



SULLIVAN COUNTY LEGISLATURE
SULLIVAN COUNTY GOVERNMENT CENTER
100 NORTH STREET
PO BOX 5012
MONTICELLO, NY 12701
845-807-0435
845-807-0447 (fax)

EXECUTIVE COMMITTEE
March 13, 2012 at 2:00PM

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

I. DISCUSSION

1. Request to fill vacancy list
2. Budget Format

RESOLUTIONS :

3. Adopt the list of people who have to file Financial Disclosure Statements for 2012
4. Enact a Local Law entitled "A Local Law Regulating Secondhand Precious Metal or Gem Dealers for the County of Sullivan"
5. Appoint Betty Hubert to the RSVP Committee
6. Reappoint/appoint members to the Sullivan County Agricultural and Farmland Protection Board
7. Appoint Dr. Olatin to the Sullivan County Public Health Services Health Services Advisory Board
8. Create/abolish position in probation department
9. Rescind Resolution No. 325-11 and authorize the sale of the East Broadway properties
10. To Require all Discretionary (Competitive) grants pursued by any Division, Department, Office, Agency, or Unit of the County to first obtain approval from the County's Department of Grants Administration (DGA) prior to taking any action specific to same
11. Create a Grant Writer Position in the Grants Department
12. Execute a contract with Roemer Walllens Gold and Mineaux, LLP for specialized legal services, to serve as Labor Relations Attorney/Consultant for the County of Sullivan
13. Request adoption of NYS Assembly Bill A. 9160 and NYS Senate Bill S6399 which defines and fixes the exact boundary line for Orange and Sullivan counties
14. Reappoint three members to the Human Rights Commission
15. Re Establish the Assistant County Attorney I Part-time position in the Sullivan County Attorney's Office

II. PUBLIC COMMENT

**March 13, 2012 Executive Committee
Vacancy Replacement Requests**

Department	Position	Position #	Salary
Sheriff's Office	Deputy Sheriff	7175	\$51,172
Sheriff's Office	Chief of Patrol/Internal Affairs	2527	\$72,800
Probation	Probation Officer	A-3140-16	\$37,379
Family Services	Senior Caseworker (CPS)	2173	44497
Family Services	Caseworker	1203	34,709
Public Health Services	Account Clerk	4082-244	\$22,457
Public Health Services	Registered Professional Nurse	4010-34-1640	\$52,073
Community Services	Staff Social Worker I	4320-40-975	\$40,435
Community Services	Asst. Social Worker I	4320-43-617	\$35,046
Office for the Aging	Aging Services Aide	2597	\$24,553
Office for the Aging	Nutrition Site Operator PT	1315	14,7856 hr
Division of Public Works	Laborer I	1,503	17,4255 hr

RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO ADOPT THE LIST OF THOSE PUBLIC OFFICIALS AND EMPLOYEES OF THE COUNTY OF SULLIVAN WHO ARE REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT

WHEREAS, pursuant to Section 12(a) of the Code of Ethics which became effective on August 10, 1998 the County Legislature shall determine who is required to file a Financial Disclosure Statement by Resolution, and

WHEREAS, the County Legislature has determined that persons with the following titles are required to file a Financial Disclosure Statement:

Accounts Payable Coordinator, Audit
Administrator, Adult Care Center
Administrator, Department of Motor Vehicles
Airport Superintendent
Assistant Commissioner to Planning and Environmental Management
Assistant County Attorney (2)
Assistant County Attorney Part time
Assistant Director of Aging Services
Assistant Director of Nursing Services/Patient Care
Assistant Director of Purchasing and Central Services
1st Assistant District Attorney
2nd Assistant District Attorney
3rd Assistant District Attorney
4th Assistant District Attorney
5th Assistant District Attorney
6th Assistant District Attorney
7th Assistant District Attorney
Assistant Director of Risk Management & Insurance
Attorneys, Department of Family Services (2)
Attorney, Industrial Development Agency
Attorney, Sullivan County Funding Corporation
Board of Trustees, Sullivan County Community College
Chairman of the Legislature
Chief Civil Officer
Chief Deputy Patrol Division/Internal Affairs
Chief Information Officer
Clerk to the Legislature
Commissioner, Board of Elections (2)
Commissioner, Division of Health and Family Services
Commissioner, Planning and Environmental Management
Commissioner, Division of Public Safety
Commissioner, Division of Public Works
Coordinator, Child Support Enforcement Unit
Coordinator, Children with Special Needs, Public Health
Coroner (4)
Correction Captain, Sullivan County Jail
Correction Lieutenant, Sullivan County Jail

County Attorney
County Auditor
County Clerk
County Legislator (8)
County Manager
County Treasurer
Deputy Clerk to the Legislature
Deputy Commissioner of Elections (2)
Deputy Commissioner of Public Works, Engineering
Deputy Commissioner of Management and Budget
Deputy County Manager/Commissioner Management and Budget
Deputy Director of Community Services
Deputy Public Health Director
Deputy County Clerk
Deputy County Treasurer
Deputy County Treasurer II
Director of Administration and Case Management
Director, Center for Workforce Development
Director of Development and Application Support, MIS
Director of Operations and Network Administration, MIS
Director, Community Services
Director, Department of Real Property Tax
Director of Family Services
Director, Human Resources
Director, Municipal Weights and Measures
Director, Nursing Services
Director, Office for the Aging
Director, Parks, Recreation and Beautification Programs,
Director, Probation II
Director, Public Health Services
Director, Purchasing and Central Services
Director, Rehabilitation Services, ACC Physical Therapy
Director, Risk Management & Insurance
Director of Services, Family Services
Director, Temporary Assistance – Department of Family Services
Director, Veterans Service Agency
Director, Youth Bureau
District Attorney
District Attorney Investigators
Division Contract Compliance Officer, Health and Family Services
E-911 Coordinator
Economic Development Programs Supervisor
Executive Assistant, County Manager
Executive Assistant, District Attorney
Executive Director, Human Rights
Facilities Bridge Superintendent
Fiscal Administrative Officer, Adult Care Center Fiscal Services
Fiscal Administrative Officer, Family Services
Fiscal Administrative Officer, Health Finance (2)
Fiscal Administrative Officer, Management and Budget
Garage Superintendent

Grants Administration Supervisor
Industrial Development Agency Members
Jail Administrator, Sheriff's Office
One Stop Manager, CWD
Payroll Coordinator /Software Support Technician
Personnel Officer
President, Sullivan County Community College
Road Maintenance Superintendent
Secretary, Industrial Development Agency
Sheriff
Special Counsel Workers Compensation part time
Sr. Accountant, Treasurer Accounting
Sr. Assistant County Attorney (part-time)
Sr. Family Services Attorney
Sr. Fiscal Administrative Officer, Sheriff Civil
Sr. Fiscal Administrative Officer, Treasurer Accounting part time
Staff Accountant, Treasurer Accounting
Sullivan County Funding Corporation Member
Treasurer, Industrial Development Agency
Trustee, Sullivan County Community College
Undersheriff
Vice Chair, Industrial Development Agency
Vice President for Administrative Services, SCCC

WHEREAS, Section 13(1)(a) of the Code of Ethics requires that all statements shall be filed on or before the fifteenth day of May of each year, and

WHEREAS, it is duly noted that some of the above positions are presently vacant.

