

November 21, 2013 Full Board Addendum

Resolutions from November 21, 2013 Executive Committee :

I. RESOLUTIONS :

1. Rescinding Resolution No. 90-12 and authorizing the transfer of the East Broadway Development properties to the Sullivan County Funding Corporation
2. Create a new Probation Officer within the Probation Department's Alternatives to Incarceration Pre-Trial Release Program
3. Modify Resolution No. 182-13 requiring Board of Ethics members to file an annual Financial Disclosure Statement
4. Appoint Ellsweig to the Public Health Services' Health Services Advisory Board
5. Appoint Skoda to the Sullivan County Public Health Services Professional Advisory Committee
6. Appoint Fields to the Office for the Aging Advisory Committee
7. Authorize an agreement with Bethel Woods
8. Establish a protocol for the coordinated defense of tax certiorari and tax exemption proceedings by towns, school district and the County of Sullivan on an annual basis
9. Amend the Solid Waste Management Rules

**RESOLUTION NO. __-13 INTRODUCED BY EXECUTIVE COMMITTEE BY
RESCINDING RESOLUTION NO. 90-12 AND AUTHORIZING THE TRANSFER
OF THE EAST BROADWAY DEVELOPMENT PROPERTIES TO THE
SULLIVAN COUNTY FUNDING CORPORATION**

WHEREAS, by Resolution 90-12 the Sullivan County Legislature Rescinded Resolution 325-11 and authorized the sale of the referenced East Broadway Re-Development Properties/Parcels to the Sullivan County Funding Corporation (hereinafter the "SCFC") pursuant to certain terms and conditions specified therein, and

WHEREAS, the collective East Broadway Re-Development Properties included the former Apollo Mall properties and the County's Phase II Landfill Expansion area, and

WHEREAS, in contemplation of the expansion of the County Landfill, the County had previously acquired certain real property including:

Thompson 31.-1-94	2.4 Acres
Thompson 31.-1-10.2	4.75 Acres
Thompson 31.-1-10.3	1.01 Acres
Thompson 130.-1-19	77.42 Acres
Thompson 130.-1-17	9.29 Acres

(said parcels collectively constitute the "Landfill Expansion Parcels" as referenced herein), and

WHEREAS, (1) the County has closed the adjacent Phase I Landfill, and (2) such closure is monitored and regulated by the New York State Department of Environmental Conservation (hereinafter "NYSDEC") to assure compliance with applicable environmental regulations, and (3) a number of wells around the perimeter of the Phase I Landfill have been and continue to be regularly tested to assure there are no excursions of noxious substances from the Phase I Landfill into the groundwater, and (4) based on that testing there are no excursions of noxious substances from the Phase I Landfill into the groundwater, and

WHEREAS, (1) the County acquired the Landfill Expansion Parcels to expand its existing Landfill and, in connection therewith, the County prepared a full Environmental Impact Statement, and (2) on or about May, 2009, by Resolution, the County Legislature determined to close the existing Phase I Landfill and also determined not to expand Landfill operations onto the area of the Landfill Expansion Parcels, and (3) as a result of that determination the Landfill Expansion Parcels became available for other uses including economic development, and

WHEREAS, by means of a tax foreclosure, proceeding pursuant to Article 11 of the Real Property Tax Law, the County acquired the following properties known as the East Broadway Re-Development Parcels:

Thompson 130.-1-14	23.18 Acres
Thompson 130.-1-9.1	1.35 Acres
Thompson 130.-1-9.2	130.05' x 195.2', and

WHEREAS, in about October, 2010, a Request for Proposals (with follow up addenda) was issued with respect to the potential development of the East Broadway Re-Development Parcels, and the County Legislature, the County Legislature initially selected Chancellor Livingston LLC as the entity to which the County would transfer the East Broadway Re-Development Parcels for commercial development, and

