

MAY 16, 2013 FULL BOARD ADDENDUM

1. Authorize 5 Temporary 90 day positions in the Sheriff's Department
2. Mayday for Mandate Relief
3. Request for Home Rule Legislation for the sales tax extension
4. Appointing Cora Edwards to the Soil & Water Conservation District Board
5. Opposing A6550/2013 regarding additional notice of claim legislation
6. Authorize the preparation and submission of a Rural Business Opportunity Grant (RBOG)
7. Authorize agreement with Deborah De Jesus to serve as a Temporary Interim Administrator of the Adult Care Center
8. Convey FA 29.-1-51.4 to Dubose

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO CREATE FIVE (5) TEMPORARY POSITIONS IN THE SULLIVAN COUNTY SHERIFF'S OFFICE

WHEREAS, the Sheriff has requested that five (5) temporary Deputy Sheriff positions be created in the Sheriff's Office, and

WHEREAS, in order to meet the staffing needs of the Sullivan County Sheriff's Office, it is the wish of the Sullivan County Sheriff to create five (5) temporary Deputy Sheriff positions, and

WHEREAS, these temporary Deputy Sheriffs will be employed for a time period not to exceed ninety (90) days, commencing on June 3, 2013 and expire 90 days thereafter, or commencing at a later date and expiring no later than October 11, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of (5) temporary Deputy Sheriff positions in the Sheriff's Office for the temporary staffing needs of the Sullivan County Sheriff's Office, and

BE IT FURTHER RESOLVED, that these five (5) temporary Deputy Sheriff positions shall be effective on June 3, 2013, and shall be hereby abolished 90 days thereafter, or commencing at a later date and expiring no later than October 11, 2013, and

BE IT FURTHER RESOLED, that the Sheriff is hereby authorized to fill three (3) of the five (5) temporary Deputy Sheriff positions, and the Sheriff shall obtain the authorization of the County Manager and the Chairman of the County Legislature prior to offering employment or filling the remaining Temporary Deputy Sheriff positions.

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

1 **RESOLUTION DECLARING “MAYDAY FOR MANDATE RELIEF” AND URGING**
2 **THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL**
3 **STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON**
4 **RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES**
5

6 **WHEREAS**, counties are mandated to administer and finance dozens of state and federal
7 programs; and
8

9 **WHEREAS**, many counties in New York State face significant fiscal challenges made worse
10 by the recent recession and slow economic recovery; and
11

12 **WHEREAS**, these county fiscal challenges are also directly tied to state-imposed mandates
13 and in recent years reduced state reimbursement; and
14

15 **WHEREAS**, the New York State Association of Counties has identified 9 state mandates that
16 consume 90 percent of all county property taxes levied across the state (outside of New York
17 City), representing over \$4 billion in county property taxes levied. These mandates include:
18 Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special
19 Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and
20 Pensions; and
21

22 **WHEREAS**, these mandated and fixed employee costs can consume more than 80 percent of a
23 county’s total budget, leaving fewer local dollars that can be devoted to local programs and
24 services; and
25

26 **WHEREAS**, these State mandates are the root cause of high county property and sales taxes in
27 New York and have led to a decline in the delivery of important local services.
28

29 **NOW, THEREFORE, BE IT RESOLVED**, that Sullivan County hereby declares the month of
30 May to be “Mayday for Mandate Relief” to raise awareness that decisions made in Albany have
31 a direct impact on the property tax levy and local community services here in Sullivan County;
32 and
33

34 **BE IT FURTHER RESOLVED**, that Sullivan County strongly encourages the Governor and
35 State Legislature to continue working to enact meaningful mandate relief; and
36

37 **BE IT FURTHER RESOLVED**, that Sullivan County calls on State Lawmakers to enact
38 legislation preventing future unfunded mandates without corresponding state aid to pay for them;
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40 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor
41 Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

RESOLUTION NO. OF 2013 INTRODUCED BY THE EXECUTIVE COMMITTEE REQUESTING THE ADOPTION OF NEW YORK STATE ASSEMBLY BILL A.7321 AND NEW YORK STATE SENATE BILL S. 5204 AUTHORIZING THE EXTENSION OF NEW YORK STATE TAX LAW §1210(i)(33) WHICH AUTHORIZED AN INCREASE TO THE THREE PERCENT RATE AUTHORIZED BY STATE TAX LAW FOR THE PERIOD BEGINNING DECEMBER 1, 2013 AND ENDING NOVEMBER 30, 2015, FOR A TOTAL SALES TAX RATE OF 8%, 4% OF WHICH WOULD BE REVENUE FOR SULLIVAN COUNTY

WHEREAS, the Sullivan County Legislature has requested that the New York State Legislature adopt Home Rule Legislation that would authorize the extension of the current sales tax rate in the County of Sullivan which is presently 8%, 4% of which is revenue for Sullivan County; and

