



## **AGENDA**

**Special Meeting for November 7, 2013 at 9:45AM**

**Call to Order**  
**Pledge of Allegiance**  
**Roll Call of Legislators**

### **Reading of Meeting Notice:**

There will be a Special Meeting of the Legislature for **Thursday, November 7, 2013 at 9:45AM**. The purpose of the meeting is to, Enact a Local Law to Override the Tax Cap for 2014 and to authorize the Transfer Of Certain Property To The Sullivan County Funding Corporation For Transfer To Cornell University Cooperative Extension.

### **Resolutions:**

1. Adopt a local law overriding the NYS Real Property Tax Cap for 2014 (Roll Call)
2. Authorizing The Transfer Of Certain Property To The Sullivan County Funding Corporation For Transfer To Cornell University Co-Operative Extension

**Adjournment or Close**

**RESOLUTION INTRODUCED BY SCOTT B. SAMUELSON, CHARIMAN OF  
THE LEGISLATURE TO ENACT A LOCAL LAW ENTITLED "A LOCAL LAW  
AUTHORIZING SULLIVAN COUNTY LEGISLATURE TO OVERRIDE THE  
NEW YORK STATE REAL PROPERTY TAX CAP"**

**WHEREAS**, proposed Local Law entitled "A Local Law Authorizing Sullivan County Legislature to Override the New York State Real Property Tax Cap", was presented to the Sullivan County Legislature at a meeting held on October 17, 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 "A Local Law Authorizing Sullivan County Legislature to Override the New York State Real Property Tax Cap", County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

## **A Local Law Authorizing the Sullivan County Legislature to Override the New York State Real Property Tax Cap**

### **BACKGROUND**

On June 24, 2011 the New York Real Property “Tax Cap” Chapter 97 “Part A” of the Laws of New York 2011, was signed into law. The aforesaid “Tax Cap” was incorporated as an amendment to the General Municipal Law as Section 3-c thereof, and was made applicable to counties.

### **INTENT**

The Sullivan County Legislature, in anticipation that it may be required to adopt a budget which imposes a tax levy increase greater than the limit set forth in the General Municipal Law Section 3-c for the fiscal year 2014, desires to enact a Local Law granting it such authority.

### **AUTHORITY**

General Municipal Law Section 3-c(5) authorizes counties to enact a Local Law enabling them to exceed the Tax Cap in the coming fiscal year.

“A local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, not including any levy necessary to support the expenditures pursuant to the subparagraphs (i) through (iv) of paragraph g of subdivision two of this section, only if the governing body of such local government first enacts, by a vote of sixty percent of the total voting power of such body, a local law to override such limit for such coming fiscal year only...”

**BE IT ENACTED** by the Legislature of the County of Sullivan, as follows:

**SECTION 1.** Pursuant to authority granted to the Sullivan County Legislature by Municipal Law Section 3-c(5) the Sullivan County Legislature is hereby authorized to adopt a budget which exceeds the “Tax Levy Limit” for fiscal year 2014.

**SECTION 2.** This Local Law shall become effective upon filing with the Secretary of State.

**RESOLUTION NO. \_\_-13 INTRODUCED BY THE CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO THE SULLIVAN COUNTY FUNDING CORPORATION FOR TRANSFER TO CORNELL UNIVERSITY CO-OPERATIVE EXTENSION**

WHEREAS, the County of Sullivan owns certain real property situated in the Town of Liberty, County of Sullivan, more particularly described in a deed from Alex Grumet to the County of Sullivan dated April 11, 1986 and recorded in the Sullivan County Clerk's Office on April 11, 1986 in Liber 1216 of Deeds at Page 245(hereinafter "Subject Property"), which is approximately 20.6 acres and

WHEREAS, in 1988, by Resolution 371-1988 the County's former Board of Supervisors authorized the execution of an "Agreement with Cooperative Extension Service Association of Sullivan County" (hereinafter "Cornell") for a "Farm and Home Center", and

WHEREAS, pursuant to the aforesaid Resolution:

- A. Cornell built a Farm, Home and 4-H Center, financed by bonds issued by the County.
- B. Cornell was pay the principal and interest due on the bonds.
- C. Cornell was to be able to use the lands and facility without rent for so long as Cornell required the same.
- D. Cornell was authorized to sub-lease portions of the property to "governmental, public benefit or not-for-profit agencies performing services beneficial to County Residents", and

WHEREAS, on or about Nov. 1, 1988, the County and Cornell entered into a written agreement granting Cornell permission to use the property without rent for as long as it required the same, and

WHEREAS, Cornell in fact did reimburse the County for the principal and interest on the bonds issued for the construction of the Center, and

WHEREAS, the only County related facility on the Subject Property is the building occupied by the Sullivan County Soil and Water Conservation District (hereinafter "Soil and Water"), and

WHEREAS, the Center now requires extensive capital investment to replace the roof and the HVAC, and perform other remediation, and

WHEREAS, Cornell has advised the County that if title to the Subject Property was to be transferred, via the Sullivan County Funding Corporation (hereinafter the "SCFC"), to Cornell then Cornell would be able to raise the necessary funds to repair the Center and other facilities on the Subject Property, and

WHEREAS, Cornell has also advised the County that if title to the Subject Property was conveyed to Cornell, via the SCFC, Cornell would permit Soil and Water to remain on the property rent free, and

WHEREAS, the Subject Property was always devoted to Cornell's use and not to County use, other than respects Soil and Water, and

WHEREAS, as a result of Cornell's undertaking with respect to Soil and Water the County has no need to retain the Subject Property for a public use, and

WHEREAS, the County Legislature has determined, after considering a public hearing which was properly held on applicable notice, that the Subject Property should be transferred to Cornell, and

WHEREAS, (1) the SCFC is a legal entity which was created and exists pursuant to Section 1411 of New York's Not-for-Profit Corporation Law (hereinafter "NPCL"), (2) the SCFC does not have any interests which would be in conflict with transferring the Subject Property to Cornell, and (3) the SCFC is willing to transfer the Subject Property to Cornell, and

WHEREAS, the proposed transfer of the Subject Property may be lawfully accomplished by the Sullivan County Legislature pursuant to this Resolution, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Legislature hereby authorizes the transfer of the Subject Property to the SCFC, for the sum of one (\$1.00), for subsequent transfer to Cornell.
2. Transfer of title shall be "as is/where is and with all faults". The County makes no representation or warranty of any kind or character, express or implied, including, but not limited to, any representation or warranty as to

fitness for use or habitability.

3. The County and the SCFC shall execute and deliver any and all instruments, agreements and documents, containing such terms and conditions as the County deems necessary and appropriate to effectuate the purposes, terms and conditions of this Resolution, including any instruments or agreement executed and delivered in connection with the proposed transfer of title herein.
4. The Legislature hereby authorizes the Chairman of the Legislature to execute any appropriate transfer documents and related agreements, which documents shall be in a form approved by the County Attorney.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, put to a Roll Call vote, carried by a vote of \_\_\_\_\_ to \_\_\_\_\_ as amended and declared duly adopted on Motion, November 7, 2013.