

FULL BOARD ADDENDUM
February 21, 2013 at 12:30PM

I. RESOLUTIONS :

1. Enact proposed Local Law No.2 of 2013 amending the Charter (Permissive Referendum)
2. Reappoint Bassett to the Office for the Aging Advisory Committee
3. Create a part-time Account Clerk/Database position in the Probation Department
4. Authorize public hearing for March 21, 2013 at 1 :50PM for extension of additional mortgage recording tax
5. Authorize County Manager to enter into agreements for the provision of US Department of Agriculture's food nutrition services
6. Accept a negative declaration for Radio Project
7. Approve Change Order #3 /execute modification agreement with Motorola
8. Approve Bond for \$8,798,960 to pay portion of certain capital improvements for public safety communications upgrade
9. Appoint Heather Jacksy to the Upper Delaware Scenic Byway
10. Authorize award and execution of agreements for bids that were received for the interior renovations at the Sullivan County Adult Care Center (HEAL Grant)
11. Authorize license agreement with Jaime Marks, Inc. For filming of a movie at Apollo Mall
12. Support S1720 regarding 9-1-1 Surcharge to counties
13. Authorize MOA with S.C. Patrolmen's Benevolent Association

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE
TO ENACT A LOCAL LAW AMENDING CHAPTER 3 OF THE SULLIVAN
COUNTY CHARTER” REGARDING COUNTY MANAGER APPOINTMENT,
SUSPENSION AND REMOVAL**

WHEREAS, proposed Local Law entitled "Enact A Local Law Amending Chapter 3 Of The Sullivan County Charter" was presented to the Sullivan County Legislature at a meeting held on February 21, 2013, at the County Government Center, Monticello, New York, to consider said proposed local law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard, and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt this Local Law entitled entitled "Enact A Local Law Amending Chapter 3 Of The Sullivan County Charter" which local law is annexed hereto and made a part hereof.

LOCAL LAW NO. 2 OF 2013
COUNTY OF SULLIVAN, NEW YORK

A LOCAL LAW AMENDING CHAPTER 3 OF THE
SULLIVAN COUNTY CHARTER

SULLIVAN COUNTY CHARTER

Section 1: ARTICLE III. §C3.01. County Manager. Appointment, suspension and removal.

Section C3.01 is amended to delete “A two-thirds majority of the whole membership of the County Legislature shall be required to appoint, suspend or remove the County Manager.”

This Local Law amending the Sullivan County Charter shall take effect sixty (60) days after the final enactment of this Local Law and upon filing with the Secretary of State subject to a referendum on petition pursuant to Municipal Home Rule Law, Section 34 (4)(c).

Resolution No.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE

**RESOLUTION TO REAPPOINT ONE MEMBER TO THE OFFICE FOR THE AGING
ADVISORY COMMITTEE**

WHEREAS, it is the desire to reappoint Priscilla Bassett to the Office for the Aging
Advisory Committee, and

WHEREAS, the above reappointment is to commence on the date this resolution is
adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does
hereby reappoint the following member to the Office for the Aging Advisory Committee, for the
term to expire on the date opposite of name.

OFA REAPPOINTMENT:

TERM:

Priscilla Bassett
292 Glade Hill Road
Grahamsville NY 12740

1/31/2016

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2013.

**RESOLUTION xx-13 INTRODUCED BY THE EXECUTIVE COMMITTEE TO
CREATE A PART-TIME POSITION IN THE PROBATION
DEPARTMENT**

WHEREAS, clerical positions have previously been eliminated in the Probation Department and the Director of Probation has determined that the present clerical workload requires additional resources to facilitate the timely completion of caseload data entry; and

WHEREAS, the Probation Department Director has requested that a Part-Time Account Clerk/Database position be created to fulfill the needs of the Probation Department.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby creates a position in the Probation Department, in accordance with the terms and conditions of the Collective Bargaining Agreement and Salary Schedule of the IBT 445 Main Unit as follows:

CREATE:
A-3140-16 Account Clerk/Database- Part-Time \$9,294.00

RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF A PROPOSED LOCAL LAW TO EXTEND THE IMPOSITION OF AN ADDITIONAL MORTGAGE RECORDING TAX IN THE COUNTY OF SULLIVAN.

WHEREAS, on May 23, 2007, the Sullivan County Legislature adopted Local Law No. 4 of 2007, to impose a Mortgage Recording Tax, and

WHEREAS, Local Law No. 4 of 2007 has been amended by Local Law No. 1 of 2010 and Local Law No. 2 of 2010 and is currently due to expire on or about April 30, 2013

WHEREAS, it is the intention of the Sullivan County Legislature to extend the provisions of the Sullivan County Mortgage Recording Tax for an additional three years to coincide with the applicable sales tax periods, and

WHEREAS, Section 253-j of the Tax Law of the State of New York authorizes the County of Sullivan to enact a local law to continue the imposition of an additional mortgage recording tax for a three year period upon the expiration of any term extending Local Law No. 4-2007, the Sullivan County Mortgage Recording Tax.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Sullivan County Legislature on March 21, 2013 at 1:50 pm, in the Legislative Hearing Room, County Government Center, Monticello, New York, and at least five (5) 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 newspapers of the County.

Moved by _____
seconded by _____
and declared duly adopted on _____.

**COUNTY OF SULLIVAN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that at a meeting of the Legislature of the County of Sullivan, New York, held on February 21, 2013, a proposed Local Law entitled "A Local Law Amending Local Law No. 4 of 2007 Imposing a Mortgage Recording Tax" was discussed.

The purpose of this proposed Local Law is that Local Law No. 4 of 2007, which had imposed, in Sullivan County a tax of \$0.25 for each \$100.00 of real property secured by a mortgage, is due to expire on or about April 30, 2013, and it is the intention of the Legislature to extend the terms of Local Law No. 4 of 2007, until April 30, 2016, by enacting the proposed Local Law effective May 1, 2013, to coincide with the applicable sales tax periods and ensure that there is non-interrupted and continuing imposition of the mortgage recording tax.

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 Legislature's Hearing Room, County Government Center, Monticello, New York, 12701, on March 21, 2013 at 1:50 pm , at which time all persons interested will be heard.