NOW, THEREFORE, BE IT RESOLVED, that the above list of titles is the official list of titles set by the Sullivan County Legislature and said list contains all of those persons required to file a Financial Disclosure Statement to the Clerk of the Sullivan County Legislature on behalf of the Board on or before May 15, 2012.

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE
TO ENACT A LOCAL LAW REGULATING SECONDHAND PRECIOUS
METAL OR GEM DEALERS FOR THE COUNTY OF SULLIVAN**

WHEREAS, proposed Local Law entitled "A Local Law Regulating Secondhand Previous Metal or Gem Dealers for the County of Sullivan" was presented to the Sullivan County Legislature at a meeting held on March 15, 2012, 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 Regulating Secondhand Previous Metal or Gem Dealers for the County of Sullivan" County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by, seconded by and adopted on motion

LOCAL LAW NO. ___ OF 2012

A LOCAL LAW REGULATING SECONDHAND PRECIOUS METAL OR GEM DEALERS FOR THE COUNTY OF SULLIVAN.

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

Section 1. Legislative Intent.

It is hereby declared and found that, because of the increase of incidents of burglary, property theft, and theft of precious metal, the increase of the price of precious metals and gems, the ease with which some secondhand dealers buy and sell precious metals or gems without requiring identification or proof of ownership, these secondhand precious metal or gem dealers represent to persons involved in crime an opportunity to quickly dispose of stolen property. For business enterprises to be allowed to continue to operate without laws to control and regulate the purchase of such articles not only jeopardizes the property rights of many people but also extremely hampers law enforcement in their efforts to recover stolen property and identify suspects. If the law enforcement agencies are to efficiently and productively function in this area, a local law regulating secondhand precious metal or gem dealers is necessary. Thereby, the public health, morals and general welfare of the County of Sullivan will be protected and promoted and the best interest of the people would be served by the control and regulation of secondhand precious metal or gem dealers. It is the intention of the Legislature of Sullivan County that this Local Law be established and shall constitute the complete law in relation to the control and regulation of secondhand precious metal or gem dealers for the County of Sullivan.

Section 2. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

Whenever used in this Local Law, the words “dealer in secondhand precious metals or gems” shall mean any person, corporation, partnership, association, joint-stock company, or other business entity, who, in any way or as a principal broker or agent:

1. Deals in the purchase or sale of secondhand metals or gems as defined herein;
or
2. Accepts or receives secondhand precious metals or gems in exchange for credits on any other articles or merchandise; or
3. Deals in the purchase of secondhand precious metals or gems for the purpose of melting or refining; or

4. Engages in melting secondhand metal items for the purpose of selling; or
5. Engages in resetting secondhand precious gems for the purpose of selling; or
6. Deals in the purchase or sale of pawnbroker tickets or other evidence of pledged articles containing precious metals or gems; or
7. Not being a pawnbroker, deals in the redemption of sale of pledged articles made from precious metals or gems.

This Local Law shall not apply to the acceptance of merchandise which is not secondhand as a return, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving same, nor to the resale of such merchandise.

The burden of proof that an article was originally purchased from the person accepting it or receiving it, that it was the first subsequent sale or exchange thereof to a person other than an ultimate consumer or that it was a first sale at retail of such factory rebuilt merchandise shall be upon the person asserting the same.

The term “gems” or “precious stones” as referred to herein shall include but is not limited to mean diamonds, alexandrite, cymophane, ruby, sapphire, opal, amethyst, smoky quartz, citrine, rose quartz, spinel, malachite, turquoise, emerald, aquamarine, morganite, garnet, lapis, lazuli, jadeite, kunzite, topaz, tourmaline, zircon, amber, jet, pearl, coral, tanzanite.

The term “precious metals” as referred to herein shall mean gold, silver, platinum, iridium, ruthenium, osmium or any alloys of any one or more of said metals.

Section 3. License required; display.

A. No person shall, within the County of Sullivan, establish, engage in or carry on, directly or indirectly, the business of dealing in secondhand precious metals or gems either separately or in conjunction with some other business, without first having obtained and having in full force and effect a license as provided herein.

B. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

C. Such license shall not in any way supplant the licensing and display requirements of any applicable State or Federal laws.

Section 4. Application for license; fee; bond.

A. Applications for secondhand precious metal and gem dealer licenses shall be made to the County Clerk. The application shall contain the following information:

1. Name and description of the applicant's business enterprise.
Individuals operating

Under a trade name shall present a certified copy of the trade name certificate filed in the Sullivan County Clerk's office. A partnership conducting business, whether or not under a trade name, shall submit a certified copy of the partnership certificate which was filed in the Sullivan County Clerk's office when the partnership was formed. A corporation shall furnish a copy of its certificate of incorporation, as well as its certificate of Good Standing and, if a foreign corporation, its application for authority to do business in New York State.

2. The applicant's legal address and address of all places of business within Sullivan County and the address of a designated agent for service of process.

3. A description of the nature of the business to be conducted and/or being conducted by the applicant in Sullivan County.

4. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to the use of said premises.

5. A statement that the applicant is at least 18 years of age.

6. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

7. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

8. All applicants must submit fingerprints of: the individual owner, if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. Fingerprints will be submitted in electronic form to the

Division of Criminal Justice Services for a criminal background check. It shall be the responsibility of the applicant to obtain electronic fingerprints at an authorized civil fingerprint submission agency, at their own expense, for use by the County Clerk.

B. Such application for a secondhand precious metal or gem dealer's license shall be accompanied by a non-refundable application fee of \$200.

