

June 19, 2014 Full Board Addendum

Resolutions from 2:00PM Special Planning, Environmental Management and Real Property

1. Accept and/or Reject Bids made at the June 2014 Public Auction for Real Property
2. Reconvey FA 20.-1-3.1/1102 to Garden View Estates, LLC
3. Reconvey FA 56.A-1-36 to Rodney and Paula Eddie
4. Convey MA 58.-6-12 to Stainton
5. Reconvey FA 60.-1-15.1/6501 to Acorn Realty Holdings LLC
6. Authorize a MOA with the Town of Liberty for trail upgrades at Walnut Mountain Park

Resolutions from 2:30PM Executive

7. Set public hearing July 17, 2014 at 1 :45PM for a proposed local law to Amend the Section C2.01 of the Sullivan County Charter to Reapportion the Legislative Districts in Accordance with the Municipal Home Rule Law of the State of New York
8. Appoint Stephen McLaughlin to the Community Services Board
9. Appoint Lillian M. Hendrickson to the RSVP Advisory Committee
10. Create two (2) Sr. Crew Leader positions for the Summer Youth Program
11. Amend Resolution No. 139-14 amending date and the number of youth
12. Amend Resolution No. 169-14 regarding the Time Warner Facilities Agreement
13. Authorize contract with John Pasquale for occupational services
14. Authorize contract with Aaron Enterprises, Inc for repair of Pre-Treatment Plan caustic tank
15. Authorize contract with Dr. Quazi Al-Tariq for psychiatric services
16. Authorize submission of a letter of authorization to NYSEG and a non-binding Letter of Intent to NYSERDA
17. Consent to Sullivan County Community College (SCCC) borrowing an amount not to exceed \$2,250,000 from Sterling National Bank
18. Approving the issuance by the Sullivan County Funding Corporation of up to \$9,500,000 Tax Exempt revenue
19. Retain counsel on a specific matter

RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMNET AND REAL PROPERTY COMMITTEE

RESOLUTION TO ACCEPT AND/OR REJECT BIDS MADE AT THE JUNE 2014 PUBLIC AUCTION FOR REAL PROPERTY ACQUIRED BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDINGS.

WHEREAS, the Sullivan County Legislature authorized auctions to be conducted by Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc. for real property acquired by virtue of the In Rem tax foreclosure proceedings, and

WHEREAS, Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc conducted an auction on June 11, 2014 & June 12, 2014, and

WHEREAS, by the Terms of Sale, the County reserved the right to withdraw any property listed in the notice of sale from the auction and further required that all such bids at the auction be approved or rejected by the Sullivan County Legislature, and

WHEREAS, the Real Property Advisory Board recommends all bids made at said auction be accepted; except the bid for the following parcel, which will be rejected:

Tract #219 -- Lumberland 11.-1-21.21, Bidder #123 for \$125.00, because the County failed to notify plaintiffs in a Judgment at the time of commencement of the foreclosure proceeding, thereby resulting in a Mennonite failure, and

WHEREAS, the successful bidders will have until 5:00 p.m. on Thursday, July 24th, 2014, pursuant to the terms and conditions of the auction, to pay the balance due to the Sullivan County Treasurer's Office or any deposit remitted will be forfeited, and

WHEREAS, the successful bidders must purchase all parcels they were the successful bidders for, and

WHEREAS, if the successful bidder(s) do not remit the balance of the bid amount by Thursday, July 24th, 2014, pursuant to the terms and conditions of the auction, the parcels will be offered for sale, and the deposit(s) will be forfeited, and

NOW, THEREFORE, BE IT RESOLVED, the bids recorded at the real property auction held on June 11, 2014 & June 12, 2014, are hereby accepted, with the exception mentioned above which is hereby rejected and the Chairman of the Sullivan County Legislature is hereby authorized and directed to execute the necessary documents to convey such title to the successful bidder, or to the party to whom conveyance shall be made, and

BE IT FURTHER RESOLVED, the Sullivan County Treasurer is authorized to forfeit and retain any deposits made on bids that are not paid in full on or before 5:00 p.m. July 24th, 2014, pursuant to the terms and conditions of the auction.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

**RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE**

**RESOLUTION TO RECONVEY A PARCEL LOCATED IN THE
TOWN OF FALLSBURG KNOWN AS FALLSBURG 20.-1-3.1/1102
TO THE FORMER OWNER.**