DATED: February 21, 2013

ANNMARIE MARTIN
Clerk of the Legislature
County of Sullivan, New York

A Local Law to Amend Local Law No. 4-2007 (Part 9 of Chapter 182 of the Sullivan County Code) as amended by Local Law No. 1 of 2010 and further amended by Local Law No. 2 of 2010, Imposing a Mortgage Recording Tax.

Section 1: Purpose: To amend Local Law No. 4-2007 (Part 9 of Chapter 182 of the Sullivan County Code) as amended by Local Law No. 1 of 2010 and further amended by Local Law No. 2 of 2010, which imposed a Mortgage Recording Tax in the County of Sullivan. Local Law No. 4-2007 is set to expire on April 30, 2013 and it is the intention of the Sullivan County Legislature to extend the Local Law No. 4-2007 for three additional years.

Section 2: Section 182-77 of Part 9 of Chapter 182 of the Sullivan County Code shall be amended by deleting the language "May 1, 2010" both times it appears and inserting the language "May 1, 2013" in both places and by deleting the language "April 30, 2013" and inserting the language "April 30, 2016."

Section 3: Section 182-83 of Part 9 of Chapter 182 of the Sullivan County Code shall be amended by deleting the language "May 1, 2010" and inserting the language "May 1, 2013".

Section 4: Effective Date

This Local Law shall take effect May 1, 2013. A certified copy of this Local Law shall be mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany. Certified copies of this Local Law shall be filed with the Sullivan County Clerk, the Secretary of State and the State Comptroller within five days after this Local Law is enacted.

Resolution No.

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE
RESOLUTION TO AUTHORIZE COUNTY MANAGER TO ENTER INTO
AGREEMENT/S FOR THE PROVISION OF US DEPARTMENT OF AGRICULTURE'S
FOOD NUTRITION SERVICES (FNS) FROM OCTOBER 1, 2012 THROUGH
SEPTEMBER 30, 2013**

WHEREAS, federal funding has been made available to Cornell University Cooperative Extension of Sullivan County (CCE) funded under New York State's SNAP Nutrition Education State Plan approved in the amount of \$118,477 for the period 10/1/ 2012 through 9/30/2013; and

WHEREAS, the Supplemental Nutrition Assistance Program (SNAP-Ed), formerly and also known as the Eat Smart New York (ESNY) program is endorsed by New York State Office of Temporary and Disability Assistance (NYS OTDA) as satisfying the program requirements of the US Department of Agriculture's Food Nutrition Service (FNS) agency programs; and

WHEREAS, the Cornell Cooperative Extension of Sullivan County New York (CCE) administers the Supplemental Nutrition Assistance Program (SNAP-Ed), formerly and also known as Eat Smart New York (ESNY) program in Sullivan County New York; and

WHEREAS, the County of Sullivan, through the Department of Family Services, is able to access the approved federal funding for the purpose of a Food Nutrition Service (FNS) programs for New York State's SNAP Nutrition Education Plan and pass the funding through purchase of service agreement with Cornell University Cooperative Extension of Sullivan County (CCE) for the provision of those services; and

WHEREAS, the Cornell Cooperative Extension of Sullivan County New York (CCE) will provide the approved services through purchase of service agreement with the Department of Family Services at the New York State Office of Temporary and Disability Assistance (NYS OTDA) approved amount, with the costs paid with federal funding by the department.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreement/s with Cornell University Cooperative Extension of Sullivan County (CCE) for the provision of Food Nutrition Service (FNS) programs services in the approved amount of \$118,477 funded under New York State's SNAP Nutrition Education State Plan for the period 10/1/ 2012 through 9/30/2013; and

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

Moved by _____,

Seconded by _____,

and adopted on motion _____, 2013

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE ACCEPT
NEGATIVE DECLARATION FOR RADIO PROJECT**

WHEREAS, in May, 2009, pursuant to Resolution 195-09, the Sullivan County Legislature authorized a professional services contract with Blue Wing Services to study and review the County's Public Safety Radio System and to make recommendations to the County concerning possible renovations and/or upgrades to that system, and

WHEREAS, in April, 2010 Blue Wing Services presented its report to the County, which report contained three possible options for upgrading the County's Public Safety radio system, and

WHEREAS, in June, 2010, based on the Sullivan County's Legislature's assessment of which of the options presented in the April Blue Wing Report was the most viable for the County, the Sullivan County Legislature adopted Resolution 331-10 which authorized a modification of the aforesaid contract with Blue Wing Services to enable Blue Wing to search the radio frequency spectrum for appropriate frequencies which would be available to Sullivan County and which would enable Sullivan County to implement the selected upgrade option, and

WHEREAS, in September 2010 the Sullivan County Legislature approved the proposed Public Safety Radio System upgrade in the County's Capital Plan, and

WHEREAS, based on the Blue Wing Study it was determined that the County would need to upgrade 5 existing antenna towers and would need to add 4 new antenna towers, and

WHEREAS, in or about April, 2011 the County contracted with the Chazen Company to conduct the appropriate environmental reviews of the existing and the new antenna tower sites as required by both federal and state laws, and

WHEREAS, during the period from May, 2011 to December, 2012 Chazen Company conducted detailed site specific environmental assessments, in accordance with New York's State Environmental Quality Review Act and the applicable provisions of the federal government's National Environmental Policy Act, at the six sites for which specific locations have already been identified (Elk Point, White Lake, Monticello, Wurtsboro, Tennenah Lake and Thunder Hill), and

WHEREA, at the three additional sites (Callicoon, Narrowsburg and Knights Eddy) for which specific antenna tower locations have not yet been specified, areas of approximately one square mile each or less have been identified for each of those three areas with understanding that the specific antenna tower locations in each of those three area would be within those one square mile, or less, areas, thus enabling the Chazen Company to conduct an environmental review of each of the those three areas of approximately one square mile or less, and

WHEREAS, Chazen also performed a generic environmental review for the entire project, and

WHEREAS, Chazen has now advised the County that: (1) in its professional opinion the Project will not have any adverse environmental impact that cannot be appropriately mitigated, (2) in its professional opinion the construction of the proposed antenna towers on the specified Elk Point, White Lake, Monticello, Tennanah Lake and Thunder Hill locations will not result in any adverse environmental impact, and (3) in its professional opinion it will be possible to locate antenna towers in each of the approximately one square mile designated areas in Callicoon, Narrowsburg and Knights Eddy without causing any adverse environmental impact that cannot be appropriately mitigated, and

WHEREAS, as a result of the foregoing Chazen Company recommends that the County Legislature issue a Negative Declaration with respect to the Project as a whole and as to the nine antenna Tower sites.