C. Every applicant shall submit a bond or other surety to the County of Sullivan in the sum of Two Thousand Dollars (\$2,000), or for a renewal license, evidence of bond issued in favor of the licensee. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for all purchase of precious metals. All bonds must be conditioned so that the licensee will observe all laws thereto. Such bond shall remain in force during the entire period for which the license is valid. The County Clerk may establish rules and regulations concerning the amount of a bond to be posted, upon proper notice to the licensee.

Section 5. Issuance of license.

A. Upon receipt of the license application, criminal history record information received from the New York State Division of Criminal Justice Services (DCJS), fees and bonds required of the applicant, the County Clerk shall review the application and, if appropriate, issue a license to the applicant.

B. The County Clerk shall keep a record of all licenses issued, as well as any other matters herein described.

Section 6. Expiration of renewal of license.

Every license shall expire one year after its issuance. Every license may be renewed upon payment of the required renewal fee in the amount of \$100.00 and filing a renewal application with the County Clerk no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the fact or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law.

Section 7. Denial or revocation of license; appeals.

A. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its

principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the [County Clerk], has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Local Law, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the County Clerk to refuse to issue or renew, or to suspend or revoke, such license.

B. A license may be denied, suspended, or revoked when the applicant or licenses, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

C. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a secondhand dealer business or other business.

D. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the County Clerk.

E. Within 60 days of the initial determination to deny or revoke a license under paragraphs A through D above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the County Clerk of Public Safety. With a reasonable time thereafter, the County Clerk shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall hearing officer shall render his/her Decision and Recommendation to the County Clerk within 30 days of the date of hearing. The County Clerk will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

Any further appeal shall be to the court of this state with appropriate jurisdiction.

Section 8. Non-transferability of license.

No license under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, his agents, employees or duly authorized representatives, said agents, employees or duly authorized representatives having been approved by the County Clerk.

Section 9. Restrictions.

A. It shall be unlawful for any dealer of a secondhand precious metals or gems to engage in buying activities in any place within Sullivan County other than the place of business designated in such license, except to meet with a customer at his home, bank or suitable place of business. A dealer in secondhand precious metals or gems, may, upon application to the County Clerk and receiving approval of the County Clerk, temporarily extend his license to cover other locations, such as flea markets, fairs, bazaars or religious or charitable organization functions.

B. It shall be unlawful for any dealer of secondhand precious metals or gems to purchase any secondhand precious metals or gems from any person whom he knows to be, or has reason to believe to be, under the age of 18 years.

C. It shall be unlawful for a secondhand precious metal or gem dealer to purchase secondhand precious metals or gems from any person between the hours of 10:00 p.m. and 6:00 a.m.

D. It shall be unlawful for any dealer in secondhand precious metals or gems to sell or dispose of any secondhand precious metals or gems until the expiration of 15 days after the acquisition by such dealer of said precious metals or gems.

E. It shall be unlawful for a secondhand precious metal or gem dealer to continue to carry on business after his license is suspended, revoked or has expired and has not been renewed.

F. It shall be unlawful to cause, allow or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device or part thereof used to weigh or calculate the value of precious metals or gems.

G. It shall be unlawful for any dealer of secondhand precious metals or gems to damage, destroy, alter or in any way change or direct or request anyone else to alter or change the structure or makeup of a precious metal or gem so as to make it unidentifiable within 15 days after the acquisition by said dealers of such precious metal or gem

Section 10. Display of daily price required

The price upon which the dealer bases his quotation for gold and silver shall be clearly

and conspicuously displayed in Arabic numbers in such a manner that the public will be informed.

Section 11. Lost or stolen property.

If any articles composed wholly or in part of precious metals or gems shall be advertised in any newspaper printed in the County of Sullivan or reported by any law enforcement agency as having been lost or stolen, and if any articles answering such description or any part thereof shall be or come into the possession of any licensed dealer, such dealer, upon receiving actual written or oral notice of the similarity of description of such articles, shall immediately give information relating thereto the appropriate law enforcement agency. No disposition of such articles shall be effected until authorization to do so shall be given to such dealer by said law enforcement agency. The failure of the law enforcement agency within 30 days to give the dealer further written notice that the articles are actually lost or are believed to be stolen and are needed in connection with a pending investigation or prosecution shall constitute authorization to dispose of said articles.

Section 12. Records.

A. Every dealer in secondhand precious metals or gems by the close of the business day shall keep a record on a form prescribed by the Sullivan County District Attorney of consecutively numbered transactions, legibly written in English, which shall contain a complete, thorough description of every secondhand precious metal or gem article so purchased, utilizing accepted trade words and phrases such as, but not limited to, serpentine, herringbone, braided herringbone, rope, crosscut, woven link, cobra, basket weave, tricolor, Florentine, twist, beveled, gem names as listed, quantities of gems, number of numbers of said articles. The record shall also include the name, residence address and description of the person from whom such purchase was made, including the day and hour of the purchase and a copy of the form of identification provided and required to be obtained from the seller as set forth in Section 13, supra. The record shall also include a digital picture of the every secondhand precious metal or gem article so purchased, along with a description of any identifying marks or engravings. The dealer shall be required to inquire into the seller of how the seller obtained the item(s) sold and record that information. Within 48 hours of the close of business on the day of the purchase, the dealer in precious metals or gems shall forward by e-mail to the Sullivan County District Attorney's Office and municipal police department within whose jurisdiction the dealer's business is located a copy of the record of purchase, as provided above, of each transaction that took place on that day. The Sullivan County District Attorney's Office shall act as the central repository for such records.

B. Such record shall be kept on the business premises of the secondhand precious

metal or gem dealership or at the place designated on the fully approved license, at all times during normal business hours. Such record shall be open to the inspection of any police officer or the Sullivan County District Attorney or any person duly authorized for such purposes by the County Clerk.

- C. The dealer is mandated to use the forms prescribed by the County Clerk and shall reimburse the County Clerk for the cost of said forms.

Section 13. Identity of person from who purchase is made.

A. It shall be the duty of every secondhand precious metal or gem dealer to verify the identify of every person from whom he makes a purchase and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity and attach a copy of the identification taken to the reporting form.

- B. Only the following shall be deemed acceptable evidence of identity:

- 1. Any official document, except a Social Security Account number card, issued by the United States Government, any state, County, municipality or subdivision thereof, any public agency or department thereof or any public or private employer, which requires and bears a photograph and signature of the person to whom issued.

- 2. Other identification documentation which, under the circumstances of any particular purchase, would lead a reasonable person to believe it to be accurate and reliable, when identification under Subsection B (1) is not available.

