



SULLIVAN COUNTY LEGISLATURE
SULLIVAN COUNTY GOVERNMENT CENTER
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SPECIAL EXECUTIVE COMMITTEE
February 16, 2012 at 12:00PM

COMMITTEE MEMBERS: Samuelson, Benson, LaBuda, Vetter, Rouis, Gieger,
Edwards, Steingart, Sorensen

I. DISCUSSION

1. Redistricting of Legislative Districts-----Lynda Levine

II. RESOLUTIONS TO UNTABLE:

1. Amend Resolution 8 of 2012 changing Gieger to Edwards on S&W Board
2. Amend the July 21, 2011 Resolution No. 325-11 relating to the sale of the East Broadway Development Properties

RESOLUTIONS :

3. Authorize the County Manager to execute an agreement with Catherine B. Rauschendorfer
4. Authorize the submission of a NYS Archives Grant offering local government records management improvement funds, application for Sullivan County

III. PUBLIC COMMENT

**RESOLUTION NO. INTRODUCED BY THE EXECUTIVE COMMITTEE TO AMEND
RESOLUTION NO. 8-12 TO APPOINT TWO MEMBERS TO THE SULLIVAN
COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

WHEREAS, the terms of Elwin Wood and David Sager expired on December 31, 2011, creating two vacancies, and

WHEREAS, resolution no. 8-12 appointed Cindy Kurpil Gieger and Gene Benson to fill the vacancies of Elwin Wood and David Sager, and

WHEREAS, it is the desire of the Legislature to amend Resolution No. 8-12 to appoint Cora Edwards and Gene Benson to fill the vacancies of Elwin Wood and David Sager.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 8-12 is hereby amended, and that Mrs. Edwards and Mr. Benson are hereby appointed to the Sullivan County Soil and Water Conservation Board of Directors with the terms to expire on December 31, 2013.

**RESOLUTION NO. ___-12 INTRODUCED THE EXECUTIVE COMMITTEE, TO
AMEND THE JULY 21, 2011 RESOLUTION NO. 325-11 RELATING TO THE SALE OF
THE EAST BROADWAY DEVELOPMENT PROPERTIES**

WHEREAS, the County Legislature, by Resolution 325-11, dated July 21, 2011 authorized the transfer of certain parcels of land to the Sullivan County Funding Corporation (“SCFC”), and

WHEREAS, Resolution 325-11 contained certain dates by when certain tasks had to be accomplished, and

WHEREAS, subsequent to the passage of Resolution 325-11 it became necessary, in order to assure no taint on title, to resolve a litigation commenced by the Village of Monticello concerning the payment of certain real property taxes with respect to a portion of the property which was subject to Resolution 325-11, and

WHEREAS, it was not possible to complete all of the milestone tasks set forth in Resolution 325-11 while the aforesaid litigation was pending, and

WHEREAS, the aforesaid litigation has now been resolved, and

WHEREAS, as a result of the foregoing it is necessary that the County Legislature amend Resolution 325-11 as follows:

NOW THEREFORE BE IT RESOLVED THAT:

1. The Legislature hereby agrees to authorize the transfer of the East Broadway Re-Development Properties to the SCFC for the following consideration and under the following terms and conditions:
 - A. The actual transfer of title shall take place on such date as the Member of the SCFC, the Chairman of the County Legislature and the County Attorney shall agree that all preliminary matters required and prudent to be accomplished with respect to the project have been completed including, but not limited to, all necessary agreements and transfer documents, provided however, that if title shall not have been transferred to the SCFC by ~~December~~March 31, ~~2011~~2012 the authority conveyed by this Resolution shall be revoked and no authority for such transfer shall then exist, and
 - B. 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 in that based on the most recent regular testing of perimeter wells there will have been no excursions of noxious materials into the groundwater from the Phase I Landfill, and

- C. Transfer of title shall be by quit-claim deed and the SCFC shall accept the property in its “as is/where is and with all faults condition” without representation or warranty by the County of any kind or character, express or implied, including, but not limited to, any representation or warranty as to fitness for use or habitability.
- D. The SCFC shall use its best, good faith efforts to ensure that the East Broadway Re-Development Properties are developed for appropriate commercial uses which maximize employment and sales tax revenues; provided, however, the separately designated tax parcel of approximately one (1) acre formerly used for a theatre can be used for a not for profit use, and
- E. In the event the SCFC enters into leases for the commercial development of the East Broadway Re-Development Properties, the SCFC shall remit payments to the County, on a monthly basis, commencing with the first month in which it receives rent, and for the entire term and renewal terms of any such leases, which constitute ninety (90%) per centum of the rent and other consideration, if any, paid to the SCFC by any and all tenants, sub-tenants and assigns, and
- F. In the event the SCFC shall sell any portion of the East Broadway Re-Development Properties to any appropriate commercial retail user, the SCFC shall remit to the County, within thirty (30) days after it receives the same from the purchaser, either a lump sum or in installments, ninety (90%) of the net sales price (including interest if any) after deduction for SCFC’s reasonable selling costs such as legal fees and the like, and
- G. In the event construction of the aforesaid appropriate commercial facilities on the East Broadway Re-Development Properties shall not have commenced within eighteen (18) months following the later to occur of the date on which the County transfers title to the East Broadway Re-Development Properties to the SCFC OR from execution of a binding agreement between SCFC and a developer then, in such event, at the sole option of the County as determined by a majority vote of the County Legislature, the County shall have the right to require, and SCFC shall comply, that title to the East Broadway Re-Development Properties be re-conveyed to the County at no cost to the County, and
- H. It is specifically agreed that the SCFC or its tenants/transferees and not the County shall be solely responsible for the preparation of and liability for all applicable environmental reviews in connection with the commercial development of the East Broadway Re-Development Properties, and