WHEREAS, (1) Sullivan County Funding Corporation (hereinafter 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") for the purpose of fostering economic development within the County, and (2) the SCFC does not have any interests which would be in conflict with commercially developing the East Broadway Re-Development Properties to the maximum extent possible, and (3) the SCFC is willing to take on the responsibility of negotiating a Development Agreement for the East Broadway Re-Development Properties with a qualified developer and to thus see to the development of those properties in a manner consistent with the best interests of the County, and

WHEREAS, pursuant to Resolution 90-12 the Chancellor Livingston group was given an opportunity to acquire the East Broadway Re-Development Parcels in accordance with the terms and conditions set forth in Resolution 90-12, but did not acquire the East Broadway Re-Development Parcels as provided in Resolution 90-12, and

WHEREAS, the Legislature has determined that it would be in the best interests of the County rescind Resolution 90-12 and to authorize the transfer of the East Broadway Re-Development Parcels, via the SCFC, to SULLIVAN PROPERTY ACQUISITIONS I, LLC (hereinafter referred to as "SPA-I") pursuant to the terms and conditions set forth herein, and

WHEREAS, on March 8, 2013 the SCFC has entered into a document titled Outline of Terms of Options (hereinafter "Term Sheet") with SPA-I and is willing to take on the responsibility of negotiating a final Option Agreement (hereinafter "Option Agreement"), in accordance with the provisions of such Term Sheet. The SCFC would transfer the East

Broadway Re-Development Parcels to SPA-I in accordance with the provisions of such executed Option Agreement, and

WHEREAS, a copy of the Term Sheet is annexed hereto and incorporated herein with the same force and effect as though all of its provisions were separately written into the body of this Resolution, and

WHEREAS, (1) it was determined that the annexation by the Village of Monticello of a narrow strip of land along the edge of the East Broadway Re-Development Parcels into the Village of Monticello would be desirable, and (2) both the Town of Thompson and the Village of Monticello concurred that such annexation would be appropriate, and (3) the annexation was completed on October 15, 2013, taking approximately six months longer to accomplish than had been anticipated, (4) as a result on or about October 23, 2013 the SCFC and SPA-I executed a First Amendment to the Term Sheet and agreed that all of the dates in the Term Sheet should be extended by six months, and (5) it is agreed by the County, the SCFC and SPA-I that all of the deadlines set forth in the aforesaid Term Sheet should be extended by six months, and

WHEREAS, a building on Thompson 130.-1-17 (the so called "ARC Building") is presently being used for the storage of electronic voting machines, and

WHEREAS, the County Legislature has determined that, given the provisions of the Term Sheet and the ability of the County to house the voting machines elsewhere in the future if the Options are executed, the Landfill Expansion Parcels including the ARC building are no longer necessary for a public use, and

WHEREAS, (1) the proposed transfer of the East Broadway Re-Development Parcels to the SCFC may be lawfully accomplished following the applicable public hearing by the Legislature, and (2) the Legislature properly noticed and conducted said hearing, and (3) has duly considered said public hearing, and