C. It shall be the duty of every dealer in secondhand precious metal or gem articles to require that every person from whom an article is purchased sign his or her name in the presence of the secondhand precious metal or gem dealer and to compare the signature on the identifying document, if any, and retain on said premises the person's signature, together with the number and description of the identifying document, if any.

Section 14. Reporting of records information.

Every secondhand precious metal or gem dealer shall furnish to the County Clerk or his agent or the appropriate law enforcement agency all information requested relative to all records required to be kept under this chapter.

Section 15. Duty to enforce.

It shall be the duty of the Sullivan County District Attorney or any police officer having jurisdiction at the site where a person is seen dealing in secondhand precious metals or gems to require such person seen so dealing and who is not known to the Sullivan County District Attorney or such police officer to be duly licensed to

produce or display his secondhand precious metal dealer's license and to enforce the provisions of this chapter against any person found to be in violation of the same. It shall be the duty of the Sullivan County District Attorney or any police officer as described herein to require the immediate closure of any business dealing in the purchase of secondhand metals or gems as defined herein who is operating said business without a license as required by this Local Law.

Section 16.

Disclaimer of liability.

This chapter shall not create any liability on the part of the County of Sullivan, its officers, agents or employees or any police officer for any act or damage caused as a result of reliance on this chapter or any administrative decision lawfully made thereunder.

Section 17.

Penalties.

A. Failure to comply with any provision of this law shall constitute a Class A misdemeanor and exclusively prosecuted by the Sullivan County District Attorney's office and shall be subject to any sentence permitted for a class A misdemeanor under the Penal Law, including up to one (1) year in the Sullivan County Jail as provided in Section 60.01, Section 70.15 and Article 65 of the Penal Law of the State of New York.

B. In addition to the penalties provided in paragraph A above, any such offense against the provisions of this Local Law shall subject the person or business entity committing the offense to civil penalties, not to exceed \$500 for each offense and each day that the offense shall continue. Any such penalty shall be collectible by and in the name of the County of Sullivan.

Section 18.

Effective Date.

This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE
RESOLUTION TO APPOINT ONE MEMBER TO THE RSVP ADVISORY
COMMITTEE**

WHEREAS, there is a need to appoint one (1) members to the Retired Senior Volunteer Program Advisory Committee (RSVP), and

WHEREAS, there are currently two vacancies on the board including the vacancy created from Lois Head's resignation, and

WHEREAS, it is the desire to appoint Sabina Toomey to one of those vacancies, 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 member to the RSVP Advisory Committee (Kelly slot) for the term to expire on the date opposite of her name.

RSVP APPOINTMENT:

TERM:

Betty Hubert

3/31/15

**RESOLUTION NO. INTRODUCED BY THE EXECUTIVE COMMITTEE TO APPOINT/
REAPPOINT MEMBERS OF THE SULLIVAN COUNTY AGRICULTURAL AND FARMLAND
PROTECTION BOARD**

WHEREAS, pursuant to Resolution No. 496 of 2010, the terms of two members of the Sullivan County Agricultural and Farmland Protection Board (Board), Robert Kaplan, an active farmer and Dennis Nearing, an agribusiness representative, have expired as of December 31, 2011; and

WHEREAS, the Board recommends that Robert Kaplan and Dennis Nearing be reappointed for four-year terms; and

WHEREAS, there is currently one vacant seat on the Board, left by Joe Walsh, formerly of Cooperative Extension Sullivan County; and

WHEREAS, Article 25AA of the Agriculture and Markets Law requires that one seat on the Board be held by a county cooperative extension agent; and

WHEREAS, the Board further recommends that Patricia Westenbroek of Cornell Cooperative Extension Sullivan County be appointed to the Board to replace Joe Walsh as a required member of the Board.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby makes the following appointments and reappointments to the Board, to commence and terminate on the dates listed below:

Robert Kaplan Active Farmer	January 1, 2012 – December 31, 2015
Dennis Nearing Agribusiness Representative	January 1, 2012 – December 31, 2015
Patricia Westenbroek County Cooperative Extension Agent	January 1, 2012- end of term as county cooperative extension agent

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

**RESOLUTION INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO
APPOINT A 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.

NOW, THEREFORE, BE IT RESOLVED, that the individual listed below be *appointed* to the Health Services Advisory Board for a four-year term (1/1/12-12/31/15) per Public Health Law.

Dr. Regina F Olatin
606 Old Route 17
Monticello, NY 12701

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

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO
ABOLISH, CREATE, AND TRANSFER POSITIONS IN THE PROBATION
DEPARTMENT**

WHEREAS, the Alternatives to Incarceration Program Coordinator has retired effective February 28, 2012; and

WHEREAS, the Probation Department Director has determined that the Probation Department would be best served by assigning a Senior Probation Officer with the responsibilities of the Alternatives to Incarceration Program; and

WHEREAS, the Probation Department Director has requested that a Probation Officer position be created to fulfill the needs of the Probation Department.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby abolishes, creates, and transfers positions in the Probation Department, in accordance with the terms and conditions of the Collective Bargaining Agreement and Salary Schedule of the IBT 445 Main Unit as follows:

ABOLISH:

A-3140-17 ALTERNATIVES TO INCARCERATION PROGRAM
COORDINATOR

CREATE:

A-3140-16 PROBATION OFFICER

TRANSFER:

A-3140-16 SENIOR PROBATION OFFICER

TO

A-3140-17 SENIOR PROBATION OFFICER

RESOLUTION # _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO REQUIRE ALL DISCRETIONARY (*COMPETITIVE*) GRANTS PURSUED BY ANY DIVISION, DEPARTMENT, OFFICE, AGENCY, OR UNIT OF THE COUNTY TO FIRST OBTAIN APPROVAL FROM THE COUNTY'S DEPARTMENT OF GRANTS ADMINISTRATION (*DGA*) PRIOR TO TAKING ANY ACTION SPECIFIC TO SAME

WHEREAS, the County Manager has recommended that the Legislature implement a policy that confirms the requirement that all discretionary (*competitive*) grants / funding sources sought to be pursued by any division, department, office, agency or unit of the County be first approved by the County's Department of Grants Administration (*DGA*) prior to taking any action specific to same; and

WHEREAS, Resolution # 577-07 authorized the mission and tasks of the DGA within the Office of Management and Budget; and

WHEREAS, the DGA mission is to facilitate access to discretionary external funding for County Government, while improving upon the administration and management of existing funding resources; and

WHEREAS, the DGA will augment departmental funding for specific initiatives by assisting in the identification of funding sources / grants, pursuing funding sources in the procurement of funding, and the advisement of administration / post award documentation on funding sources for the various County priorities (*projects / programs / services / needs*) as identified by the County Legislature, County Manager, and respective County Government division /department head; and

