

# July 19, 2012 ADDENDUM

## RESOLUTIONS FROM RECESSED EXECUTIVE COMMITTEE MEETING (July 19, 2012 at 1:00PM)

### I. RESOLUTIONS :

1. Amend the Capital Plan for the repair of sidewalks at the Government Center
2. Authorize contract with International Contractors Corporation for roof replacement at the Shared Clinic Facility
3. Authorize contract with Residuals Management Services for cleaning of leachate Collection lines at the landfill
4. Supersede resolutions 79-2011, 113-2011 and 469-2011 regarding the Emergency Services Dispatch Operations
5. Establishing a standard work day for elected officials
6. Create a capital account for work to be performed at the Adult Care Center as part of the HEAL Grant.
7. Opposing the United States Supreme Court's Interpretation of the Constitution in Citizens United v. Federal Election Commission

**RESOLUTION INTRODUCED BY KATHLEEN M. LABUDA TO AMEND THE CAPITAL PLAN FOR THE REPAIR OF SIDEWALKS AT THE GOVERNMENT CENTER**

**WHEREAS**, the Department of Public Works is responsible for the maintenance of all County owned buildings, and

**WHEREAS**, the 2012-2017 adopted Capital Plan had contemplated the repair of sidewalks, curbs, steps, and catch basins at the Government Center in 2015, and

**WHEREAS**, there is a need to repair sidewalks at the Government Center in 2012 due to an unanticipated deterioration in the condition of the sidewalks, and

**WHEREAS**, the Department of Public Works has funding available in snow and ice control appropriations to cover the cost of the sidewalk repairs in 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that the Legislature of the County of Sullivan, hereby amends the adopted Capital Plan in accordance with Section C2.02(N) of the Sullivan County Charter, upon a two-thirds vote of the membership thereof as follows:

1. Increase operating funding associated with sidewalk repairs at the government center by \$50,000 in 2012.
2. 

Increase Expense Account	A1620-21-21-2101	\$50,000
Decrease Expense Account	A9901-90-9001	\$50,000
Decrease Revenue Account	D9998-R5031-R209	\$50,000
Decrease Expense Account	D5142-45-4534	\$50,000

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE  
AWARD & EXECUTION OF AGREEMENT AND TO AMEND THE CAPITAL PLAN  
FOR RE-ROOFING AT THE SHARED CLINIC**

**WHEREAS**, bids were received for Roof Replacement at the Shared Clinic Facility, Liberty, NY, and

**WHEREAS**, International Contractors Corporation, 20 Hornbeck Road, Neversink, NY 12765, is the lowest responsible bidder for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said bid and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with International Contractors Corporation, at a total price not to exceed \$26,880.00, for Roof Replacement at Shared Clinic Facility, in accordance with B-12-46, said contract to be in such form as the County Attorney shall approve, and

**BE IT FURTHER RESOLVED**, that the Legislature of the County of Sullivan, hereby amends the adopted Capital Plan in accordance with Section C2.02(N) of the Sullivan County Charter, upon a two-thirds vote of the membership thereof as follows:

1. Increase operating funding associated with the Shared Clinic Re-Roofing project by \$6,880.00 in 2012.
2. Increase Expense Account    A1620-22-21-2102                    \$6,880  
    Decrease Expense Account   A1620-22-47-4717                    \$3,630  
    Decrease Expense Account   A1620-26-47-4717                    \$3,250

Resolution No. \_\_\_\_\_

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

**WHEREAS**, bids were received for Cleaning of Leachate Collection Lines at the Landfill, and

**WHEREAS**, Residuals Management Services, LLC/Earth Care, is the lowest responsible bidder for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said bid and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with Residuals Management Services, LLC/Earth Care, as per the unit costs, for Cleaning of Leachate Collection Lines at the Landfill, contained in Bid No. B-12-43, said contract to be in such form as the County Attorney shall approve.