WHEREAS, the County of Sullivan through its tax foreclosure deed, dated February 28, 2014, recorded as Instrument #2014-1237 in the Sullivan County Clerk's Office, took title to the premises located in the Town of Fallsburg and identified as Tax Map # 20.-1-3.1/1102, and

WHEREAS, the County mailed notifications to the wrong name of owner, therefore the County failed to notify the Owner of said parcel at the time of commencement of the foreclosure proceeding, thereby resulting in a Mennonite failure, and

WHEREAS, said Owner has redeemed the delinquent taxes for repurchase figures in the amount of \$23,002.84 on May 21, 2014, and said parcel should therefore be conveyed to the former record owner, Garden View Estates, LLC, and

WHEREAS, the conveyance of said parcel will restore to its prior status, any and all liens and/or judgments of record that were extinguished with the recording of the county foreclosure deed dated on February 28, 2014, and recorded on February 28, 2014, in the Sullivan County Clerk's Office as Instrument #2014-1237, and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to re-convey the aforesaid premises to the former owner of record, Garden View Estates, LLC.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

**RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE**

**RESOLUTION TO RECONVEY A PARCEL LOCATED IN THE
TOWN OF FALLSBURG KNOWN AS FALLSBURG 56.A-1-36 TO
THE FORMER OWNER.**

WHEREAS, the County of Sullivan through its tax foreclosure deed, dated February 28, 2014, recorded as Instrument #2014-1237 in the Sullivan County Clerk's Office, took title to the premises located in the Town of Fallsburg and identified as Tax Map # 56.A-1-36, and

WHEREAS, the County was unaware that the Owner of said parcel at the time of commencement of the foreclosure proceeding was in Bankruptcy, thereby constituting a violation of the federal bankruptcy code, and

WHEREAS, said Owner has redeemed the delinquent taxes for repurchase figures in the amount of \$6,750.36 on May 21, 2014, and said parcel should therefore be conveyed to the former record owners, Rodney L & Paula K Eddie, and

WHEREAS, the conveyance of said parcel will restore to its prior status, any and all liens and/or judgments of record that were extinguished with the recording of the county foreclosure deed dated on February 28, 2014, and recorded on February 28, 2014, in the Sullivan County Clerk's Office as Instrument #2014-1237, and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to re-convey the aforesaid premises to the former owners of record, Rodney L & Paula K Eddie.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

**RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE**

**RESOLUTION TO CONVEY PROPERTY IN THE TOWN OF MAMAKATING
KNOWN AS MA58.-6-12, 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 Mamakating designated on the Sullivan County Real Property Tax Map as MA58.-6-12, Class 692, being 0.56 +/- acres, located on Yankee Lake Rd, is owned by the County of Sullivan (formerly owned by Joseph Oriscak) and was included in the foreclosure of 2011 liens, but was not sold at the June, 2013 Public Auction, and

WHEREAS, Douglas & Julianne Stainton have offered to purchase said property for the sum of, TWO HUNDRED (\$200.00) DOLLARS, and

WHEREAS, this matter was discussed by the Real Property Advisory Board who advised it is in the best interest of the County of Sullivan to convey the parcel to Douglas & Julianne Stainton for TWO HUNDRED (\$200.00) DOLLARS, and

WHEREAS, the purchaser will also be responsible for the recording fees plus 10% of sale price for auctioneer's commission, plus the 2014 County/Town taxes and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges, if any, 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 Douglas & Julianne Stainton, upon payment of \$200.00 to the County Treasurer, plus 10% of sale price for auctioneer's commission, plus fees for the County Clerk, plus the 2014 County/Town taxes and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges, if any.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

**RESOLUTION INTRODUCED BY PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE**

**RESOLUTION TO RECONVEY A PARCEL LOCATED IN THE
TOWN OF FALLSBURG KNOWN AS FALLSBURG 60.-1-15.1/6501
TO THE FORMER OWNER.**

WHEREAS, the County of Sullivan through its tax foreclosure deed, dated February 28, 2014, recorded as Instrument #2014-1237 in the Sullivan County Clerk's Office, took title to the premises located in the Town of Fallsburg and identified as Tax Map # 60.-1-15.1/6501, and

WHEREAS, the County used an incorrect address provided by the Town's records, therefore the County failed to notify the Owner of said parcel at the time of commencement of the foreclosure proceeding, thereby resulting in a Mennonite failure, and