WHEREAS, the DGA will effectively communicate the fiscal requirements and impacts to the County Manager and Office of Management & Budget relative to funding secured; and

WHEREAS, the DGA, as its time and projects permit, will support and assist the respective department, whom is acting as the lead applicant requesting funding, in the fiscal management and operational administration of the funded programs, wherein the lead applicant department whom secures the funding has the responsibility of ensuring accurate and timely handling of fiscal draws, tracking of reimbursements, program reporting, etc. - be conducted, as the program administration and fiscal management of the funding secured is their responsibility; and

WHEREAS, the DGA shall be authorized to provide technical assistance to the municipalities and outside agencies, as approved by the County Manager and County Legislature; and

WHEREAS, the DGA shall be made aware of any funding secured or an interest in pursuing a discretionary funding source, and has the responsibility to subsequently present a Grant Concept Approval Form to the Office of Management and Budget for review and approval prior to any discretionary funding source being pursued; and

WHEREAS, post DGA / Grant Concept Approval Form execution, the DGA with the cooperation of the lead applicant department, will then develop and present to the respective Legislative Committee a resolution to authorize the submission of the discretionary funding application proposal and to authorize the County Manager or the Chairman of the County Legislature (*as required by the funding source*), to execute any and all necessary documents to accept the award (*if secured*), and enter into an award agreement or contract in order to administer the funding secured, in such form as the County Attorney shall approve; and

WHEREAS, should the specific program funding be terminated, the County shall not be obligated to continue any action undertaken by the use of the funding secured.

NOW, THEREFORE, BE IT RESOLVED, by the Sullivan County Legislature that:

1. All discretionary (*competitive*) grants / funding sources sought to be pursued by any division, department, office, agency or unit of the County be first approved by the County's Department of Grants Administration (*DGA*) prior to taking any action specific to same.
2. The DGA will augment departmental funding for specific initiatives by assisting in the identification of funding sources / grants, pursuing funding sources in the procurement of funding, and the advisement of administration / post award documentation on funding sources for the various County priorities (*projects / programs / services / needs*) as identified by the County Legislature, County Manager, and respective County Government division /department head.
3. The DGA will effectively communicate the fiscal requirements and impacts to the County Manager and Office of Management & Budget relative to funding secured.
4. The DGA, as its time and projects permit, will support and assist the respective department, whom is acting as the lead applicant requesting funding, in the fiscal management and operational administration of the funded programs, wherein the lead applicant department whom secures the funding has the responsibility of ensuring accurate and timely handling of fiscal draws, tracking of reimbursements, program reporting, etc. - be conducted, as the program administration and fiscal management of the funding secured is their responsibility
5. The DGA shall be authorized to provide technical assistance to the municipalities and outside agencies, as approved by the County Manager and County Legislature.
6. The DGA shall be made aware of any funding secured or an interest in pursuing a discretionary (*competitive*) funding source, and has the responsibility to subsequently present a Grant Concept Approval Form to the Office of Management and Budget for review and approval prior to any discretionary (*competitive*) funding source being pursued.
7. Post DGA / Grant Concept Approval Form execution, the DGA with the cooperation of the lead applicant department will then develop and present to their respective Legislative Committee a resolution to authorize the submission of the discretionary funding application proposal submssion, and to authorize the County Manager or the Chairman of the County Legislature (*as required by the funding source*) to execute any and all necessary documents to accept the award (*if secured*) and enter into an award agreement or contract in order to administer the funding secured, in such form as the County Attorney shall approve.
8. Should the program funding be terminated, the County shall not be obligated to continue any action undertaken by the use of the funding secured.

BE IT FURTHER RESOLVED, by the Sullivan County Legislature that:

1. County departments that secure discretionary (*competitive*) funding must ensure the program is administered according to the funding sources program guidelines; this includes program vouchering / fiscal draws, tracking of reimbursements, program reporting, and adherence to the respective regulatory requirements. While the primary responsibility is that of the department (*lead applicant*) that secured the funding, the DGA, as it's time and projects permit, will afford the respective department assistance in handling same.
2. County departments, at a minimum, must have the County Manager (*or Office of Management and Budget*), County Treasurer or the authorized designee accurate to the grant award agreement requirements, review and sign-off on all award agreements/ contracts, detailed itemization forms, fiscal cost reports, grant closeout forms, final reports, requests for grant term extensions, and other pertinent documentation as required within the specific grants' program guidelines, and in such form as the County Attorney shall approve.

3. Specific to purchasing of products or services, pertinent information that relates to the funding source (s) will be documented on requisitions presented to Purchasing and Central Services to detail the type of funds being utilized for each individual purchase.
4. County departments, at a minimum, must have the County Manager (*or Office of Management and Budget*), County Treasurer or the authorized designee accurate to the grant award agreement requirements, review and sign-off on all fiscal draw downs, of which supporting documentation must be included with the submitted voucher detail to provide proof of completion of the program services provided or products received.
5. With the exception of formula allocation funding sources, County departments that submit reimburseable grant claims/vouchers to the Office of Audit and Control for processing, must ensure that prior to same being submitted, the voucher detail be submitted to the County's DGA for review. Post DGA review, the vouchers will be presented to the County Manager (*or Office of Management and Budget*), County Treasurer or their authorized designee as assigned for sign-off.
6. County departments must ensure that prior to submission of claims / vouchers to the Office of Audit and Control, that the original fully executed grant agreement / contract, contracts that pertain to the disbursement of the funding, and resolutions which authorize the aforementioned be previously provided to the Office of Audit and Control. The documents are to be on file in the Office of Audit and Control upon same being executed.
7. In addition, specific to the above – all supporting documentation must be attached to the voucher / claim paperwork that is to be submitted to the Office of Audit and Control for processing. This would include invoices, billings, certificates of completion of work, owners' approval of work, and other supporting documentation as requested by the Office of Audit and Control in order to process vouchers for payment.

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

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO CREATE A POSITION OF GRANT WRITER WITHIN THE DEPARTMENT OF GRANTS ADMINISTRATION

WHEREAS, the Department of Grants Administration is responsible for the coordination and tracking of all grants throughout the county, and

WHEREAS, the Department Grants Administration is responsible for researching and assisting in writing grants on behalf of all county departments.

WHEREAS, the creation of the position of Grant Writer within the Department of Grants Administration will enable to department to fully meet its responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby creates the position of Grant Writer in the Grants Administration Department at grade XIII of the Teamsters Local 445 salary schedule.