NOW THEREFORE BE IT RESOLVED THAT:

1. The attached Negative Declaration, prepared pursuant to the New York State Environmental Quality Review Act, is hereby accepted by the Sullivan County Legislature and formally issued as its environmental review for the Project.

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO
APPROVE CHANGE ORDER #3 AND TO EXECUTE MODIFICATION
AGREEMENT WITH MOTOROLA INCORPORATING THE PROVISIONS AND
SCHEDULES IN CHANGE ORDER #3 INTO AGREEMENT**

WHEREAS, in May, 2009, pursuant to Resolution 195-09, the Sullivan County Legislature authorized a professional services contract with Blue Wing Services to study and review the County's Public Safety Radio System and to make recommendations to the County concerning possible renovations and/or upgrades to that system, and

WHEREAS, in April, 2010 Blue Wing Services presented its report to the County, which report contained three possible options for upgrading the County's Public Safety radio system, and

WHEREAS, in June, 2010, based on the Sullivan County's Legislature's assessment of which of the options presented in the April Blue Wing Report was the most viable for the County, the Sullivan County Legislature adopted Resolution 331-10 which authorized a modification of the aforesaid contract with Blue Wing Services to enable Blue Wing to search the radio frequency spectrum for appropriate frequencies which would be available to Sullivan County and which would enable Sullivan County to implement the selected upgrade option, and

WHEREAS, in September 2010 the Sullivan County Legislature approved the proposed Public Safety Radio System upgrade in the County's Capital Plan, and

WHEREAS, in December, 2010, pursuant to the authorization of the Sullivan County Legislature set forth in Resolution 582-10, the County entered into a contract with Motorola Solutions, a provider of radio equipment which also owned six pair of High Band radio frequencies which Motorola said would be available to be transferred to Sullivan County, subject to approval by the Federal Communications Commission (FCC), for the purchase of the six pair of frequencies and the necessary radio equipment which would be required to implement the proposed Public Safety Radio upgrade recommended by Blue Wing Services, and

WHEREAS, the contract between Motorola and the County contemplated a two year time period, commencing January 1, 2011 and running through December 31, 2012, during which Motorola: (1) would obtain the necessary approvals from the FCC, (2) transfer the six pair of frequencies to Sullivan County, (3) conduct the final equipment design review to make sure that individual items of equipment were appropriate for the project, and (4) commence delivery of the equipment, and

WHEREAS, the Agreement provided that if the transfer of the frequencies to the County had not been completed by December 31, 2012 either Party could terminate the Agreement, and

WHEREAS, the process of obtaining the requisite approvals from the FCC took much longer than anticipated and has only just recently reached the point where the County and Motorola are

now satisfied that Motorola can transfer the frequencies to the County free and clear of any claims by any third parties, and

WHEREAS, neither Party has terminated the Agreement and both the Sullivan County Legislature and Motorola desire to enter into an agreement modifying the original agreement so as to appropriately adjust and extend all of the milestone date for the transfer of the frequencies, for design review, for delivery of equipment and for payment, and

WHEREAS, as a result of the delay it will become necessary to specify later model equipment than originally contemplated at a resulting cost increase of Thirty Three Thousand Dollars (\$33,000.00), and

WHEREAS, Motorola has proposed a Change Order to the original Agreement, Change Order #3, which would incorporate an adjusted schedule and provide for the payment of the additional Thirty Three Thousand (\$33,000.000) Dollars, and

WHEREAS, the Sullivan County Legislature has reviewed Change Order #3 which is annexed hereto and believes it is in the County's best interest to authorize the County Manager to approve that Change Order and execute a Modification Agreement with Motorola incorporating the provisions and schedules of Change Order #3 into the Agreement.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The County Manager is hereby authorized to approve Change Order #3 and to execute a Modification Agreement with Motorola incorporating the provisions and schedules in Change Order #3 into the Agreement.
2. The final Modification Agreement shall be in such form as approved by the County Attorney.

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: ____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The County of Sullivan Legislature has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

SEQRA Status: __X__ Type 1

 ____ Unlisted

Conditioned Negative Declaration: __ Yes

X No

Description of Action: The County of Sullivan will upgrade the emergency communication system(s) currently in use by public safety agencies (fire, EMS, law enforcement and public works) throughout Sullivan County. The current system, comprised of several independent systems, is nearly thirty (30) years old and lacks the ability for these agencies to interoperate. The proposed upgrade includes the potential installation of up to nine new towers. Six (6) specific sites (located in Elk Point, White Lake, Monticello, Wurtsboro, Tennenah Lake and Thunder Hill) have been identified, and there is the potential for development of three additional towers in Callicoon, Narrowsburg and Knights Eddy. All proposed towers are 180 feet in height with the exceptions of the Monticello tower, which will be 300 feet in height, and the Wurtsboro tower, which will be 149 feet in height.