WHEREAS, said Owner has redeemed the delinquent taxes in the amount of \$19,069.63 on May 23, 2014, and said parcel should therefore be conveyed to the former record owner, Acorn Realty Holdings LLC, and

WHEREAS, the conveyance of said parcel will restore to its prior status, any and all liens and/or judgments of record that were extinguished with the recording of the county foreclosure deed dated on February 28, 2014, and recorded on February 28, 2014, in the Sullivan County Clerk's Office as Instrument #2014-1237, and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to re-convey the aforesaid premises to the former owner of record, Acorn Realty Holdings LLC.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

RESOLUTION INTRODUCED BY THE PLANNING COMMITTEE TO AUTHORIZE AN MEMORANDUM OF AGREEMENT WITH THE TOWN OF LIBERTY FOR TRAIL UPGRADES AT WALNUT MOUNTAIN PARK

WHEREAS, the County of Sullivan, NY has identified hiking trails as a priority as recreational amenities for tourists, visitors, and Sullivan County taxpayers, and

WHEREAS, the condition of the trails at Walnut Mountain Park in the Town of Liberty are in need of signage, upgrading and maintenance, and

WHEREAS, Brian Scardefield, Director of the Town of Liberty Parks and Recreation Department, has approved the plans for the Boy Scout Troop (#717) of Liberty to be the project leaders to install signs and upgrades for public use, and

WHEREAS, the Boy Scout Troop is willing and able to complete the labor on this this project, and

WHEREAS, the Boy Scout Troop is in the process of fundraising activities to provide materials for signage and upgrades in the amount of \$1,300, and

WHEREAS, the County of Sullivan has the available resources to grant \$1,300 for the upgrades at Walnut Mountain Park.

NOW, THEREFORE, BE IT RESOLVED, that The Sullivan County Legislature authorizes a Memorandum of Agreement with the Town of Liberty for trail upgrades at Walnut Mountain Park in the amount of \$1,300.

RESOLUTION NO. -14 INTRODUCED BY EXECUTIVE COMMITTEE TO SET A PUBLIC HEARING FOR THE ADOPTION OF A LOCAL LAW TO AMEND THE SECTION C2.01 OF THE SULLIVAN COUNTY CHARTER TO REAPPORTION THE LEGISLATIVE DISTRICTS IN ACORDANCE WITH THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK.

WHEREAS, Municipal Home Rule Law §10 requires the County Legislature to adopt a plan of apportionment to provide for substantially equal weight for the population of that local government in the allocation of representation in the local legislative body; and

WHEREAS, as a result of the 2010 Census, the County Legislative Districts, as currently drawn, do not provide for substantially equal representation, in that the population contained in the some of the Legislative Districts in the County of Sullivan exceed the acceptable deviation of 5% of full ratio for its respective representative Legislator; and

WHEREAS, a committee was established and tasked with the responsibility, together with a consultant, to recommend a plan of reapportionment of the Legislative Body of the County of Sullivan to ensure substantially equal representation thereof; and

WHEREAS, the committee has recommended a plan of reapportionment which must be adopted by local law; and

WHEREAS, prior to adoption of a local law to amend §C2.01 of the Sullivan County Charter to adopt a plan of reapportionment, it is necessary to conduct a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize holding a public hearing on Thursday, July 17 at 1:45p.m. in the Legislative Hearing Room of the Sullivan County Government Center, 100 North Street, Monticello, New York regarding the Local Law to amend §C2.01 of the Sullivan County Charter to provide plan of reapportionment of the County Legislative Districts; and

BE IT FURTHER RESOLVED, that the Clerk to the Legislature is hereby authorized and directed to publish at least six days' notice of such public hearing at in the official newspapers of the County and by posting thereof on the bulletin board of the County of Sullivan.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014

COUNTY OF SULLIVAN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a plan of reapportionment of the Sullivan County Legislative Districts has been duly presented at an Executive Committee meeting of the Legislature of the County of Sullivan, New York held on June 19, 2014, such plan of reapportionment must be adopted pursuant to Local Law which will amend §C2.01 of the Sullivan County Charter.

NOTICE IS FURTHER GIVEN that the Legislature of the County of Sullivan will conduct a public hearing on the Local Law to amend §C2.01 of the Sullivan County Charter to provide a plan for reapportionment of the Sullivan County Legislative Districts at the Legislature's Meeting Room, County Government Center, Monticello, New York 12701 on July 17, 2014 at 1:45 p.m. at which time all persons interested will be heard.