WHEREAS, the Sullivan County Legislature has determined that it would be in the best interest of the County of Sullivan to rescind Resolution 90-12 and to adopt this Resolution authorizing the transfer of the East Broadway Re-Development Parcels to the SCFC for further transfer of such parcels to SPA-I pursuant to the terms, conditions and limitations of this Resolution and the annexed Term Sheet.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. County Resolution 90-12 is hereby rescinded.
2. The Legislature hereby authorizes the transfer of the East Broadway Re-Development Properties to the SCFC subject to the terms, conditions and limitations of this Resolution and the terms and conditions set forth in the annexed and incorporated Term Sheet.
3. The SCFC shall enter into a formal Option Agreement, compliant with the terms and conditions of the Term Sheet and the terms and conditions of this Resolution, within sixty (60) days of the passage of this Resolution, provided that all dates in the Term Sheet dated March 8, 2013 shall be extended by six months when incorporated in the Option Agreement. The failure to have executed such an Option Agreement within such period shall render this Resolution null and void except as to Paragraph "1" above.
4. Title to the East Broadway Re-Development Properties shall be transferred by the County to the SCFC within fifteen (15) days of the date that the SCFC and SPA-I execute the above referenced Option Agreement.
5. The County shall ensure that, on the date of the transfer of title of the East Broadway Re-Development Properties to the SCFC, the Phase I Landfill shall remain in environmental compliance. For this purpose, environmental compliance may be evidenced by a showing that the most recent regular testing of perimeter wells demonstrates that there have been no excursions of noxious materials into the groundwater from the Phase I Landfill.
6. Transfer of title shall be by quit-claim deed. The SCFC and SPA-I shall accept the property "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. The transfer shall be subject to any obligations provided for by the Environmental Remediation Fund. The foregoing notwithstanding, the County shall remain obligated to comply with all applicable environmental requirements until such time as title to the property has been transferred to SPA-I.
7. Once title to the applicable portion of the East Broadway Re-Development Parcels has been transferred SPA-I the SPA-I shall be responsible:
 - A. For maintaining all test/monitoring wells on the property with respect to which title has actually been transferred.

- B. For removing, in compliance with applicable NYSDEC rules and regulations, the C&D or other material on the property with respect to which title has actually been conferred.
8. In the event the SCFC shall sell all or any portion of the East Broadway Re-Development Properties to SPA-I, the SCFC shall remit to the County, within thirty (30) days after it receives the same from the purchaser, ninety (90%) percent of the net sales price after deduction for the usual and customary transfer costs.
 9. Any payments received by the County under Section 7 or 8 next above which relate to the Landfill Expansion Parcels, in whole or in part (allocated on a pro rata basis by acreage) shall be placed in a debt service reserve account or, in the Discretion of the County Legislature, shall be used to defease the County General Obligation Bonds were initially issued to fund the acquisition of the Landfill Expansion Parcels and to fund the capital requirements of the Phase I Landfill.
 10. The SCFC and the County shall cooperatively address such details of the transfer as may be required.
 11. 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.
 12. 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.
 13. In the event any term(s) or condition(s) of the Option Agreement between the SCFC and SPA-I for the East Broadway Re-Development Properties are not accomplished in accordance with the provisions of the Option Agreement, the County, as determined by a majority vote of the County Legislature, shall have the right to require the SCFC to re-convey the East Broadway Re-Development Properties to the County without cost to the County. Any such re-conveyance shall take place within sixty (60) days of any such Resolution. The Option Agreement shall contain appropriate provisions to enable the SCFC to comply with this requirement.

Moved by Legislator _____, seconded by Legislator _____, put to a Roll Call vote, carried by a vote of _____ to _____ and declared duly adopted on Motion, November _____, 2013.

Resolution No. _____

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO
CREATE A NEW PROBATION OFFICER POSITION WITHIN THE PROBATION
DEPARTMENT'S ALTERNATIVES TO INCARCERATION PRE-TRIAL RELEASE
PROGRAM.**

WHEREAS, the Director of the Probation Department has demonstrated the need to create an additional Probation Officer in the Pre-Trial Release Program, and

WHEREAS, the County Legislators concur with the request of the Director of the Probation Department to create said position for a Probation Officer,

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of an additional Probation Officer position within the Probation Department's Alternatives to Incarceration Pre-Trial Release Program with a starting salary of \$35,511.00, Grade Level VIII of the Teamster's Local 445 Salary Schedule.

Moved by

Seconded by

Adopted on motion

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO MODIFY
RESOLUTION NO. 182-13 ADOPTING A LIST OF THOSE PUBLIC OFFICIALS AND
EMPLOYEES OF THE COUNTY OF SULLIVAN WHO ARE REQUIRED TO FILE A
FINANCIAL DISCLOSURE STATEMENT BY ADDING THE FIVE BOARD OF ETHICS
MEMBERS TO THE LIST**

WHEREAS, the Sullivan County Legislature adopted a list of persons required to file a Financial Disclosure Statement on April 18, 2013, and

WHEREAS, since the Board of Ethics became effective on September 25, 2013, the members of the board are not listed on the resolution and the list should reflect that they are required to file an annual financial disclosure statement.