Location:

Tower Site Name	Municipality	Tax Parcel #	Parcel Address
Elk Point	Town of Liberty	25-1-13.1	481 Elk Point Road
Tennenah Lake	Town of Fremont	8-1-6.2	Hanking Road
Thunder Hill	Town of Neversink	31-1-11	Thunder Hill Road
White Lake	Town of Bethel	18-1-16.1	57 CR 183A
Monticello	Town of Thompson	12-1-37.1	Route 17
Wurtsboro	Town of Mamakating	16-1-30	Fire Tower Road
Callicoon	Town of Delaware	TBD	Tower Road
Narrowsburg	Town of Tusten	TBD	Off of Route 97

Knights Eddy	Town of Lumberland	TBD	Decker Road
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Reasons Supporting This Determination: The Sullivan County Legislature has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.
2. Field visits were conducted by a qualified biologist/wetlands ecologist for each of the six tower sites for which specific locations have been selected for the purpose of identifying the presence of regulated water bodies (wetlands and streams), rare threatened and endangered species and/or significant habitat. None of the six project sites contain any NYS Department of Environmental Conservation (NYSDEC) or Federally regulated wetlands or buffer area. Where wetlands were identified in the vicinity of the tower sites, the locations were noted on memos prepared. These wetlands can be avoided, and no impacts to aquatic resources are proposed. For the three sites where a specific tower has not been located but may be located in the future, environmental resource maps were consulted and suitable locations in the target service areas are available that avoid any impact to these resources
3. Five of the six project sites are developed sites where towers or similar structures presently exist. The project footprint of 'new' tower site has been minimized to the extent practicable-limiting site disturbances. The proposed action will not result in the removal or destruction of large quantities of vegetation or associated habitat for fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources. The Wurtsboro Tower site was identified by the NYSDEC as having the potential for presence of an endangered species. Consultation with the NYSDEC was specifically undertaken for this site, and it was determined that the project would not result in a significant impact to the species that required any additional consultation. For the three sites where a specific tower has not been located but may be located in the future, site locations are available that will avoid any impact to these resources and compliance with federal and state law ensures no significant impacts on flora or fauna will occur.
4. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
5. The proposed action will not result in a material conflict with the any of the affected municipalities' officially approved or adopted plans or goals.
6. Phase IA archeological investigations conducted by City/Scape: Cultural Resource Consultants (City/Scape) for the Elk Point and White Lake tower sites conclude that the APE

of the tower has either a shallow depth to bedrock or is significantly disturbed (respectively) that it does not have the potential to contain cultural resources that require additional Phase IB investigation, and that the towers on those two sites should be permitted to proceed without further consideration of archaeological resources. Phase IA/IB archeological investigations conducted by City/Scape for the Monticello, Tennenah Lake, Thunder Hill and Wurtsboro tower sites conclude that the APE for each tower does not contain any cultural resources that require additional investigation, and that the projects should be permitted to proceed without further consideration of archaeological resources.

Consultation with relevant Indian Nations has been completed in accordance with FCC Section 106 Tower Construction Notification System process; none of the respective Indian Nations expressed concerns regarding the potential for historic/cultural resources. The tribes all commented that in the event that cultural materials or human remains are identified during construction, work should stop and consultation with the tribes should commence immediately.

Consultation with New York State Office of Parks, Recreation and Historic Preservation (NYSHPO) has been initiated and this agency's concurrence is forthcoming.

The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. For the three sites where a specific tower has not been located but may be located in the future, site locations within the target service areas are available that will avoid any impact to this resource.

7. The proposed action will not result in a major change in the use of either the quantity or type of energy.
8. The proposed action will not create a hazard to human health.
9. A Viewshed Analysis was completed for the Wurtsboro site due to its proximity to sensitive resources. The analysis concluded there is the potential for filtered views of the project from various scattered locations to the north within NY State Forest Lands. Views mainly occur in the one-quarter to one mile range along the Shawangunk ridgeline. Since there are existing tower structures and a fire tower in close proximity to the planned tower, it is anticipated that the viewer will not identify the planned tower as contrasting significantly from the existing conditions. A viewshed/visual analysis was not completed for the balance of the sites because of the presence of similar structures and/or the visual character of the surrounding areas did not warrant such an evaluation. For the three sites where a specific tower has not been located but may be located in the future, site locations within the target service areas are available that will avoid or minimize any impact to visual/aesthetic resources. Based on the results of the analysis the project is not anticipated to have a significant effect on the noted resources.
10. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support

existing uses.

11. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
12. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
13. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
14. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
15. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For further information contact:

Alex Rau, E911 coordinator

This notice is being filed with:

INVOLVED AGENCIES:

NYSDEC Region 3
21 South Putt Corners Road
New Paltz, NY
12561-1696

INTERESTED AGENCIES

Town of Bethel, Town Supervisor
PO Box 300
White Lake, NY 12786

Town of Delaware, Town Supervisor
PO Box 129
Hortonville, NY 12745

Town of Liberty, Town Supervisor
120 North Main St.
Liberty, NY 12754

Town of Lumberland, Town Supervisor
PO Box 5
Glen Spey, NY 12737

Town of Fremont, Town Supervisor
Box 69
Fremont Center, NY 12736

Town of Neversink, Town Supervisor
PO Box 307
Grahamsville, NY 12740

Town of Tusten, Town Supervisor
PO Box 195
Narrowsburg, NY 12764

Town of Mamakating, Town Supervisor
2948 Route 209
Wurtsboro, NY 12790

Town of Thompson, Town Supervisor
4052 Route 42
Monticello, NY 12701

Upper Delaware Council
211 Bridge Street
P.O. Box 192
Narrowsburg, NY 12764-0192

BOND RESOLUTION

At a regular meeting of the County Legislature of the County of Sullivan, New York, held at the County Government Center, in Monticello, New York, on the 21st day of February, 2013, at ____:00 o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were:

PRESENT:

ABSENT:

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

BOND RESOLUTION NO. _____ OF 2013 DATED FEBRUARY 21, 2013.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,798,960 SERIAL BONDS OF THE COUNTY OF SULLIVAN, NEW YORK, TO PAY A PORTION OF THE COST OF CERTAIN CAPITAL IMPROVEMENTS CONSTITUTING THE PUBLIC SAFETY COMMUNICATIONS UPGRADE PROJECT IN AND FOR SAID COUNTY.

