grocery and drug store wine license, from which New York State would receive revenue in the way of new licensing fees, and

WHEREAS, Sullivan County is fortunate to have a number of successful, locally-owned and operated businesses who sell wine and spirits and whose owners and operators are active, full-time residents in our communities who reinvest their earnings into their businesses and/or spend their earnings in other local establishments, and

WHEREAS, this legislation would decrease the sales made in these locally-owned businesses and would increase sales for larger, corporate-owned and operated grocery, convenience and drug stores, whose profits are sent out-of-county to other counties and states where the corporate headquarters are located, and

WHEREAS, it has been determined that this legislation would be detrimental to local business owners and have a negative ancillary impact on Sullivan County's economy as a whole, and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature formally opposes the sale of wine in grocery, drug and convenience stores in Sullivan County and across New York State.

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a copy of this resolution to New York State Governor David A. Paterson, New York State Senator John Bonacic, New York State Assemblyperson Aileen Gunther, the Sullivan County Chamber of Commerce and the Sullivan County Supervisors' Association.

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL
OF THE TOWN OF FALLSBURG FOR TAX MAP #2.-1-42**

WHEREAS, an application dated February 1, 2010 having been filed by Virginia Giglio and Carol Hutchinson with respect to property assessed to said applicants on the 2010 tax roll of the Town of Fallsburg Tax Map #2.-1-42 pursuant to Section 554 of the Real Property Tax Law, to correct an error in essential fact on said tax roll resulting from the assessment roll had reflected an improvement that had been removed prior to taxable status date; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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 an error in essential fact

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

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

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

**Moved by,
Seconded by,
and adopted on motion, 2010.**

Resolution No. _____

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL
OF THE TOWN OF FALLSBURG FOR TAX MAP #60.-1-15.1/6901**

WHEREAS, an application dated January 25, 2010 having been filed by Meir Perl with respect to property assessed to said applicant on the 2010 tax roll of the Town of Fallsburg Tax Map #60.-1-15.1/6901 pursuant to Section 554 of the Real Property Tax Law, to correct an error in essential fact on said tax roll resulting from incorrect application of pro rate due to inventory change; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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,
Seconded by,
and adopted on motion, 2010.**

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL
OF THE TOWN OF FREMONT FOR TAX MAP #21.-1-4.5**

WHEREAS, an application dated February 6, 2010 having been filed by Cheryl Bowers and Michael McLendon with respect to property assessed to said applicants on the 2010 tax roll of the Town of Fremont Tax Map #21.-1-4.5 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from an incorrect property class code reflected on the assessment roll for residential property when in fact it was vacant property which resulted in an incorrect solid waste fee charge on the tax roll; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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,
Seconded by,
and adopted on motion, 2010.

**RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL
MANAGEMENT & REAL PROPERTY COMMITTEE TO
CORRECT TAX ROLL OF THE TOWN OF HIGHLAND FOR TAX
MAP #10.-1-77.4**

WHEREAS, an application dated January 25, 2010 having been filed by Paul J. and Theresa M. Burckard with respect to property assessed to said applicant on the 2010 tax roll of the Town of Highland Tax Map #10.-1-77.4 pursuant to Section 554 of the Real Property Tax Law, to correct an error on said tax roll resulting from the applicants being assessed for a solid waste fee charge that said applicants feel they should not have been imposed.

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 2010 recommending this Board deny said application; and

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

- (a) That the application be denied because the property owners were assessed a solid waste fee in conformance with the fee established by the Sullivan County Legislature and is not a correctable error pursuant to the provisions of the Real Property Tax Law, therefore the property owners must challenge this fee through the applicable appeals process contained in the local law.

NOW, THEREFORE, BE IT RESOLVED, that the application be denied 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 denial to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature.

Moved by _____,
Seconded by _____,
and adopted on motion _____ day of _____, 2010.

RESOLUTION INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE TO CORRECT THE TAX ROLL OF THE TOWN OF HIGHLAND FOR TAX MAP #25.-1-4.2

WHEREAS, an application dated January 27, 2010 having been filed by Jones Partners, L.P. with respect to property assessed to said applicant on the 2010 tax roll of the Town of Highland Tax Map #25.-1-4.2 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the assessment roll had reflected an incorrect classification for the property as a 582 or Camping Park when in fact the property should be classified as a 311 or vacant land which resulted in an incorrect Solid Waste Fee charge on the tax roll; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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,
Seconded by,
and adopted on motion, 2010.**

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL
OF THE TOWN OF LUMBERLAND FOR TAX MAP #14.-1-47.3**

WHEREAS, an application dated January 27, 2010 having been filed by Walter Balaban with respect to property assessed to said applicant on the 2010 tax roll of the Town of Lumberland Tax Map #14.-1-47.3 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the miscalculation of income that resulted in the removal of the Aged exemption to which property owner was entitled; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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,
Seconded by,
and adopted on motion, 2010.**

**RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT THE TAX ROLL
OF THE TOWN OF LUMBERLAND FOR TAX MAP #28.-1-25.1**

WHEREAS, an application dated January 22, 2010 having been filed by Lillian Burckard with respect to property assessed to said applicant on the 2010 tax roll of the Town of Lumberland Tax Map #28.-1-25.1 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the failure to apply Enhanced STAR and Aged Exemption rate to the Solid Waste fee to which property owner was entitled; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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,
Seconded by,
and adopted on motion, 2010.**

RESOLUTION INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #27.-2-4.3/26

WHEREAS, an application dated February 1, 2010 having been filed by Lynnette Hoins with respect to property assessed to said applicant on the 2010 tax roll of the Town of Mamakating Tax Map #27.-2-4.3/26 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the failure to apply the Aged and Enhanced STAR exemptions to the Solid Waste Fee; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated February 9, 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 and order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

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

**Moved by,
Seconded by,
and adopted on motion, 2010.**

RESOLUTION INTRODUCED BY PLANNING ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE A MASS CORRECTION OF ERRORS PURSUANT TO RPTL 556-B.

WHEREAS, an application dated February 18, 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 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 February 18, 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 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 solid waste fees on a case by case basis in the same manner as said provisions would be applicable to a tax. When it is determined by a town assessor and/or County Director of Real Property Tax Services that an application to correct a solid waste fee is not covered by any Correction of Errors provisions of the Real Property Tax Law then an application shall be made to and determined by the Grievance or Appeals Board established by the Solid Waste Fee Local Law.

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

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

11

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.

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