NOTICE IS FURTHER GIVEN that the Maps and reports regarding the reapportionment will be available for inspection or review in the office of the Clerk to the Sullivan County Legislature.

Dated: June 19, 2014
Monticello, New York

AnnMarie Martin
Clerk of the Legislature
County of Sullivan, New York

Resolution No. _____

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE.

RESOLUTION TO RE-APPOINT ONE (1) MEMBER TO THE COMMUNITY SERVICES BOARD

WHEREAS, there is a need to re-appoint one (1) member to the Community Services Board; and

WHEREAS, the appointment is to commence on January 1, 2014; and

WHEREAS, the appointment shall be for a four (4) year term ending on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED, the following individual(s) be reappointed to the Sullivan County Community Services Board to reflect a four (4) year term.

RE-APPOINTMENTS TO THE CSB

TERM

Stephen McLaughlin

1/1/2014 - 12/31/2017

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

Resolution No.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE

RESOLUTION TO APPOINT ONE MEMBER TO THE RSVP ADVISORY COMMITTEE (RSVP)

WHEREAS, there is a vacancy on the Retired Senior Volunteer Program Advisory Committee (RSVP), and

WHEREAS, it is the desire to appoint Lillian M. Hendrickson to fill the vacancy of Betty Crandall, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby appoint the following members to the RSVP Advisory Committee, for the term to expire on the date opposite of name.

RSVP APPOINTMENT:

TERM:

Lillian M. Hendrickson
P O Box 16
Smallwood NY 12778

5/31/2017

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE:

RESOLUTION TO CREATE TWO (2) SENIOR CREW LEADER POSITIONS FOR THE CENTER FOR WORKFORCE DEVELOPMENT

WHEREAS, the Center for Workforce Development operates the Summer Youth Employment Program (SYEP) from June 1, 2014 through August 30, 2014, and

WHEREAS, the Center for Workforce Development also receives funds under the federal Workforce Investment Act Title IB youth program, and

WHEREAS, two (2) Senior Crew Leaders are needed to provide daily supervision of eligible youth, and

WHEREAS, the Senior Crew Leaders will be paid \$17/hour.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of two (2) Senior Crew Leader positions for the Center for Workforce Development.

BE IT FURTHER RESOLVED, that all positions will be eliminated at the end of the program.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AMEND
RESOLUTION NO. 139-14 THAT AUTHORIZES AN AGREEMENT WITH SULLIVAN
COUNTY BOCES TO PROVIDE SERVICES UNDER THE WORKFORCE
INVESTMENT ACT.**

WHEREAS, Resolution 139-14 was passed on March 20, 2014, and

WHEREAS, Resolution 139-14 contained two errors, and

WHEREAS, Resolution 139-14 states the contract end date as March 30, 2015, and

WHEREAS, Resolution 139-14 states that twenty (20) youth will be served, and

WHEREAS, the correct contract end date is June 30, 2015, and

WHEREAS, the correct number of youth to be served is thirty (30).

NOW, THEREFORE, BE IT RESOLVED, that Resolution 139-14 is amended to reflect the following changes as follows:

1. The contract end date is June 30, 2015.
2. The number of youth to be served is thirty (30).

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE AMENDMENT OF THE 2014-2019 TIME WARNER FACILITIES AGREEMENT (Resolution 169-14) TO PROVIDE REDUNDANT CONNECTIVITY BETWEEN THE E911 CENTER AND THE NEW YORK STATE POLICE BARRACKS, LIBERTY, NY TO SUPPORT THE NEW E911 PHONE SYSTEM.

WHEREAS, Resolution 358-13 authorized the County Manager to enter into an agreement with Carousel Industries in accordance with B-13-47 for the purchase and installation of a new VoIP telephone system for the E911 Center, and

WHEREAS, Resolution 169-14 authorized the County Manager to execute a 5-year Facilities Agreement with Time Warner, and

WHEREAS, the County currently has a single, primary Time Warner fiber connection between the E911 Center, White Lake, NY and the established E911 emergency dispatch location at the New York State Police Barracks in Liberty, NY, and

WHEREAS, the County wishes to provide additional fiber connectivity in order to support multiple site failover redundancy for the new E911 phone system between the E911 Center, White Lake, NY and the New York State Police Barracks in Liberty, NY, and

WHEREAS, Time Warner has agreed to modify our existing Facilities Agreement to include this Service Order Agreement covering the period of July 1, 2014 – June 30, 2019, with no installation fee and an effective monthly service fee of \$600 (*plus all subservient account taxes and fees (Federal, State, Local and Regulatory)*) to be pre-paid out of existing grant funds for a 60 month period.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute the Time Warner Service Order Agreement for the period of July 1, 2014 – June 30, 2019, with no installation fee and an effective monthly service fee of \$600 (*plus all subservient account taxes and fees (Federal, State, Local and Regulatory)*) to be pre-paid out of existing grant funds for a 60 month period, said agreement to be in such form as the County Attorney shall approve.