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital projects hereinafter described have each been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the County Legislature has determined will not result in a significant environmental effect; and

WHEREAS, it is now desired to authorize said capital projects and the financing thereof,
NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Sullivan, New York, as follows:

Section 1. The following elements of a Public Safety Communications Upgrade Project are hereby authorized in and for the County of Sullivan, New York:

- (a) The construction of buildings and related facilities at various County-owned or leased sites, including site and other improvements, furnishings, equipment, apparatus, appurtenances and expenses incidental thereto, at a maximum estimated cost of \$1,000,000, being a class of objects or purposes having a period of probable

\$1,000,000, being a class of objects or purposes having a period of probable usefulness of **thirty** years, pursuant to subdivision 11(a) of paragraph a of Section 11.00 of the Local Finance Law;

- (b) The construction of communication towers, including site improvements, equipment and expenses incidental thereto, at a maximum estimated cost of \$3,300,000, being a class of objects or purposes having a period of probable usefulness of **fifteen** years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law; and
- (c) The purchase and installation of microwave and radio communication systems, including fixed and mobile equipment and incidental expenses in connection therewith, at a maximum estimated cost of \$6,518,960, being a class of objects or purposes having a period of probable usefulness of **ten** years, pursuant to subdivision 90, based upon subdivisions 25 and 98, of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of the aforesaid \$10,818,960 maximum estimated cost is as follows:

- (a) by the issuance of \$8,798,960 serial bonds of the County hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law allocated as follows: (i) \$1,000,000 serial bonds for the class of objects or purposes described in Section 1(a) hereof, (ii) \$2,080,000 serial bonds for the class of objects or purposes described in Section 1(b) hereof, and (iii) \$5,718,960 serial bonds for the class of objects or purposes described in Section 1(c) hereof; and

- (b) by the expenditure of \$2,020,000 Federal and/or State grant-in-aid monies and other monies, which monies of said County are hereby authorized to be expended therefor as follows: for the class of objects or purposes described in Section 1(b) hereof, \$1,220,000, and for the class of objects or purposes described in Section 1(c) hereof, \$800,000.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said County of Sullivan, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said County; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County

Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or

are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in full in the *Sullivan County Democrat* and the *River Reporter*, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing resolution was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

STATE OF NEW YORK)
) ss.:
COUNTY OF SULLIVAN)

I, the undersigned Clerk of the County Legislature of the County of Sullivan, New York (the "Issuer"), DO HEREBY CERTIFY:

- 1. That a meeting of the Issuer was duly called, held and conducted on the 21st day of February, 2013.
- 2. That such meeting was a **special regular** (circle one) meeting.
- 3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5. That all members of the Board of the Issuer had due notice of said meeting.
- 6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this _____ day of February, 2013.

Clerk, County Legislature

(CORPORATE SEAL)

LEGAL NOTICE

The bond resolution, a summary of which is published herewith, has been adopted on February 21, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Sullivan, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Clerk of the Legislature for a period of twenty days from the date of publication of this Notice.

Dated: Monticello, New York,
February ____, 2013.

Clerk, County Legislature

BOND RESOLUTION NO. ____ OF 2013 DATED FEBRUARY 21, 2013.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,798,960 SERIAL BONDS OF THE COUNTY OF SULLIVAN, NEW YORK, TO PAY A PORTION OF THE COST OF CERTAIN CAPITAL IMPROVEMENTS CONSTITUTING THE PUBLIC SAFETY COMMUNICATIONS UPGRADE PROJECT IN AND FOR SAID COUNTY.

- Objects or purposes:**
- a) Construction of buildings/facilities, 30-yr. period of probable usefulness, class of objects or purposes, \$1,000,000 serial bonds
 - b) Construction of communication towers, 15-yr. period of probable usefulness, class of objects or purposes, \$2,080,000 serial bonds; \$1,220,000 grant and other monies
 - c) Purchase/installation of microwave/radio communication systems, 10-yr. period of probable usefulness, class of objects or purposes, \$5,718,960 serial bonds; \$800,000 grant monies
- Maximum estimated cost:** \$10,818,960
- Aggregate amount of obligations to be issued:** \$8,798,960 bonds
- Other monies:** \$2,020,000 grants-in-aid and other reimbursement monies
- SEQRA status:** Type I Action. Negative Declaration. SEQRA compliance materials on file in the Office of the Clerk of the County Legislature where they may be inspected during regular office hours.

RESOLUTION NO. INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE APPOINTMENT OF HEATHER JACKSY TO THE UPPER DELAWARE SCENIC BYWAY (“UDSB”) BOARD TO REPRESENT SULLIVAN COUNTY AS A VOTING MEMBER AND TO APPOINT JILL WEYER AS AN ALTERNATE MEMBER

WHEREAS, the UDSB Committee recommended that Sullivan County become a voting member along with the cities, towns and villages along the Byway; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby appoints, Heather Jacksy as the Sullivan County representative to the UDSB, and appoints Jill Weyer, as an alternate member of the UDSB.

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE
RESOLUTION TO AUTHORIZE AWARD & EXECUTION OF AGREEMENTS**

WHEREAS, bids were received for Interior Renovations at Sullivan County Adult Care Center (HEAL Grant), and

WHEREAS, **Charles W. Grimm Construction, Inc.** is the lowest responsible bidder for the General Construction Work, for this project, at a base bid of \$443,687.00, and alternates totaling \$170,414.00 , and

WHEREAS, **Ackerman Plumbing, Inc.** is the lowest responsible bidder for the Plumbing Work, for this project, at a base bid of \$82,428.00, and alternates totaling \$2,986.00, and

WHEREAS, **D.J. Heating & Air Conditioning, Inc.** is the lowest responsible bidder for the Mechanical Work, for this project, at a base bid of \$22,400.00, and alternates totaling \$4,450.00, and

WHEREAS, **Port Jervis Electric, Inc.** is the lowest responsible bidder for the Electrical Work, for this project, at a base bid of \$69,779.00, and alternates totaling \$13,178.00, and

WHEREAS, in the normal course of construction unforeseen change orders may occur and,

WHEREAS, this project has specific time constraints attached to the grant, and in order to ensure compliance with said grant time constraints, and to assist in assuring no cost to the County, the Division of Public Works shall be authorized to modify any or all contracts up to a total change order(s) amount of \$100,000.00 and

WHEREAS, the Sullivan County Division of Public works has approved said vendors and recommends that agreements be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute agreements with the Vendors listed above, **at a total base price not to exceed \$618,294.00, plus alternates totaling a not to exceed cost of \$191,028.00, for a total base bid with alternates cost not to exceed \$809,322.00**, in accordance with B-13-03, **plus additional \$100,000.00 in change orders, if necessary, for a maximum total of \$909,142.00**, said contract to be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2013.