NOW, THEREFORE BE IT RESOLVED that Resolution No. 182-13 is hereby modified and should reflect that all five Ethics Board Members is be required to file an annual Financial Disclosure Statement.

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT
A NEW MEMBER TO THE SULLIVAN COUNTY PUBLIC HEALTH SERVICES
PROFESSIONAL ADVISORY COMMITTEE**

WHEREAS, pursuant to 10 NYCRR (New York Codes, Rules & Regulations) Section 763.11 (a) (13) requires that Sullivan County Public Health Services Certified Home Health Agency and Long Term Home Health Care Program establish a Professional Advisory Committee to consist of “a group of professional personnel, which includes one or more physicians, registered professional nurses, and representatives of the professional therapeutic services provided by the agency” and “at least one member who cannot be an owner nor employee compensated by the agency”, and

WHEREAS, the term of one of the present Professional Advisory Committee members will expired as of December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the following individual be appointed to Sullivan County Public Health Services Professional Advisory Committee, pursuant to Section 763.11 (13) of NYCRR, with the term of 1/1/14-12/31/17.

Rebecca Skoda
PO Box 271
Ferndale, NY 12734

**Moved by
Seconded by
and adopted on motion**

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO
APPOINT A NEW MEMBER TO THE SULLIVAN COUNTY PUBLIC HEALTH
SERVICES' HEALTH SERVICES ADVISORY BOARD**

WHEREAS, Section 357 of the Public Health Law mandates that two members of the Health Services Advisory Board (HSAB) be licensed physicians, with the remaining seven to be known as public members selected on the basis of their interest and knowledge regarding health needs, resources and facilities of the community, and

WHEREAS, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members shall have fixed terms of four years, which shall be deemed to run from the first day of the year in which the appointment was made, and

WHEREAS, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members may not serve for more than two terms consecutively, and

WHEREAS, a vacancy exists for the term of 1/1/2011 to 12/31/2014 on the Health Services Advisory Board due to an absentee member, and

WHEREAS, the vacancy needs to be filled for the unexpired term ending 12/31/2014.

NOW, THEREFORE, BE IT RESOLVED, that the individual listed below be appointed to the Health Services Advisory Board for a one-year term (1/1/14-12/31/14) according to Public Health Law Section 357.

- 1) Bruce Ellsweig, MD
 31 Norris Road
 Forestburgh, NY 12777

**Moved by
Seconded by
and adopted on motion**

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT
A NEW MEMBER TO THE SULLIVAN COUNTY PUBLIC HEALTH SERVICES
PROFESSIONAL ADVISORY COMMITTEE**

WHEREAS, pursuant to 10 NYCRR (New York Codes, Rules & Regulations) Section 763.11 (a) (13) requires that Sullivan County Public Health Services Certified Home Health Agency and Long Term Home Health Care Program establish a Professional Advisory Committee to consist of “a group of professional personnel, which includes one or more physicians, registered professional nurses, and representatives of the professional therapeutic services provided by the agency” and “at least one member who cannot be an owner nor employee compensated by the agency”, and

WHEREAS, the term of one of the present Professional Advisory Committee members will expired as of December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the following individual be appointed to Sullivan County Public Health Services Professional Advisory Committee, pursuant to Section 763.11 (13) of NYCRR, with the term of 1/1/14-12/31/17.