RESOLUTION NO. ___-12 INTRODUCED EXECUTIVE COMMITTEE RESCINDING
RESOLUTION NO. 325-11 AND AUTHORIZING THE SALE OF THE
EAST BROADWAY DEVELOPMENT PROPERTIES

WHEREAS, by Resolution dated July 21, 2011 (No. 325-11) the County agreed to transfer to Sullivan County Funding Corporation (“SCFC”) certain real property including the former Apollo Plaza and the County Phase II Landfill expansion area; and

WHEREAS, certain authorizations in Resolution No. 325-11 sunset on December 31, 2011; and

WHEREAS, the County acquired certain real property in contemplation of the expansion of the County Landfill, 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	2.99 acres, (collectively, the “Landfill Expansion

Parcels”); and

WHEREAS, the closure of the Phase I Landfill and the monitoring of the Phase I Landfill is regulated and overseen by the New York State Department of Environmental Conservation (hereinafter “NYSDEC”) to assure compliance with applicable environmental regulations; and

WHEREAS, a number of wells around the perimeter of the Phase I Landfill have been and continue to be regularly tested to insure there are no excursions of noxious materials into the groundwater from the Phase I Landfill; and

WHEREAS, based on that testing there are no excursions of noxious materials into the groundwater from the Phase I Landfill; and

WHEREAS, at the time of acquiring the Landfill Expansion Parcels, the County was considering expanding the Phase I Landfill onto the Landfill Expansion Parcels and, therefore, prepared a full Environmental Impact Statement; and

WHEREAS, in or about May, 2009, by Resolution, the Sullivan County Legislature (“Legislature”) determined to close the existing Phase I Landfill and not to expand the Phase I Landfill by the addition of Landfill Expansion Parcels; and

WHEREAS, as a result of the aforesaid determination, the Landfill Expansion Parcels became available for other uses including economic development; and

WHEREAS, the County, by means of a tax foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law, acquired the following real property:

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 (collectively, the “Tax Sale Parcels”

and together with the Landfill Expansion Parcels, the “East Broadway Re-Development Properties”); and

WHEREAS, the State of New York recently reconfigured and modernized Exit 106 of future I-86; and

WHEREAS, Exit 106 is immediately adjacent to the aforesaid East Broadway Re-Development Properties; and

WHEREAS, the reconfigured Exit 106 will provide efficient access to the East Broadway Re-Development Properties from the Interstate highway system thus enhancing the potential of commercial development of the East Broadway Re-Development Properties, particularly development with retail uses; and

WHEREAS, the development of the East Broadway Re-Development Properties for retail uses would greatly enhance employment opportunities in the County, would provide necessary and welcome local shopping opportunities for both residents and visitors, and would generate sales tax revenues for the County; and

WHEREAS, in about October, 2010 a Request for Proposals (with follow up addenda) was issued with respect to the possible economic development of the East Broadway Re-Development Properties; and

WHEREAS, after evaluating the proposals the County Legislature directed that the County Attorney negotiate with selected proposers and report back to the County Legislature with recommendations; and

WHEREAS, following the report of the County Attorney and a separate presentation to the Legislature, the Legislature selected Chancellor Livingston LLC or an entity to be formed by the principals of Chancellor Livingston (“Chancellor Livingston”) as the party with which to negotiate a development agreement (“Development Agreement”); and

WHEREAS, thereafter, as set forth below, the County Legislature determine to transfer the East Broadway Re-Development Properties to the Sullivan County Funding Corporation (SCFC) with the intent that the SCFC would negotiate with the Chancellor Livingston and enter into a Development Agreement.

WHEREAS, SCFC is a legal entity which was created, and which exists, pursuant to Section 1411 of the Not-for-Profit Corporation Law of the State of New York (the “NPCL”) for the purpose of fostering economic development within the County, that the SCFC does not have any interests which would be in conflict with developing the East Broadway Re-Development Properties to the maximum extent possible and that SCFC is willing to take on the responsibility of negotiating a Development Agreement for the East Broadway Re-Development Properties

with Chancellor Livingston or another qualified developer and see to the development of those properties in a manner consistent with the best interests of the County; and

WHEREAS, since the building on Thompson 130.-1-17 (the so called "ARC Building") is presently being used for the storage of electronic voting machines and it is currently planned that the remainder of the ARC Building will be renovated and used to house the Sheriff's Road Patrol and Detective Units, the County requires continued use and occupancy of the ARC Building following the transfer to SCFC which shall continue until such time as SCFC transfers the property pursuant to a Development Agreement; and

WHEREAS, the Legislature, by Resolution 283-11 determined that the Landfill Expansion Parcels, other than the ARC Building, are no longer necessary for a public use and with respect to the ARC Building, the need for a public use will end upon the conveyance of said parcel; and

WHEREAS, the proposed transfer from the County to SCFC may lawfully be accomplished after a public hearing pursuant to, among others, the following provisions of law, Section 1166 of the Real Property Tax Law, Section 164-8 of the Sullivan County Administrative Code, Section 1411 of the NPCL, Sections 2(b) and Sections 215(5)(6)&(8) of the County Law, and Part 1 of Article 4 of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 1411 of the NPCL, the Legislature adopted a resolution on July 7, 2011 setting a public hearing for the purposes of considering the proposed transfer of the East Broadway Re-Development Properties; and

WHEREAS, notice of such public hearing was duly published in the publication and in the manner set forth in the above-described resolution at least ten (10) days prior to the date of such public hearing; and

WHEREAS, the Legislature duly conducted such public hearing on the date and at the time and place as set forth in such notice; and

WHEREAS, the County wishes to rescind Resolution No. 325-11 and adopt this resolution authorizing the transfer of the real property herein described to the SCFC, subject to the terms, conditions and limitations of this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. County Resolution No. 325-11 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.
3. The actual transfer of title shall take place within thirty (30) days following the latest date on which the sole Member of the SCFC, the Chairman of the County Legislature and the County Attorney shall determine that the form of a Development Agreement is in accordance with the terms, conditions and limitations of this resolution.

4. 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 have not experienced excursions of noxious materials into the groundwater from the Phase I Landfill.

5. Transfer of title shall be by quit-claim deed and SCFC 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 the obligations provided for by the Environmental Remediation Fund (as herein defined).

6. In the event the SCFC shall sell all or any portion of the East Broadway Re-Development Properties, 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.