WHEREAS, pursuant to State Tax Law §1210(i)(33) the New York State Legislature previously authorized Home Rule Legislation that approved two increases in sales tax in the County of Sullivan; the first, by one half percent ($\frac{1}{2}$ %) from seven percent (7%) to seven and one half percent ($7\frac{1}{2}$ %) and the second, an additional one half percent ($\frac{1}{2}$ %) from seven and one half percent ($7\frac{1}{2}$ %) to eight percent (8%). Four percent (4%) of the eight percent (8%) is currently revenue for Sullivan County; and

WHEREAS, both of the one-half of one percent increases in the sales tax are set to sunset or expire on November 30, 2013; and

WHEREAS, the Sullivan County Legislature desires to extend the current sales tax rate until November 30, 2015; and

WHEREAS, in the event that both of the one-half of one percent increases in the sales tax rate were allowed to sunset or expire the reduction in revenues created would require the Sullivan County Legislature to increase the real property tax rate by eighteen and one half percent (18.5%) in order to make up the deficit in the 2014 budget,

WHEREAS, the County of Sullivan is dealing with significant losses of revenue due to the current economic downturn and the requested extension for the increase is both necessary and in the best interest of the County and its citizens; and

WHEREAS, the Sullivan County Legislature, by adopting Resolution No. 83-13 on March 21, 2013, requested that the New York State Legislature adopt Home Rule Legislation extending the sunset date of New York State Tax Law §1210(i)(33) until November 30, 2015; and

WHEREAS, Bill No. A.7321 is to be presented in the New York State Assembly A7321; and Bill No. S. 5204 is to be presented in the New York State Senate, both bills being identical, would permit the extension of the current sales tax rate in the County of Sullivan which is presently 8%, 4% of which is revenue for Sullivan County, until November 30, 2015.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby requests that the New York State Assembly adopt Bill No. A.7321, and the New York State Senate adopt Bill No. S.5204, which shall authorize the extension of the current sales tax rate in the County of Sullivan, to be maintained at 8% of which 4% is revenue to the County, as expeditiously as possible; and

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a certified copy of this resolution to the Honorable John J. Bonacic, State Senator representing the 42nd Senatorial District, the Honorable Aileen M. Gunther, Assemblywoman representing the 100th Assembly District, Hon. Dan Skelos, Majority Leader of the Senate, Honorable Sheldon Silver, Speaker of the General Assembly, and the Honorable Andrew M. Cuomo, Governor of the Great State of New York.

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND
RESOLUTION NO. 71-12 BY APPOINTING CORA EDWARDS TO THE SULLIVAN
COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

WHEREAS, Resolution No. 71-12 was adopted in April 2012, and

WHEREAS, Kitty Vetter is unable to sit on the Soil and Water Conservation District Board of Directors, and

WHEREAS, Cora Edwards wishes to serve on the Sullivan County Soil and Water Conservation District Board of Directors.

WHEREAS, it is the desire of the Legislature to appoint Cora Edwards to replace Kitty Vetter on the Sullivan County Soil and Water Conservation Board.

NOW, THEREFORE, BE IT RESOLVED, that Mrs. Edwards will be appointed to the Sullivan County Soil and Water Conservation Board of Directors with the term to expire on December 31, 2013.

**RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE,
OPPOSING A6550/2013 – ADDITIONAL NOTICE OF CLAIM LEGISLATION**

WHEREAS, proposed state legislation, A6550/2013, will significantly undermine critical protections afforded public entities, such as Sullivan County, by current notice of claim laws, and

WHEREAS, the proposed legislation would require public entities to raise, as an affirmative defense in a lawsuit, the defense of a late or improperly served notice of claim, and

WHEREAS, the proposed legislation would require a public entity to make a motion for dismissal of litigation due to a defective notice of claim within ninety (90) days of submitting an answer, in the absence of which the defense would be deemed waived, and

WHEREAS, this proposed legislation is unnecessary, prejudicial towards public entities, and does not improve the litigation system in New York State, and

WHEREAS, the legislation has been passed in the New York State Assembly, but has not yet been introduced in the Senate.

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Legislature hereby opposes A6550/2013 and asks the Senate not to pass this Legislation, and

BE IT FURTHER RESOLVED that a copy of this resolution, duly adopted, be transmitted to Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos, General Assembly Speaker Sheldon Silver, Senator John Bonacic, and Assemblywoman Aileen Gunther.

Moved by _____, seconded by _____, put to a vote, unanimously carried and declared duly adopted on motion May _____, 2013.

RESOLUTION NO. INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE PREPARATION AND SUBMISSION OF A RURAL BUSINESS OPPORTUNITY GRANT (RBOG) APPLICATION TO FUND A COMPREHENSIVE COORDINATED TRANSPORTATION PLAN AND FEASIBILITY STUDY FOR SULLIVAN COUNTY

WHEREAS, the United States Department of Agriculture Rural Development (USDA) and Rural Development of New York administer the Rural Business Opportunity Grant (RBOG) program to promote sustainable economic development in rural communities with exceptional needs by making grants to organizations for economic development planning, technical assistance, or training; and

WHEREAS, a stated goal of the County's economic development planning process is improving access to transportation and increasing efficiency throughout the County and region, for the purpose of increasing opportunities for residents and tourists, as well as for businesses to benefit our workforce and our youth; and