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE
THE EXECUTION OF A LICENSE AGREEMENT WITH JAMIE MARKS, INC.**

WHEREAS, Jamie Marks, Inc. is a production company that seeks access to utilize portions of the Apollo Mall as a location for the filming of a movie with a working title of Jamie Marks is Dead, and

WHEREAS, the Sullivan County Legislature desires to authorize the above project at the Apollo Mall, and

WHEREAS, a License Agreement has been negotiated between the Parties which satisfactorily deals with all the applicable technical and other issues including insurance.

NOW THEREFORE BE IT RESOLVED, that the Legislature authorizes the Chairman to execute a License Agreement, substantially in the form submitted to the Legislature, with Jamie Marks, Inc.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2013

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE CALLING FOR THE STATE LEGISLATURE AND THE GOVERNOR TO ALLOCATE 9-1-1 SURCHARGE FUNDS TO COUNTIES TO SUPPORT 9-1-1 AND PUBLIC SAFETY COMMUNICATIONS

WHEREAS, the State of New York imposes a \$1.20 public safety surcharge on all wireless telephones, a surcharge created to be spent on 9-1-1 operations to help first responders to communicate and respond to emergencies, and

WHEREAS after years of diverting the proceeds of this fund for non-public safety purposes, and to the detriment of local 9-1-1 centers, the State of New York has begun allocating more of these monies to counties in the form of Statewide Interoperable Communications Grants (SICG), and

WHEREAS, the 2013/14 Executive Budget Proposal released on January 22, 2013 allocated an additional \$75 million to the SICG program, and

WHEREAS, while these grants were a welcome step in the right direction when they were first created, they have not helped deliver much needed funding to counties, as the State is years behind schedule in awarding these monies to counties, which need the funding to make upgrades to their emergency communications equipment and systems, and

WHEREAS, the Governor's office has announced plans to award \$102 million in funding through the SICG Program previously appropriated in 2011-12 and 2012-13 State fiscal years, in order to expedite the release of prior year grant funding, and

WHEREAS, counties and other municipalities are the actual providers of 9-1-1 services to the people of New York State and incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes such as Next Generation 9-1-1 (NG 911) which is estimated to take 10 years to implement at a cost of approximately \$22 billion in New York State, and

WHEREAS most counties have been able to establish local surcharges to sustain their county's emergency communications needs, and

WHEREAS, NYS requires that each county that wants to establish a local 9-1-1 surcharge first obtain authorization in the form of State legislation, before they can create this local fee, and

WHEREAS, while nearly all counties have obtained the authority through the State Legislature to charge a local fee, a handful of counties remain unable to obtain such authorization to create a local surcharge, putting their local 9-1-1 centers at a financial disadvantage to meet the current emergency communications needs of their communities, and

WHEREAS, Senator John J. Bonacic is co-sponsoring a New York State bill S1720.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature calls upon the Governor to direct the Division of Homeland Security and Emergency Services to expedite the award of grant monies through the Statewide Interoperable Communications Grant Program and to simplify and streamline the grant applications and award process for counties, and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature calls upon the State Legislature and the Governor to pass legislation that authorizes all counties to create a public safety local surcharge to fund costs associated with the provision of 9-1-1, and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature calls upon the State Legislature and the Governor to pass legislation that imposes the \$1.20 and \$0.30 local surcharges on pre-paid wireless phones as well as all devices capable of connecting to 9-1-1 and direct those monies to counties, and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature supports NYS Senate Bill 1720 (see attached)

BE IT FURTHER RESOLVED, that the Clerk to the Legislature shall forward copies of this resolution to Governor Andrew Cuomo, Sheldon Silver, Assembly Speaker, Dean Skelos, Senate Majority Leader, Senator John J. Bonacic, and Assemblywoman Aileen Gunther.

Moved by, seconded by adopted on motion

STATUS:

S 1720 GRISANTI Same as A 4357 Scarborough (MS)
ON FILE: 01/09/13 Tax Law
TITLE....Relates to the public safety communications surcharge; repealer
01/09/13 REFERRED TO INVESTIGATIONS AND GOVERNMENT OPERATIONS
02/05/13 REPORTED AND COMMITTED TO FINANCE

A4357 Scarborough (MS) Same as S 1720
GRISANTI
Tax Law
TITLE....Relates to the public safety communications surcharge; repealer
02/04/13 referred to ways and means

SUMMARY:

GRISANTI, BONACIC, GALLIVAN, GOLDEN, GRIFFO, LARKIN, LITTLE, MAZIARZ, O'MARA, RANZENHOFER, RITCHIE, YOUNG
Rpld & add S186-f sub 6, Tax L
Relates to the public safety communications surcharge and amends the distributions of monies collected pursuant to such surcharge and provides for the repeal of certain provisions relating thereto.

BILL TEXT:

STATE OF NEW YORK

1720

2013-2014 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2013

Introduced by Sens. GRISANTI, GALLIVAN, GOLDEN, LARKIN, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the public safety communications surcharge and repealing certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 6 of section 186-f of the tax law is REPEALED
- 2 and a new subdivision 6 is added to read as follows:
- 3 6. Distribution. The monies collected from the surcharge imposed by
- 4 this section shall be distributed in the following manner:
- 5 (a) Fifty-eight and three-tenths percent shall be used for the
- 6 provision of grants or reimbursements to counties for the development,
- 7 consolidation, or operation of public safety communications systems or

8 networks designed to support statewide interoperable communications for
9 first responders, including Next Generation 911, to be distributed
10 pursuant to standards and guidelines issued by the state. Annual grants
11 may consider costs borne by a municipality related to the issuance of
12 local public safety communications bonds pursuant to section twenty-four
13 hundred thirty-two of the public authorities law, when the municipality
14 has qualified as an approved participant in a statewide interoperable
15 communications system under the standards and guidelines issued by the
16 state, and maintains compliance with such standards and guidelines. The
17 grant amount will be prescribed pursuant to an agreement with the muni-
18 cipality, and may not exceed thirty percent of the annual cost borne by
19 the municipality in relation to such bonds; and
20 (b) Forty-one and seven-tenths percent shall be jointly apportioned,
21 pursuant to rules and regulations promulgated by the commissioner, to:
22 (i) the state police, (ii) the New York state emergency services revolv-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02747-01-3