Rebecca Skoda
PO Box 271
Ferndale, NY 12734

**Moved by
Seconded by
and adopted on motion**

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 Dorothy Fields 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:

Dorothy Fields
P O Box 1351
South Fallsburg NY 12779

10/31/2016

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

RESOLUTION NO. ____ -13 INTRODUCED BY THE EXECUTIVE COMMITTEE
AUTHORIZING AN AGREEMENT WITH BETHEL WOODS

WHEREAS, Sullivan County Public Health Services, through the Rural Health Network (“RHN”), is sponsoring a forum for physicians treating Sullivan County residents, and

WHEREAS, the purpose of the forum is to aid in preventing prescription drug abuse, and

WHEREAS, the RHN located an appropriate facility for the forum at Bethel Performing Arts Center, LLC (“Bethel Woods”), and

WHEREAS, in order to secure the rooms necessary for the forum, the County must enter into an agreement with Bethel Woods, and

WHEREAS, the cost of the facility shall not exceed \$2,450.00 and shall be paid from grant funding secured by the RHN.

NOW THEREFORE BE IT RESOLVED, that the County Manager is hereby authorized to execute an agreement with Bethel Woods so that a public health forum can be conducted at Bethel Woods, said agreement to be in a form approved by the County Manager.

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

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO ESTABLISH A
PROTOCOL FOR THE COORDINATED DEFENSE OF TAX CERTIORARI AND TAX
EXEMPTION PROCEEDINGS BY TOWNS, SCHOOL DISTRICT AND THE COUNTY OF
SULLIVAN ON AN ANNUAL BASIS**

WHEREAS, tax certiorari proceedings are commenced against assessing units by the owners of real property to reduce assessments, and

WHEREAS, tax exemption proceedings are also commenced against assessing units by the owners of real property seeking exemptions from paying real property taxes, and

WHEREAS, while the Towns are the assessing entities and as such are the named parties in such proceedings/actions, the County and the school districts have a significant interest in the results of such tax certiorari and tax exempt proceedings, and

WHEREAS, presently there are a number of tax certiorari and tax exempt proceedings which seek assessment reductions or exemptions in the millions of dollars, and

WHEREAS, in such significant tax certiorari proceedings individual towns will often benefit from the financial and resource assistance which the County and school districts could provide, and

WHEREAS, in the past the County Treasurer, Deputy Treasurer and County Attorney have reached out to individual towns on a one on one basis to offer such assistance, and

WHEREAS, the County Legislature finds that the issue of tax certiorari and tax exempt proceedings is an annual event requiring a more formal and regular coordination of efforts among the three tax districts, and

WHEREAS, in those tax certiorari and tax exempt proceedings in which a town, a school district and the County agree to co-operate, it would be in the best interest of all three tax districts for one of the three to retain the attorney and the appraiser and for the costs of such experts to then be shared on a pro rata basis, based upon their respective percentages of tax impact.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Chairman of the County Legislature shall, annually during the month of September invite the Town Supervisors, Town Assessors, Town Attorneys, School District Superintendents, School District Business Agents and School District Attorneys to meet to discuss the newly filed tax certiorari and tax exempt proceedings, to attempt to reach agreement to cooperatively defend, pursuant to an Inter Municipal Agreement executed by the three tax districts, those proceedings that the representatives believe have

significant tax impacts. The decision on behalf of the County shall be made by the County Legislature, after recommendation by the majority vote of a committee comprised of the County Manager, the County Attorney, the County Treasurer, the Deputy County Treasurer and the Director of Real Property Tax Services.

2. The, the committee shall solicit proposals from qualified expert counsel to represent and work on behalf of and serve as the County's counsel in such matters, and shall recommend the retention of such counsel to the County Legislature. ,upon the majority vote of said committee members.

The committee shall solicit proposals from real property appraisers who are expert with respect to particular types of property to serve as the County's appraisers for such matters and shall recommend the retention of such appraisers to the County Legislature, upon the majority vote of said committee members.