**Moved by** \_\_\_\_\_,  
**Seconded by** \_\_\_\_\_,  
**and adopted on motion** \_\_\_\_\_, 2012.

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE THE  
OPERATIONS OF THE 911 CONTROL CENTER AND EMERGENCY SERVICES  
DISPATCH OPERATIONS**

**WHEREAS**, the Sullivan County Legislature adopted Resolution No. 79-2011 on February 17, 2011 that consolidated the 911 Control Center under the Sullivan County Sheriff, and

**WHEREAS**, the Sullivan County Legislature adopted Resolution No. 113-2011 on February 17, 2011 that formally adopted the Sullivan County Public Safety Communications E-911 Communications “Standard Operating Guidelines”, and

**WHEREAS**, the Sullivan County Legislature adopted Resolution No. 469-2011 on December 15, 2011 that extended the provisions of Resolution No. 79-2011, and

**WHEREAS**, the Sullivan County Legislature hereby organizationally apportions the Public Safety Communications E-911 Communications Control Center as a Department within the Division of Public Safety, with the 911 Coordinator reporting to the Commissioner of the Division of Public Safety, which shall be effective immediately, and

**WHEREAS**, the dispatch operations of the Sheriff’s Office shall be transferred to the Sheriff’s Office no later than July 31, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature hereby organizationally apportions the Public Safety Communications E-911 Communications Control Center as a Department within the Division of Public Safety, with the 911 Coordinator reporting to the Commissioner of the Division of Public Safety, as follows:

(1) The Appointing Authority under the New York State Civil Service Law and Regulations at the Public Safety Communications E-911 Communications Control Center shall be the E-911 Coordinator; and

(2) The Public Safety Communications E-911 Communications Control Center and the E-911 Coordinator shall be part of the Division of Public Safety, and shall report to the Commissioner of Public Safety whom reports to the County Manager; and

(3) Reaffirms the Sullivan County Public Safety Communications E-911 Communications “Standard Operating Guidelines” for Fire and EMS and related activities that were updated on February 15, 2011 and adopted by the Sullivan County Legislature on February 17, 2011; and

(4) The dispatch operations of the Sheriff’s Office shall be transferred to the Sheriff’s Office no later than July 31, 2012.

**BE IT FURTHER RESOLVED** that this resolution shall supersede Resolution No. 79-2011, Resolution No. 113-2011, and Resolution No. 469-2011.

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE ESTABLISHING A STANDARD WORK DAY FOR ELECTED OFFICIALS**

**WHEREAS**, effective August 12, 2009, New York State adopted a new regulation 315.4 for additional reporting requirements for elected or appointed officials that more clearly defines the process for reporting time worked for those officials who are members of the New York State Retirement System, and

**WHEREAS**, one (1) three month record of work activities were submitted to the Clerk of the Legislature by those officials that do not maintain a daily record of actual time worked.

**NOW THEREFORE BE IT RESOLVED**, that the Sullivan County Legislature hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature.

<b>Title of Elected Official</b>	<b>Name</b>	<b>Standard Work Day/(hrs/d ay)</b>	<b>Term</b>	<b>Participates in Employers Time Keeping System</b>	<b>Days per month based on Record of Activities</b>	<b>Filed 30 or 90 day record</b>
Legislator	Kathleen LaBuda	6	01/01/12-12/31/15	N	20	90
Legislator	Alan Sorensen	6	01/01/12-12/31/15	N	20	90
Legislator	Ira Steingart	6	01/01/12-12/31/15	N	20	90
Legislator	Cindy Kurpil-Gieger	6	01/01/12-12/31/15	N	20	90
Legislator	Kitty Vetter	6	01/01/12-12/31/15	N	20	90
Legislator	Jonathan Rouis	6	01/01/12-12/31/15	N	20	90
<b>Title of Appointed/at Pleasure</b>	<b>Name</b>	<b>Standard Work Day/(hrs/d ay)</b>	<b>Term</b>	<b>Participates in Employers Time Keeping System</b>	<b>Days per month based on Record of Activities</b>	<b>Filed 30 or 90 day record</b>
Clerk to the Legislature	AnnMarie Martin	7	01/01/12-12/31/15	Y	N/A	N/A
Legislative Secretary	Ellen Cutler	7	At Pleasure	Y	N/A	N/A

County Attorney	Samuel Yasgur	7	01/01/12-12/31/15	Y	N/A	N/A
Assistant County Attorney	Thomas Cawley	7	At Pleasure	Y	N/A	N/A
Assistant County Attorney	Karen Mannino	7	At Pleasure	Y	N/A	N/A
Confidential Secretary	Christina Kautz	7	At Pleasure	Y	N/A	N/A
Veterans Director	John Crotty	7	01/01/12-12/31/15	Y	N/A	N/A
Board of Elections Commissioner	Rodney Gaebel	7	01/01/12-12/31/16	Y	N/A	N/A
Board of Elections Commissioner	Ann Prusinski	7	07/21/12-12/31/16	Y	N/A	N/A
Board of Elections Commissioner	Faith Kaplan	7	01/01/12-07/21/12	Y	N/A	N/A
Deputy Election Commissioner	Pam Murran	7	At Pleasure	Y	N/A	N/A
Deputy Election Commissioner	Honora Wall	7	At Pleasure	Y	N/A	N/A
Assistant District Attorney V	Jared Hart	7	At Pleasure	Y	N/A	N/A
Assistant District Attorney V	Eamonn Neary	7	At Pleasure	Y	N/A	N/A

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature does hereby attest that the above appointed officials have submitted a three month log of activities and such is on file with the Clerk to the Legislature.