Moved by _____,

Seconded by _____,

and adopted on motion _____, 2014.

Resolution No. _____

**RESOLUTION INTRODUCED BY GOVERNMENT SERVICES COMMITTEE
RESOLUTION TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT**

WHEREAS, John Pasquale, 226 Old Route 17, Livingston Manor, New York 12758, is currently providing occupational therapy services for the Long Term Home Health Care Program and Certified Home Health Agency, for Public Health Services, and

WHEREAS, an agreement was executed on July 16, 2013, authorized by Resolution No. 244-13, adopted by the Sullivan County Legislature on June 20, 2013, and

WHEREAS, the price per visit rate shall be increased from \$68.00/visit to \$69.00/visit, and

WHEREAS, all other terms and conditions of the RFP, R-13-20, shall remain unchanged, and

WHEREAS, the Sullivan County Public Health Services recommends that a modification agreement be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a modification agreement with John Pasquale, at price not to exceed \$69.00/visit, in accordance with R-13-20, effective June 23, 2014, said modification to be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

**RESOLUTION INTRODUCED BY GOVERNMENT SERVICES COMMITTEE
RESOLUTION TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT**

WHEREAS, the caustic tank at the Pre-Treatment Plant at the Sullivan County Monticello Transfer Station needed an immediate emergency repair in January 2014, as required by the New York State Department of Environmental Conservation, and

WHEREAS, an emergency circumstance required the County to repair the caustic tank due to a leak in the tank, and

WHEREAS, due to this emergency situation, the Purchasing and Central Services Department, authorized an emergency Purchase Order (PO #26288), for the Division of Public Works, with Aaron Enterprises, Incorporated, for a total amount of \$43,410.00, and

WHEREAS, follow-up maintenance, to complete the removal and replacement of the tank is required, and

WHEREAS, Aaron Enterprises, Incorporated and their subsidiary, PCA Engineering, Incorporated, have been on-site since January 2014, and are prepared to complete the necessary work, at a cost not to exceed \$65,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute an agreement with PCA Engineering, Incorporated, at price not to exceed \$65,000.00, for the completion of the emergency work, including but not limited to the removal and replacement of the caustic tank, said contract to be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

Resolution No. _____

**RESOLUTION INTRODUCED BY GOVERNMENT SERVICES COMMITTEE
RESOLUTION TO MODIFY AGREEMENT**

WHEREAS, the County of has an agreement with Dr. Quazi S. Al-Tariq, 33 Bristol Drive, Middletown, New York 10940, dated April 16, 2013, in accordance with Resolution No. 113-13, adopted by the Sullivan County Legislature on March 21, 2013, and

WHEREAS, due to the loss of the County's child psychiatrist, Dr. Stillman, additional work for children and the adolescent population has been assigned to Dr. Al-Tariq, and

WHEREAS, the hourly rate for services shall be increased from \$120.00 to \$150.00, and

WHEREAS, the Sullivan County Department of Community Services has approved said increase and recommends that the agreement be modified.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to modify the agreement with Dr. Quazi S. Al-Tariq, to \$150.00/hour, in accordance with R-13-05, said contract to be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2014.

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO SUBMIT A LETTER OF AUTHORIZATION TO NYSEG AND A NON-BINDING LETTER OF INTENT TO THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) IN SUPPORT OF AN APPLICATION FOR FUNDING UNDER PON 2956 NY SUN COMPETITIVE PV PROGRAM

WHEREAS, NYSERDA has announced the availability of funding for the development of solar photovoltaic projects through the NY SUN Competitive Program (PON 2956), and

WHEREAS, the purpose of PON 2956 is to provide incentives to discount the price of solar electricity to the end user, and

WHEREAS, Sullivan County (the "County") has an opportunity to participate in this program through a partnership with Solar City, a photovoltaic installer selected by the Municipal Electric and Gas Alliance (MEGA) through a competitive procurement process to provide services to municipalities in New York State, and