3. As required on a case by case basis, the committee shall solicit proposals from other specialized experts, such as engineers, who may be required with respect to certain proceedings and shall recommend the retention of such experts to the County Legislature. upon the majority vote of said committee members.
4. The County Attorney, cooperatively with the County Manager, the County Treasurer, the Deputy County Treasurer and the County's Director of Real Property Tax Services shall develop inter-municipal agreements to be entered into among towns, school districts and the County to provide, amongst other things for the cooperative defense of said significant tax certiorari and tax exempt proceedings, that the County be the entity that pays for the professional services contemplated by the Resolution, the allocation of expenses among the parties to such agreement and the pro rata reimbursement to the County.
5. The County Attorney is directed to seek consent to intervene in those tax certiorari proceedings and tax exemption actions which are determined by the majority vote of said committee members and the County Legislature to be significant matters requiring County participation and to which the applicable Town and/or the applicable School District has agreed to joint participation. In the event that there is not unanimous consent to the intervention of the County and the School District, the County Attorney is directed to make the appropriate motion(s) seeking permission of the court for the County and School District to intervene.
6. The execution of an Inter Municipal Agreement as described above, shall be authorized by the adoption of a resolution, upon the majority vote of the County Legislature.

7. The County Legislature hereby authorizes the initial sum of Twenty Five Thousand Dollars (\$25,000.00) to be paid to an appraiser selected by the committee to obtain preliminary evaluation analyses for the initial several parcels that the committee agrees to submit to the appraiser for the purpose of evaluating whether or not it would be prudent and cost effective to intervene in. Upon the report thereafter submitted by the appraiser, the committee will recommend specific parcels to the County Legislature for its approval to proceed in the defense of.

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO ESTABLISH A
PROTOCOL FOR THE COORDINATED DEFENSE OF TAX CERTIORARI AND TAX
EXEMPTION PROCEEDINGS BY TOWNS, SCHOOL DISTRICT AND THE COUNTY OF
SULLIVAN ON AN ANNUAL BASIS**

WHEREAS, tax certiorari proceedings are commenced against assessing units by the owners of real property to reduce assessments, and

WHEREAS, tax exemption proceedings are also commenced against assessing units by the owners of real property seeking exemptions from paying real property taxes, and

WHEREAS, while the Towns are the assessing entities and as such are the named parties in such proceedings/actions, the County and the school districts have a significant interest in the results of such tax certiorari and tax exempt proceedings, and

WHEREAS, presently there are a number of tax certiorari and tax exempt proceedings which seek assessment reductions or exemptions in the millions of dollars, and

WHEREAS, in such significant tax certiorari proceedings individual towns will often benefit from the financial and resource assistance which the County and school districts could provide, and

WHEREAS, in the past the County Treasurer, Deputy Treasurer and County Attorney have reached out to individual towns on a one on one basis to offer such assistance, and

WHEREAS, the County Legislature finds that the issue of tax certiorari and tax exempt proceedings is an annual event requiring a more formal and regular coordination of efforts among the three tax districts, and

WHEREAS, in those tax certiorari and tax exempt proceedings in which a town, a school district and the County agree to co-operate, it would be in the best interest of all three tax **districts for one of the three to retain the attorney and the appraiser and for the costs of such** experts to then be shared on a pro rata basis, based upon their respective percentages of tax impact.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Chairman of the County Legislature shall, annually during the month of September invite the Town Supervisors, Town Assessors, Town Attorneys, School District Superintendents, School District Business Agents and School District Attorneys to meet to discuss the newly filed tax certiorari and tax exempt proceedings, to attempt to reach agreement to cooperatively defend, pursuant to an Inter Municipal Agreement executed by the three tax districts, those proceedings that the representatives believe have

significant tax impacts. The decision on behalf of the County shall be made by the County Legislature, after recommendation by the majority vote of a committee comprised of the County Manager, the County Attorney, the County Treasurer, the Deputy County Treasurer and the Director of Real Property Tax Services.

2. The, the committee shall solicit proposals from qualified expert counsel to represent and work on behalf of and serve as the County's counsel in such matters, and shall recommend the retention of such counsel to the County Legislature. ,upon the majority vote of said committee members.