- I. The County shall cooperate, at no cost or expense to it, with the SCFC in the aforesaid commercial development of the SCFC, and
 - J. 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 or appropriate to effectuate the purposes, terms and conditions of this resolution, including any instruments or agreements executed and delivered in connection with the proposed transfer of title herein.
2. The Legislature also authorizes the transfer of title to the aforesaid 1.01 (approximate) acre parcel to the SCFC under the following terms:
- A. ~~In the event that at any time while the SCFC is in title to the East Broadway Re-Development Properties or any portions thereof, but in no event later than December 31, 2012, the SCFC shall request that the County~~ The County shall transfer title to the aforesaid parcel consisting of approximately 1.01 acres in the northeasterly portion of the aforesaid 77.42 acre (approximate) parcel, the County shall convey by quit claim deed such additional parcel in return for the lump sum payment of which shall be due in full at the time of the transfer of such title and which amount shall constitute adequate consideration for such conveyance and sufficient to enable the County to determine that such parcel is no longer necessary for public use. to SCFC at the same time as the transfer of the East Broadway Re-Development Properties occurs. It is contemplated that SCFC will transfer fee title to the front area of the East Broadway Development Properties and lease to the same developer the back area such that the developer can use fill from the back area and can develop the back area after proceeding with development of the front area. It is further contemplated that the developer will pay SCFC \$2mm for the front area less up to \$500,000 for one half of any remediation work necessary to utilize the properties. If the County receives 90% of the net sales price no further consideration will be due for the 1.01 acre. Such property shall be conveyed in its “as is/where is and with all faults condition” without representation or warranty by the County 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 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.

**RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AUTHORIZE THE COUNTY MANAGER EXECUTE AN AGREEMENT WITH
CATHERINE M. RAUSCHENDORFER.**

WHEREAS, the County of Sullivan (“County”) had entered into an Agreement with Catherine Rauschendorfer on December 30, 2010, pursuant to Resolution No. 579-10 adopted by the Sullivan County Legislature on the 29th day of December, 2010 (“Agreement”) , and

WHEREAS, the term of the Agreement is to expire on October 31, 2013, and

WHEREAS, in order to effectuate the intent of the Agreement requiring Ms. Rauschendorfer to commit to a two year term of employment with the County as Administartor of the Adult Care Center in return for money expended on her behalf for educational expenses, the term of said Agreement must be extended until March 31, 2014, and

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a modification agreement with Catherine M. Rauschendorfer to extend the term of the Agreement entered into on December 30, 2010 to an expiration date of March 31, 2014, and that Agreement shall be in a form approved by the County Attorney.

Moved by _____,
Seconded by _____,
and adopted on motion _____, **2012**

**RESOLUTION # _____ INTRODUCED BY THE _____
COMMITTEE TO AUTHORIZE THE SUBMISSION OF A NEW YORK STATE
ARCHIVES GRANT, OFFERING LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT FUNDS, APPLICATION FOR SULLIVAN
COUNTY**

WHEREAS, the New York State Education Department / New York State Archives has made available 2012-2013 Local Government Records Management Improvement Funding (LGRMIF), which can be utilized to help local governments establish records management programs or develop new program components; and

WHEREAS, an objective of the funding is for county land records initiatives; and

WHEREAS, the maximum reimbursable grant award may be up to \$75,000.00 subject to no matching requirement; and

WHEREAS, the Sullivan County Clerk's Office, requests to submit an application requesting LGRMIF for use in conducting a back file conversion of the County Land Records, specifically the County's land records and map /deed books.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Clerk's Office is hereby authorized to prepare an application seeking funding from the LGRMIF program; and

BE IT FURTHER RESOLVED, that should a grant application be prepared by the Sullivan County Clerk's Office seeking funding assistance from the LGRMIF program, the County Manager shall be authorized to execute any and all necessary documents to apply for and accept the grant award, in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that if a LGRMIF award is secured, the Sullivan County Clerk's Office shall administer the fund, and the program, with technical assistance from the Sullivan County 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.