7. In the event the SCFC enters into leases for all or any portion of the East Broadway Re-Development Properties, SCFC shall remit payments to the County, on a periodic basis, commencing within thirty (30) days of receipt of the first periodic payment of rent, and for the entire term and renewal terms of any such leases, ninety (90%) percent of the rent and other consideration paid to the SCFC by any and all tenants, sub-tenants and assigns, net of the usual and customary leasing costs.

8. Any payments received by the County under Section 6 or 7 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 be used to defease the County General Obligation Bond, the proceeds of which were initially used to fund the acquisition of the Landfill Expansion Parcels.

9. Any agreement(s) between SCFC and a developer of the East Broadway Re-Development Properties must contain the following terms and conditions:

a) The Development Agreement shall require any development of the East Broadway Re-Development Properties to include in the first phase to be constructed not less than 100,000 square feet dedicated to retail uses;

b) The Development Agreement shall require the developer to provide copies of its development plans and all surveys, studies and reports (including any off-site studies) to SCFC or its designee;

c) The Development Agreement shall require the developer to be responsible for provision of all necessary utilities as well as ingress and egress for pedestrian and vehicular traffic to and throughout the project;

d) The Development Agreement and any real estate contract contemplated thereby shall allow the County no less than one hundred eighty (180) days to vacate the ARC Building;

e) The Development Agreement and transfer documents to a developer shall restrict the East Broadway Re-Development Properties, for a period of twenty (20) years, from all uses other than uses which primarily generate sales taxes; except that the parcel designated on the Town of Thompson Tax Map as Thompson 130.-1-9.2 may be used for or by a not-for-profit entity, provided that not less than 100,000 square feet of retail space is previously or contemporaneously developed.

f) The Development Agreement shall provide that the County shall not be responsible for the preparation of and shall not be liable for any applicable environmental reviews in connection with the development of the East Broadway Re-Development Properties.

g) The Development Agreement shall provide for all terms and conditions applicable to the developer to be accomplished not later than December 31, 2013.

10. The transfer to SCFC will be made on an “as is, where is” basis with no environmental representations other than as provided in Section 4 hereof. Accordingly, SCFC will not be in a position to make environmental representations to a prospective developer. In lieu thereof, the Development Agreement and transfer documents may contain a purchase price offset for environmental remediation not to exceed Five Hundred Thousand and 00/100 (\$500,000) Dollars (“Environmental Remediation Fund”); provided, however, that if such Environmental Remediation Fund is provided for, it shall be in lieu of environmental representations and warranties by either the County or SCFC and the County and SCFC shall be released and held harmless from environmental claims of any kind, to the extent permitted by law. The Environmental Remediation Fund shall require that fifty (50%) percent of qualified remediation costs be funded by the developer with no County or SCFC responsibility for any remediation costs exceeding Five Hundred Thousand and 00/100 (\$500,000.00) Dollars.

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 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.

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 material terms or conditions of a Development Agreement for East Broadway Re-Development Properties are not accomplished by December 31, 2013, the County (as determined by a majority vote of the County Legislature) shall have the right to require SCFC to re-convey the East Broadway Re-Development Properties to the County without

any cost to the County. Any such re-conveyance shall take place within sixty (60) days of any such Resolution.

Moved by _____, seconded by _____, put to a roll call vote, unanimously carried and declared duly adopted on motion March ____, 2012.

COUNTY OF SULLIVAN)

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this ____ day of _____, 2012.

Clerk to the Sullivan County Legislature

**RESOLUTION NO INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AUTHORIZE THE COUNTY MANAGER TO EXECUTE A CONTRACT WITH
ROEMER WALLENS GOLD & MINEAUX LLP FOR SPECIAL IZED LEGAL
SERVICES, TO SERVE AS LABOR RELATIONS ATTORNEY/CONSULTANT
FOR THE COUNTY OF SULLIVAN**

WHEREAS, the County of Sullivan's contract with Coughlin & Gerhart LLP for labor relations Attorney/consultant services that expired on December 31, 2011 was extended to March 31, 2012; and

WHEREAS, the Sullivan County Legislature authorized the issuance of a Request For Proposals (RFP's) for Labor Relations Attorney/Consultant for Sullivan County (RFP # R-12-03); and

WHEREAS, the Sullivan County Purchasing Director received six (6) responses to the RFP for Labor Relations Attorney/Consultant for Sullivan County (RFP # R-12-03); and

WHEREAS, the Legislature interviewed four of the law firms with the most responsive proposal on Thursday, March 8, 2012 in an executive session of the Executive Committee of the Legislature; and

WHEREAS, the Legislature has selected the law firm of Roemer Wallens Gold & Mineaux, LLP to provide labor relations Attorney/consultant services, including all of the areas detailed in RFP # R-12-03; and

WHEREAS, the respective response to the RFP # R-12-03 and the proposed form of contract with Roemer Wallens Gold & Mineaux, LLP has been submitted to the County Legislature.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized and directed to execute an agreement with Roemer Wallens Gold & Mineaux, LLP for the services detailed in the RFP for Labor Relations Attorney/Consultant for Sullivan County (RFP # R-12-03) and contained the respective response submitted thereto by Roemer Wallens Gold & Mineaux, LLP, for a term commencing April 1, 2012 through March 31, 2015, in a form acceptable to the County Attorney.

RESOLUTION _____ OF 2012 INTRODUCED BY THE EXECUTIVE COMMITTEE REQUESTING THE ADOPTION OF NEW YORK STATE ASSEMBLY BILL A.9160 AND NEW YORK STATE SENATE BILL S.6399 WHICH BILLS DEFINE AND FIX THE EXACT AND PRECISE BOUNDARY LINE BETWEEN THE COUNTY OF SULLIVAN AND THE COUNTY OF ORANGE

WHEREAS, the Counties of Sullivan and Orange have been involved in litigation for many years over the exact boundary line between the Counties in the area between the Rio Reservoir and the Shawangunk Kill, and

WHEREAS, the Sullivan County Board of Supervisors on July 8, 1985 adopted Resolution No. 250-85 to enter into a Memorandum of Agreement between the County of Sullivan and the County of Orange fixing the boundary line between Counties, and

WHEREAS, on May 21, 1998 the Sullivan County Legislature adopted Resolution No. 274-98 authorizing the Sullivan County Attorney and the Director of Real Property Tax Services to negotiate and execute an agreement with Orange County on behalf of the County of Sullivan which would provide that both Counties mutually agree upon and hire a licensed land surveyor, equally divide the cost and be bound by the accurate results for the establishment of the Orange/Sullivan County boundary line, and