The committee shall solicit proposals from real property appraisers who are expert with respect to particular types of property to serve as the County's appraisers for such matters and shall recommend the retention of such appraisers to the County Legislature, upon the majority vote of said committee members.

3. As required on a case by case basis, the committee shall solicit proposals from other specialized experts, such as engineers, who may be required with respect to certain proceedings and shall recommend the retention of such experts to the County Legislature. upon the majority vote of said committee members.
4. The County Attorney, cooperatively with the County Manager, the County Treasurer, the Deputy County Treasurer and the County's Director of Real Property Tax Services shall develop inter-municipal agreements to be entered into among towns, school districts and the County to provide, amongst other things for the cooperative defense of said significant tax certiorari and tax exempt proceedings, that the County be the entity that pays for the professional services contemplated by the Resolution, the allocation of expenses among the parties to such agreement and the pro rata reimbursement to the County.
5. The County Attorney is directed to seek consent to intervene in those tax certiorari proceedings and tax exemption actions which are determined by the majority vote of said committee members and the County Legislature to be significant matters requiring County participation and to which the applicable Town and/or the applicable School District has agreed to joint participation. In the event that there is not unanimous consent to the intervention of the County and the School District, the County Attorney is directed to make the appropriate motion(s) seeking permission of the court for the County and School District to intervene.
6. The execution of an Inter Municipal Agreement as described above, shall be authorized by the adoption of a resolution, upon the majority vote of the County Legislature.

7. The County Legislature hereby authorizes the initial sum of Fifteen Thousand Dollars (\$15,000.00) to be paid to an appraiser selected by the committee to obtain preliminary evaluation analyses for the initial several parcels that the committee agrees to submit to the appraiser for the purpose of evaluating whether or not it would be prudent and cost effective to intervene in. Upon the report thereafter submitted by the appraiser, the committee will recommend specific parcels to the County Legislature for its approval to proceed in the defense of.

**RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AMEND THE SOLID WASTE MANAGEMENT RULES**

WHEREAS, the County Legislature has renewed its efforts to address delinquent hauler accounts, including the amendment of the County's Solid Waste Management Rules (SWMR); and

WHEREAS, SWMR § 632 (a) sets forth a provision placing a \$25,000.00 limit on accrued charges, and

WHEREAS, SWMR § 632 uses the words "bill" and "billing" when referring to the accrual of charges and obligations of haulers to remit payment to the County; and

WHEREAS, several years ago SWMR §302 was amended to transfer to the Legislature from the Commissioner of the Division of Solid Waste the sole authority to "adopt, modify and amend rules and regulations" and the "implementation of the Rules" including methods of payment and deferral of payment of fees due the County, and

WHEREAS, SWMR §632(a) provides a forty-five day period to remit payment on an outstanding billing statement; and

WHEREAS, the Legislature wishes to amend the SWMR to reflect current desired changes.

NOW THEREFORE BE IT RESOLVED, the Sullivan County Legislature hereby authorizes the amendment of the SWMR as follows:

- a. SWMR §632(a): delete the reference to a \$25,000 limit on accrued charges and delete the forty-five day provision. Replace the forty-five day provision with a provision that states a 30 day period in which to remit payment on an outstanding statement balance.
- b. SWMR §632(a): replace the word "billing" with "statement" to read, "All permit holders accruing charges in a thirty day period shall receive a monthly statement of account balance. The statement of account balance will be generated by the close of business on the last day of each month. The statement shall include notification that payment in full is due within 30 days of the statement date."
- c. SWMR § 632(b) replace "billing" with "statement",
- d. SWMR § 632(c) replace "bill" with "statement amount",

- e. SWMR § 632(d) replace “bill” with “statement amount”,
- f. SWMR §302 (a): provide that the Commissioner of the Division of Public Works shall have the authority to adopt, modify and amend the rules and regulations as well as to implement the Rules.

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