S. 1720

2

1 ing loan fund, (iii) provide for the costs of debt service for bonds and
 2 notes issued to finance expedited deployment funding pursuant to the
 3 provisions of section three hundred thirty-three of the county law and
 4 section sixteen hundred eighty-nine-h of the public authorities law, and
 5 (iv) provide for services and expenses that support the operations and
 6 mission of the division of homeland security and emergency services as
 7 appropriated by the legislature.
 8 § 2. This act shall take effect on the first of April next succeeding
 9 the date on which it shall have become a law; provided, however, that
 10 effective immediately, the addition, amendment and/or repeal of any rule
 11 or regulation necessary for the implementation of this act on its effec-
 12 tive date is authorized and directed to be made and completed on or
 13 before such effective date.

SPONSORS MEMO:

**NEW YORK STATE SENATE
 INTRODUCER'S MEMORANDUM IN SUPPORT
 submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1720**SPONSOR:** GRISANTI

TITLE OF BILL: An act to amend the tax law, in relation to the public safety communications surcharge and repealing certain provisions of such law relating thereto

PURPOSE: Specifies what percentage of the public safety communications surcharge funds shall go to counties and local governments, and what percentage shall go to the state.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1: Repeals Subdivision 6 of section 186-f of the tax law and a new subdivision 6 is added.

New subdivision 6 specifies that:

58.3% of surcharge funds shall be used for the provision of grants or reimbursements to counties for the development, including next generation 911, consolidation, or operation of public safety communications systems or networks designed to support interoperable communications for first responders.

41.7% shall be jointly apportioned to the state police, the New York State emergency services revolving loan fund, and other uses by the state.

Section 2: provides the effective date.

JUSTIFICATION: New York passed a law in 1991 that placed a 70 cent surcharge on cell phone bills, and in 2002 raised the tax to \$1.20 per cell phone. Funding was intended to be transferred from the state police to local governments to pay for 911 call center services and technology upgrades. For years, however, the state has been diverting these funds for other purposes. A 2002 audit, by then Comptroller H. Carl McCall, identified and criticized the state police for spending the funds on dry cleaning, conferences, pens, decals, garbage removal and other miscellaneous items unrelated to 911 call center upgrades. The law was changed in response, but failed to require that wireless surcharge funds be diverted to local governments.

The New York State 911 Coordinators Association estimates that New York State has collected over \$1.2 billion in surcharges since 1994, and of the \$1.90 million collected last year the state transferred only \$9.3 million to county governments.

In 2004 Congress passed a law that limited 911 grants to states that were improperly diverting wireless tax revenue and the U.S. Government Accountability Office (GAO) has requested and received no response from New York state officials over the course of two investigations into the collection and use of funds for the 50 States and District of Columbia Wireless Enhanced 911 Services.

County governments have been forced to raise sales and/or property taxes to cover for Albany's improper diversion of these funds. In addition to being irresponsible, such improper allocation of funds may be illegal. For example, the Tennessee Attorney General recently concluded that raiding of 911 funds in that state was illegal based on the Federal Enhance 911 Act of 1994.

Removing discretion from the state in deciding how wireless surcharge funds will be allocated will ensure local governments receive the funds necessary to upgrade 911 call centers and ensure counties are not forced to raise property and/or sales taxes or fees to cover for Albany's improper withholding of public safety communications surcharge funds.

PRIOR LEGISLATIVE HISTORY: S5509B of 2011-2012; reported to Finance.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect on the first of April next succeeding the date on which it shall have become law.

**RESOLUTION NO. INTRODUCED BY THE EXECUTIVE COMMITTEE
RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY
OF SULLIVAN, SULLIVAN COUNTY SHERIFF AND THE SULLIVAN
COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION AND
AUTHORIZING THE COUNTY MANAGER TO EXECUTE SAID
AGREEMENT**

WHEREAS, the collective bargaining agreement between the County of Sullivan, County Sheriff and the Sullivan County Patrolmen's Benevolent Association (hereinafter SCPBA) expired on December 31, 2007;

WHEREAS, interest arbitration was held and an award was made for the years 2008 and 2009; and

WHEREAS, negotiations conducted pursuant to the provisions of Article 14 of the New York State Civil Service Law (Public Employees Fair Employment Act) have resulted in a Memorandum of Agreement, attached hereto and made a part hereof; and

WHEREAS, the employees represented by the SCPBA have voted and ratified the terms and conditions of employment, as set forth in the aforementioned Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the terms and conditions of employment of employees represented by SCPBA, as set forth in the Memorandum of Agreement attached hereto and made a part hereof be and hereby are ratified, in recognition of the ratification by the Sullivan County Patrolmen's Benevolent Association; and

BE IT FUTHER RESOLVED, that the County Manager is hereby authorized to execute the aforementioned Memorandum of Agreement; and

BE IT FUTHER RESOLVED, the County Manager is hereby authorized to execute an Agreement incorporating the terms and conditions of employment in accordance with the Memorandum of Agreement, said Collective Bargaining Agreement to be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2013.