WHEREAS, on July 15, 1999 the Sullivan County Legislature adopted Resolution No. 362-99 amending Resolution 274-98 to have both Sullivan and Orange County each hire their own surveyor with the understanding that the two surveyors would work together to produce one metes and bounds description for the boundary line resolution, and

WHEREAS, on October 21, 1999 the Sullivan County Legislature adopted Resolution No. 533-99 authorizing the County Manager to enter into an agreement with George Fulton, Licensed Land Surveyor to provide land surveying services to assist in establishing the Sullivan County/Orange County boundary line, and

WHEREAS, on September 19, 2002 the Sullivan County Legislature adopted Resolution No. 495-02 authorizing the Sullivan County Attorney to execute a Stipulation of Settlement and/or any other document necessary to effectuate a settlement of the litigation and approval of the new boundary line, and that George Fulton, LLS is retained to continue the necessary survey work and the County Manager is authorized to enter into an agreement with a company to monument the location of the boundary line upon the recommendation of the County Attorney and George Fulton, LLS, and

WHEREAS, on August 16, 2007 the Sullivan County Legislature adopted Resolution No. 356-07 to amend Resolution No. 111-03 to allow a contract to be signed with George Fulton, LLS and the work to be commenced by the fall of 2007 and authorizing the County Manager to execute any and all agreements and contracts necessary to complete the Sullivan/Orange boundary line project, and

WHEREAS, on March 19, 2009 the Sullivan County Legislature adopted Resolution No. 85-09 to amend Resolution No. 356-07 to the extent that the County Manager was authorized to enter into a contact with Lanc and Tully, P.C. surveyors to re-establish the survey control, set the monuments for the Sullivan County portion of the boundary line and prepare a metes and bounds description of the boundary line, and

WHEREAS, the subject portion of the boundary line between Orange County and Sullivan County between the Rio Reservoir and Shawangunk Kill has been re-surveyed and adjusted, and

WHEREAS, Lanc and Tully has provided the attached description of the Orange-Sullivan County Line between Rio Reservoir and the Shawangunk Kill, between the Town of Deerpark and Town of Mount Hope in Orange County and the Town of Forestburgh and Town of Mamakating in Sullivan County, and

WHEREAS, George Fulton, LLS has reviewed the survey map and attached legal description as provided by Lanc and Tully and has approved both, and

WHEREAS, in order for Sullivan County to adopt the attached Orange County and Sullivan County boundary line description and map, Sullivan County requires that the New York State Legislature adopt same, and

WHEREAS, on December 16, 2010 the Sullivan County Legislature, by Resolution 538-10, requested that the New York State Legislature adopt the new boundary line description and map for the aforesaid portion of the boundary line between Orange County and Sullivan County, and

WHEREAS, State Senator John C. Bonacic has introduced S.6399 in the New York State Senate and State Assemblywoman Aileen M. Gunther has introduced A.9160 in the New York State Assembly, and

WHEREAS, S.6399 and A.9160 are identical bills which would define and fix the exact metes and bounds description of the boundary line between the County of Orange and the County of Sullivan as specified in Resolution 538-10 and in the map referenced therein provided by Lanc and Tully, and

WHEREAS, S.6399 and A.9160 having been introduced the New York State Constitution now requires a Home Rule request from the County of Sullivan and the County of Orange requesting that S.6399 and A.9160 be enacted into law.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby requests that the New York State Assembly adopt Bill No. A.9160 and the New York State Senate adopt Bill No. S.6399, which shall define and fix the exact boundary line between the County of Orange and the County of Sullivan in accordance with the request made by the Sullivan County Legislature in Resolution 538-10; and

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby

directed to transmit a certified copy of this resolution to the Honorable John J. Bonacic, State Senator representing the 42nd Senatorial District, the Honorable Aileen M. Gunther, Assemblywoman representing the 98th Assembly District, the Honorable Dean Skelos, Majority Leader of the Senate, the Honorable Sheldon Silver, Speaker of the General Assembly, and the Honorable Andrew M. Cuomo, Governor of the Great State of New York.

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

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE
TO REAPPOINT MEMBERS TO THE SULLIVAN COUNTY COMMISSION ON
HUMAN RIGHTS**

WHEREAS, pursuant to Resolution No. 490-04 the Sullivan County Legislature created a Sullivan County Commission on Human rights (hereinafter “Commission”); and

WHEREAS, Resolution No. 109-05 appointed the members to the Commission for designated terms; and

WHEREAS, three of the members’ appointments expired on December 31, 2011; and

WHEREAS, the Commission has recommended the reappointment of Paul Austin, Roland Ward and Samuel Encarnacion whose terms expired on December 31, 2011 for an additional three year term; and

WHEREAS, Resolution No. 113-06 indicates that all future terms are to commence on January 1 and terminate on December 31 in the year in which they are scheduled to terminate.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby reappoint the following members to the Sullivan County Commission on Human Rights for the following terms:

<u>Member</u>	<u>Term Expires</u>
Paul Austin	January 1, 2012 thru December 31, 2014
Roland Ward	January 1, 2012 thru December 31, 2014
Samuel Encarnacion	January 1, 2012 thru December 31, 2014

Moved by
Seconded by
Adopted on motion

RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO RE-ESTABLISH THE ASSISTANT COUNTY ATTORNEY I PART-TIME POSITION IN THE SULLIVAN COUNTY ATTORNEY'S OFFICE

WHEREAS, the County Attorney's Office currently has three full-time attorneys and one part-time attorney, and

WHEREAS, one of the full-time Assistant County Attorneys, Line number 1929, will be reducing hours to 17.5 hours per week, and

WHEREAS, in the 2011 budget the Assistant County Attorney I Part -Time, Line number 1292, position was abolished, and

WHEREAS, it is the request of the County Attorney that Line number 1292, Assistant County Attorney I PT, be re-established, at an annual salary of \$36,798.49 and,

WHEREAS, it is the request of the County Attorney that Line number 1929 be retained in the budget, but vacant until such time as permission is granted to fill that line and that, sufficient funds from Line 1929 be transferred to Line 1292 to fund that line for the balance of 2012.

NOW THEREFORE BE IT RESOLVED,

1. that the Sullivan County Legislature hereby authorizes the re-establishment of the position of Assistant County Attorney I PT, Line number 1292, in the County Attorney's Office at an annual salary of \$36,798.49, and

2. Line number 1929 be retained in the budget but vacant until such time as permission is granted to fill that line and,
3. that sufficient funds from Line 1929 be transferred to Line 1292 to fund that line for the balance of 2012.

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