WHEREAS, the County wishes to pursue this partnership and supports Solar City's use of the NYSERDA incentives to discount the price of electricity for the County, and

WHEREAS, in order to participate in PON 2956 the County must submit a letter of authorization to NYSEG authorizing Solar City to act as the County's agent in securing the necessary permits for the project's utility interconnection, and

WHEREAS, in order to participate in PON 2956 the County must also submit a non-binding letter of intent indicating mutual intent between Solar City and the County to develop a solar photovoltaic project, and

WHEREAS, the letter shall be non-binding upon the County and, therefore, a contractual relationship would result later, if and when the County enters into a Power Purchase Agreement with Solar City.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to submit a letter of authorization to NYSEG authorizing Solar City to act as the County's agent in securing the necessary permits for the project's utility interconnection, and

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to submit a non-binding letter of intent in support of an application from Solar City under the NY SUN Competitive Program to discount the price of solar electricity for Sullivan County.

**Moved by
seconded by
and adopted on motion**

RESOLUTION NO. ____-14 INTRODUCED BY THE EXECUTIVE COMMITTEE TO CONSENT TO SULLIVAN COUNTY COMMUNITY COLLEGE ("SCCC") BORROWING AN AMOUNT NOT TO EXCEED \$2,250,000.00 FROM STERLING NATIONAL BANK, THE PROCEEDS OF WHICH SHALL BE USED TO FULLY RESOLVE SCCC's OBLIGATIONS PURSUANT TO \$4,510,000 CERTIFICATES OF PARTICIPATION, SERIES 2007, EVIDENCING AN UNDIVIDED OWNERSHIP INTEREST IN PAYMENTS TO BE MADE PURSUANT TO AN EQUIPMENT LEASE-PURCHASE AGREEMENT BY AND BETWEEN THE HOLDER AND SCCC

WHEREAS, SCCC completed a tax-exempt Certificates of Participation ("COP") transaction in 2007 pursuant to which Four Million One Hundred Thousand and 00/100 (\$4,100,000.00) Dollars was advanced to SCCC, and

WHEREAS, a dispute exists as to the tax-exempt status and underlying legality of the COP transaction, and

WHEREAS, the current COP holder (a fund of the Oppenheimer Funds) ("Holder") and SCCC have agreed to resolve the underlying dispute whereby the Holder will accept sixty-one (61%) percent of the current outstanding amount due in full and final settlement of SCCC's obligation under the COP, and

WHEREAS, SCCC wishes to borrow from Sterling National Bank ("Sterling Bank") an amount not to exceed Two Million Two Hundred Fifty Thousand and 00/100 (\$2,250,000.00) Dollars ("Sterling Bank Loan") the proceeds of which will be used to fully and finally satisfy SCCC's obligations under the COP, and

WHEREAS, SCCC hereby requests the consent of the County of Sullivan ("County") to the Sterling Bank Loan.

NOW, THEREFORE, BE IT RESOLVED, that the County hereby consents to the Sterling Bank Loan, and

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to sign any instrument or document necessary to express the foregoing consent on behalf of the County.

Moved by _____,
seconded by _____,
put to a vote, _____ and declared _____.

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE
AS THE ELECTED LEGISLATIVE BODY OF SULLIVAN COUNTY,
NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE
INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"),
APPROVING THE ISSUANCE BY THE SULLIVAN COUNTY FUNDING
CORPORATION OF UP TO \$9,500,000 TAX EXEMPT REVENUE
BONDS (SULLIVAN COUNTY COMMUNITY COLLEGE DORMITORY
CORPORATION PROJECT), SERIES 2014**

WHEREAS, the Sullivan County Legislature (the "Legislature"), as the elected legislative body of Sullivan County, New York (the "County") has been advised by the Sullivan County Funding Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Sullivan County Community College Dormitory Corporation (the "Borrower"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax Exempt Revenue Bonds (Sullivan County Community College Dormitory Corporation Project), Series 2014, in an aggregate principal amount not to exceed \$9,500,000 (the "Bond" or "Bonds"); and