MEMORANDUM OF AGREEMENT

By and Between

The County of Sullivan

Sullivan County Sheriff

and

The Sullivan County Patrolmen's Benevolent Association

WHEREAS, the County of Sullivan and the Sullivan County Sheriff ("County") and the Sullivan County Patrolmen's Benevolent Association ("SCPBA") are parties to a Collective Bargaining Agreement for the term January 1, 1998 through December 31, 2000 as modified by a Memorandum of Agreement dated February 14, 2000, an extension through December 31, 2003, a Memorandum of Agreement covering the time period January 1, 2004 through December 31, 2007, a Memorandum of Agreement relating to Canine Operations dated May 29, 2008, a Memorandum of Agreement dated December 17, 2009 and an Interest Arbitration Award (PERB Case No. IA2011-002; M2010-187) for the time period January 1, 2008 through December 31, 2009, all of which shall hereinafter be referred to collectively as "The CBA" or "The Agreement"; and

WHEREAS after substantial negotiations and agreement, the County and the SCPBA wish to modify The Agreement,

NOW, THEREFORE, the parties agree that The CBA be, and it hereby is, modified as follows:

1. Term January 1, 2010 through December 31, 2017.

2. Article III (Compensation), Section 302.1 shall be amended as follows:
 - Effective December 31, 2012, a 9% increase in base salaries to cover 2010, 2011 and 2012. There will be no retroactive calculations for years 2010, 2011 or 2012.
 - All employees will receive a one time payment (not added to base) of five hundred dollars (\$500) within thirty (30) days of the execution of this Agreement.
 - Effective January 1, 2013, a 1% increase in base salaries.
 - Effective January 1, 2014, a 1% increase in base salaries.
 - Effective July 1, 2015, a 1% increase in base salaries.
 - Effective January 1, 2016, a 1% increase in base salaries.
 - Effective January 1, 2017, 1% increase in base salaries.

3. Amend Article XX, Pensions and Health Insurance, Section 2003, as follows:
 - All new employees hired after January 1, 2013 shall contribute fifteen percent (15%) towards the health insurance premium for both individual and family coverage in lieu of all other contributions.
 - Effective January 1, 2013, all current employees shall contribute an additional Three Hundred and Fifty Dollars (\$350.00) towards the health insurance premiums for family and individual coverage. The following payments will be applicable.

2012 Premium Contribution	2013 Premium Contribution
Pre-January 1, 2000 Hires Individual Coverage: \$0	Pre-January 1, 2000 Hires Individual Coverage: \$350.00
Post January 1, 2000 Hires Individual Coverage: \$350.00	Post January 1, 2000 Hires Individual Coverage: \$700.00
Pre-June 10, 1985 Hires Family Coverage: \$0	Pre-June 10, 1985 Hires Family Coverage: \$350.00
Post June 10, 1985 Hires Family Coverage: \$750.00	Post June 10, 1985 Hires Family Coverage: \$1,100.00
Post January 1, 2000 Hires Family Coverage: \$950.00	Post January 1, 2000 Hires Family Coverage: \$1,300.00

- Effective January 1, 2016 all premium contributions will be increased by an additional One-Hundred and Fifty Dollars (\$150.00).

4. The parties further agree to amend Article XX, Pension and Health Insurance by incorporating the Memorandum of Agreement between the parties signed on December 17, 2009 regarding retiree health insurance. The provision shall read as follows:

- a. All employees currently covered by the current collective bargaining agreement and hired after January 1, 1996 are entitled to single insurance coverage upon retirement at age 55; County will allow the employee to pay for family coverage at the rate of full premium minus the cost of single coverage at age 55 or older.

b. All employees hired on or after January 1, 1996 and retirees with more than ten (10) years of service, but less than twenty (20) years of consecutive Full-Time service at age 55 or older are entitled to:

	County Share	Retiree Share
Individual:	50%	50%
Family:	50% of Individual Premium	Family Premium Less 50% of Individual Premium

c. Retirees with more than twenty (20) years of consecutive Full-Time service and at age 55 or older are entitled to:

Individual:	100%	0%
Family:	100% Individual Premium	Family Premium Less 100% of Individual Premium

5. Employees on the payroll as of December 31, 2012 will contribute towards health insurance in retirement pursuant to the language contained in paragraph 4 of this Memorandum of Agreement, except those entitled to benefits under §2003(c) of the Collective Bargaining Agreement as modified by the Memorandum of Agreement dated February 14, 2000 who shall remain entitled to those benefits. Employees hired on January 1, 2013 or thereafter, must render 20 years or more of service with the County to be eligible for health insurance in retirement. Employees will contribute 15% of the cost of individual coverage and, for family coverage, the full family premium less 85% of the individual premium in their retirement.

6. Except as indicated above, all other terms and conditions set forth in The Agreement shall remain in full force and effect.

7. This Agreement shall be subject to approval by the County Legislature and ratification by the membership of the SCPBA. The parties' respective negotiating teams agree to recommend such approval/ratification to their principals.

8. Once ratified by both parties, The Agreement shall be edited so as to incorporate all of the terms of the original contract, all prior MOUs as referenced herein, the arbitral award and this MOU into a single document which shall be executed by the parties and printed for circulation to the members of the Bargaining Unit.

AGREED TO THIS ___ DAY OF JANUARY, 2013

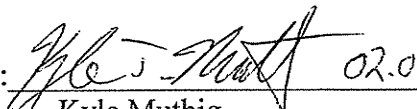
**SULLIVAN COUNTY
and SULLIVAN COUNTY SHERIFF**

**SULLIVAN COUNTY
PATROLMEN'S
BENEVOLENT ASSOCIATION**

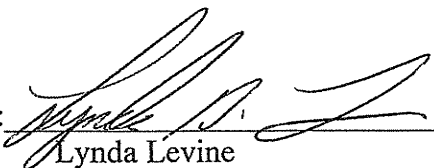
By: _____
James W. Roemer, Jr., Esq.
Chief Negotiator

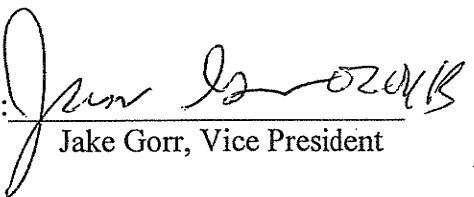
By: _____
James B. Tuttle, Esq.
Chief Negotiator

By: _____
Carolyn Hill
Personnel Officer

By:  02.04.13

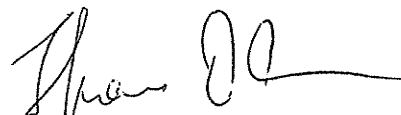
Kyle Muthig
SCPBA President

By:  _____
Lynda Levine
Director of Human Resources

By:  02.04.13

Jake Gorr, Vice President

By: _____
Michael Schiff
Sheriff

By:  _____
Tom O'Connor, Treasurer

By: _____
David Fanslau
County Manager