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE  
AWARD & EXECUTION OF AGREEMENT AND CREATE A CAPITAL ACCOUNT  
FOR WORK TO BE PERFORMED AT THE ADULT CARE CENTER AS PART OF  
THE HEAL GRANT**

**WHEREAS**, proposals were received for Design Services for the Sullivan County Adult Care Center (HEAL Grant), and

**WHEREAS**, Labella Associates PC, is the most qualified vendor for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said proposal and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with Labella Associates PC, at a total price not to exceed \$71,150, for Design Services, and total price not to exceed \$8,500 for reimbursable expenses, for the Sullivan County Adult Care Center, in accordance with RFP R-12-14, said contract to be in such form as the County Attorney shall approve, and

**BE IT FURTHER RESOLVED**, that a capital account be created for the purpose of design and construction at the Adult Care Center associated with the HEAL grant, with a total budget of \$1,130,000, and

**BE IT FURTHER RESOLVED**, that the County Treasurer is authorized to advance funds from the General Fund to the capital account as needed.



**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE OPPOSING THE UNITED STATES SUPREME COURT'S INTERPRETATION OF THE CONSTITUTION IN *CITIZENS UNITED v. FEDERAL ELECTION COMMISSION* REGARDING THE CONSTITUTIONAL RIGHTS OF CORPORATIONS, SUPPORTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROVIDE THAT CORPORATIONS ARE NOT ENTITLED TO THE ENTIRETY OF PROTECTIONS OR "RIGHTS" OF NATURAL PERSONS, SPECIFICALLY SO THE EXPENDITURE OF CORPORATE MONEY TO INFLUENCE THE ELECTORAL PROCESS IS NO LONGER A FORM OF CONSTITUTIONALLY PROTECTED SPEECH, AND CALLING ON CONGRESS TO BEGIN THE PROCESS OF AMENDING THE CONSTITUTION**

**WHEREAS**, in 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission* ("*Citizens United*"), holding that independent spending on elections by corporations and other groups could not be limited by government regulation; and

**WHEREAS**, this decision overturned the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

**WHEREAS**, in reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

**WHEREAS**, the First Amendment to the United States Constitution was designed to protect free speech rights of people, not corporations; and

**WHEREAS**, in his eloquent dissent, Justice John Paul Stevens called the decision a "radical change in the law" that ignores "the overwhelming majority of justices that have served on this court" and rightly recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established"; and

**WHEREAS**, the Court's decision in *Citizen United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

**WHEREAS**, corporations should not be afforded the entirety of protections or "rights" of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

**WHEREAS**, the United State's Supreme Court's ruling in *Citizen's United* threatens to dilute an individual's power as a voting citizen and compromise the democratic process, and as such, presents a serious and direct threat to our democracy; and

**WHEREAS**, the People of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby opposes the Supreme Court's interpretation of the Constitution in *Citizens United* with regard to the constitutional rights of corporations, and supports amending the Constitution to provide that:

1. A corporation is not a person and can be regulated.
  - a. The rights protected by the Constitution of the United States are the rights of natural persons only.
  - b. Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this constitution and are subject to regulation by the People, through federal, state, or local law.
  - c. The privileges of artificial entities shall be determined by the People, through federal, state, or local law, and shall not be construed to be inherent or inalienable.
2. Money is not speech and can be regulated.
  - a. Federal, state, and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or ballot measure.
  - b. Federal, state, and local government shall require that any permissible contributions and expenditures be publicly disclosed.
  - c. The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.
3. Nothing contained in this amendment shall be construed to abridge the freedom of the press.

**BE IT FURTHER RESOLVED**, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a certified copy of this resolution to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congressman Maurice Hinchey, Governor Andrew M. Cuomo, Senator John J. Bonacic, Assemblywoman Aileen Gunther, Senate Majority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, and all Towns and Villages within Sullivan County.