WHEREAS, the project to be financed with the proceeds of the Bonds (the "Project") shall consist of: (A) the refinancing of an existing taxable loan in the original principal amount of \$8,100,000 (the "Taxable Loan"), the proceeds of which were used by the Borrower for the purpose of refunding all of the outstanding County of Sullivan Industrial Development Agency's Civic Facility Revenue Bonds (Sullivan County Community College Dormitory Corporation Project), Series 2002 (the "Series 2002 Bonds"); and (B) the paying of all or a portion of the costs incidental to the issuance of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds (the costs associated with items (A) and (B) above being hereinafter collectively referred to as the "Project Costs"); and

WHEREAS, the proceeds of the Series 2002 Bonds were used to: (1) pay the cost of the construction of two free standing buildings to be used as student dormitory housing, each building consisting of four floors with approximately 40 beds per floor, and each containing appurtenant and ancillary facilities such as an entrance lobby, mailroom, security station, activity lounge with food service area, student study lounge, laundry and vending facilities, trash/recycling facilities and utility/maintenance facilities (the "2002 Improvements"); (2) acquire and install certain machinery equipment and other items of tangible personal property (the "2002 Equipment"; and, together with the 2002 Improvements, the "Series 2002 Facility"); (3) pay certain costs and expenses incidental to the issuance of the Series 2002 Bonds; and (4) fund a capitalized interest account and a debt service reserve fund in connection with the Series 2002 Bonds; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and

the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, on June 19, 2014, in accordance with the Notice of Public Hearing published on June 3, 2014 in the *Sullivan County Democrat*, the Issuer held a public hearing to consider the plan of financing the Project by the issuance from time to time of the Bonds; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Borrower's application to the Issuer for financial assistance, and (b) the notice of public hearing published by the Issuer in the *Sullivan County Democrat*, along with the affidavit of publication of such newspaper; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Sullivan County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF SULLIVAN COUNTY:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the [Executive Committee], the Legislature hereby gives its approval of the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation Sullivan County, and neither the State nor any political subdivision thereof, including without limitation Sullivan County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Sections 103 and 145 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

The foregoing Resolution was offered by _____
and seconded by _____.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>YEA</u>	<u>NEA</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Scott Samuelson	[]	[]	[]	[]
Kathleen LaBuda	[]	[]	[]	[]
Kathleen Vetter	[]	[]	[]	[]
Jonathan Rouis	[]	[]	[]	[]
Cindy Kurpil Gieger	[]	[]	[]	[]
Cora Edwards	[]	[]	[]	[]
Eugene Benson	[]	[]	[]	[]
Ira Steingart	[]	[]	[]	[]
Alan Sorensen	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

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

This is to certify that I, the undersigned, Clerk of the Legislature of Sullivan County, New York, have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Legislature of Sullivan County on the 19th day of June, 2014, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the Legislature of Sullivan County, this 19th day of June, 2014.

Clerk of the Legislature of Sullivan County

**RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO
RETAIN PROFESSIONAL FIRMS TO INVESTIGATE A MATTER**

WHEREAS, a number of serious complaints have been submitted by County employees with respect to a Department of County government, and

WHEREAS, the administration of the Department has likewise complained about certain employees, and

WHEREAS, it is incumbent on the County to investigate such complaints, and

WHEREAS, the County Legislature previously directed the County Manager to obtain outside professionals who have no prior relationship with the County to look into these complaints, and

WHEREAS, the County Manager recommends that McCabe Associates, a firm of professional investigators with an office in Rochester, New York be engaged to perform the actual investigative work, and

WHEREAS, the McCabe firm presently estimates that the cost of the investigation may be between \$75,000 and \$100,000 with their individual professionals billing at the rate of \$90 per hour, plus expenses, and

WHEREAS, based on his interview with a law firm in Rochester which has worked with McCabe on similar matters in the past, the County Manager estimates that an additional \$50,000 to \$100,000 might be required to engage a law firm, whether the firm already interviewed or another firm, to work with McCabe, and

WHEREAS, the County Manager advises the County Legislature that in his opinion it is essential the funds be allocated and the investigation be conducted.

NOW THEREFOR BE IT RESOLVED,

1. The County Manager is hereby authorized to retain the McCabe firm for an amount not to exceed \$100,000, and
2. The County Manager is further authorized to retain an appropriate law firm having relevant qualifications and experience in such matters, in an amount not to exceed \$75,000 to assist and provide legal guidance to the McCabe firm and to join with the McCabe firm in making a final report and recommendation to the County Manager.
3. The McCabe firm and the law firm shall both work under the direction and report to the County Manager.

4. The respective retainer agreements shall be in a form approved by the County Attorney.

Moved by _____,
Seconded by _____,
and adopted on