WHEREAS, USDA/Rural Development is seeking funding proposals for FY2013; and

WHEREAS, the Division of Planning, with the assistance of the Division of Public Works, Department of Grants Administration, Center for Workforce Development and the Long-term Care Council Transportation Subcommittee, seeks to engage a technical consultant to conduct a coordinated feasibility study and plan for transportation services throughout the County and region;

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager and / or the Chairman of the County Legislature (as required by the funding source award agreement) to execute any and all necessary documents to prepare and submit an application under the USDA/Rural Development RBOG Program for funding, to accept the award, and enter into an award agreement or contract to administer the funding secured, all such documents to be in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that if funding is made available, the Division of Planning shall administer the funds and the grant program with technical support from the Department of Grants Administration; and

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

Moved by , seconded by , put to a vote, carried and declared duly adopted on motion

**RESOLUTION NO. -13 INTRODUCED BY EXECUTIVE COMMITTEE TO
AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH
DEBORAH DE JESUS TO SERVE AS A TEMPORARY INTERIM ADMINISTRATOR
OF THE ADULT CARE CENTER FOR A PERIOD NOT TO EXCEED 90 DAYS**

WHEREAS, there will be a vacancy in the position of Administrator of the Sullivan County Adult Care Center, a skilled nursing facility, licensed by the New York State Department of Health (NYSDOH), effective May 19, 2013; and

WHEREAS, NYSDOH regulations require a licensed Nursing Home Administrator to be responsible for the ongoing compliance with NYSDOH rules and regulations, as a condition of the licensure of the Sullivan County Adult Care Center; and

WHEREAS, Ms. Deborah De Jesus, Licensed Nursing Home Administrator, has offered her services to Sullivan County to serve as a temporary Interim Administrator of the Sullivan County Adult Care Center for a period not to exceed 90 days, effective May 20, 2013; and

WHEREAS, the County may utilize Ms. De Jesus services up to 18 hours per week at a rate of \$80.00 per hour, at the discretion of the Commissioner of the Division of Health and Family Services; and

WHEREAS, the Commissioner of the Division of Health and Family Services has recommended that Ms. De Jesus be retained as the temporary Interim Administrator of the Sullivan County Adult Care Center; and

WHEREAS, the County Manager has concurred with the recommendation of the Commissioner of the Division of Health and Family Services, and recommends that the County Legislature authorize the execution of an agreement with Deborah De Jesus to serve as temporary Interim Administrator of the Sullivan County Adult Care Center.

NOW, THEREFORE, BE IT RESOLVED by the Sullivan County Legislature that the County Manager is hereby authorized to execute an agreement with Deborah De Jesus to serve as the temporary Interim Administrator of the Sullivan County Adult Care Center for a period not to exceed 90 days, effective May 20, 2013, in a form suitable to the County Attorney; and

BE IT FURTHER RESOLVED that said agreement shall authorize the Commissioner of the Division of Health and Family Services to utilize the services of Ms. De Jesus at a rate of \$80.00 per hour up to eighteen (18) hours per week, at his discretion; and

BE IT FURTHER RESOLVED that Ms. De Jesus shall keep her New York State Nursing Home Administrator License in good standing during the term of this agreement, and the failure to keep said license in good standing shall be cause for the immediate termination of said agreement; and

BE IT FURTHER RESOLVED that said agreement shall expire upon the appointment of a successor licensed Administrator of the Sullivan County Adult Care Center through the New York State Civil Service Law, or the 91st day after the effective date of the authorization of the temporary interim administrator appointment, whichever occurs first.

Moved by,

Seconded by

Declared duly adopted on motion

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE

RESOLUTION TO CONVEY PROPERTY IN THE TOWN OF FALLSBURG KNOWN AS FA29.-1-51.4, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2011 LIEN YEAR.

WHEREAS, property located in the Town of Fallsburg designated on the Sullivan County Real Property Tax Map as FA29.-1-51.4, Class 270, being 1.50 +/- acre, located on East Pond Rd, is owned by the County of Sullivan and formerly owned by Adam C Boons, was included in the foreclosure of 2011 liens, and

WHEREAS, Maurice & Nicole Dubose have offered to purchase said property for the sum of, THREE THOUSAND (\$3,000.00) DOLLARS, and

WHEREAS, property owned by them share electric and water with this property, and

WHEREAS, the purchaser will also be responsible for 10% of sale price for auctioneer's commission, plus the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, 2013 Town/County taxes, 2013/2014 School taxes, water and sewer charges, and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to Maurice & Nicole Dubose or an entity to be formed by them, upon his payment of \$3,000.00 to the County Treasurer, plus 10% of sale price for auctioneer's commission, plus fees for the County Clerk, plus the 2013 County/Town taxes ,plus the 2013/2014 School taxes, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

BE IT FURTHER RESOLVED, that upon this conveyance, the buyers will file a combination request with the Fallsburg Assessor to combine this property with FA29.-1-51.1 or, in the alternative, will provide separate facilities for water and electric service.

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