



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
January 24, 2013 at 12:30PM

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

I. DISCUSSION

1. Create a Fill Vacancy Policy
2. DFS Vacancies - Randy Parker (referred from January 10th Health and Family Services)
3. Probation Vacancies (referred from January 17th Public Safety) #1324 and #2879
4. RFP Process

II. RESOLUTIONS :

1. Reappoint members to the Ag/Farmland Protection Board
2. Appoint a Charter Revision Commission
3. Authorize the County Treasurer to enter into payment agreements with Haulers licensed by Sullivan County (referred from January 17th Public Works Committee)
4. Award annual auditing contract to Toski & Co. P.C.
5. Reappoint six and appoint one member to the Office for the Aging Advisory Committee
6. Reappoint Robert Kaplan and Harold Russell to the Sullivan County Soil & Water Conservation District Board
7. Reappoint one and appoint one member to the RSVP Advisory Committee
8. Approve Adult Care Center Bonding Resolution
9. Retain outside legal council to advise the Legislature on the County Manager's Separation Agreement
10. Set public hearing for a proposed local law Amending two sections of the Sullivan County Administrative Code in regard to Workforce Development under Planning

III. PUBLIC COMMENT

RESOLUTION NO. _____ INTRODUCED BY THE EXECUTIVE COMMITTEE TO 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), Daniel Brey, an active farmer and Fred Michel, a representative of an agricultural land preservation organization, have expired as of December 31, 2012; and

WHEREAS, the Clerk to the Legislature published the Board vacancy announcement in accordance with Resolution No. 407 of 2011; and

WHEREAS, Daniel Brey and Fred Michel responded to the vacancy announcement, each requesting to serve another term on the Board, and no other persons responded to the vacancy announcement; and

WHEREAS, by resolution of the Board dated January 7, 2013, the Board recommends that Daniel Brey and Fred Michel be reappointed for four-year terms.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby makes the following reappointments to the Board, to commence immediately and terminate on December 31, 2016:

Daniel Brey, Active Farmer

Fred Michel, Agricultural Land Preservation Representative

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

RESOLUTION NO. ____ -13 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT A CHARTER REVISION COMMISSION

WHEREAS, Section C1.05 of the Sullivan County Charter provides that within two years after the original enactment of the Charter the County Legislature had to appoint a Charter Revision Commission and that “additional Charter Revisions Commissions, composed of qualified electors chosen by the County Legislature and representing various segments of the community, shall be appointed at least once every ten years thereafter to review and propose revisions to this Charter, if required”, and

WHEREAS, the last Charter Revision Commission was appointed in October 2005 pursuant to Resolution 383-05, and

WHEREAS, the last Charter Revision Commission considered a multitude of issues under the Charter including the possibility of changing the structure of the County Government from a County Manager to a County Executive form of government, and

WHEREAS, the current County Legislature desires to appoint a Charter Revision Commission with a mandate to recommend appropriate revisions to the current County Charter so as to change the structure of the Sullivan County Government from a Legislature/County Manager to a Legislature/County Executive form.

NOW THEREFORE BE IT RESOLVED:

1. The Sullivan County Legislature hereby authorizes the appointment by the Chairman of the Sullivan County Legislature of a Charter Revision Commission to be composed of nine qualified electors of Sullivan County and representing various segments of the community.
2. Each Legislator shall propose one person meeting the above qualifications to serve on the Charter Revision Commission and the Chairman shall appoint the individuals recommended by each Legislator.
3. The Charter Revision Commission shall have as its assignment consideration of all of the changes which it may feel would be appropriate to be included in a revised Charter which would change the structure of the Sullivan County Government from a Legislature/County Manger form to a Legislature/County Executive form.
4. The Commission shall consider the impact of such a change in structure on all applicable aspects of County Government including the authority which would remain in the County Legislature.

5. The Commissions meetings shall be public meetings and held on scheduled dates and times pursuant to public notice.
6. The Commission shall elect its own Chair.
7. The County Attorney shall provide the Commission with such legal assistance as the Commission may require.
8. The Commission shall adopt its own rules for the conduct of its sessions including, if the Commission deems it appropriate, rules regarding attendance, and the like.
9. The Commission shall provide a final report to the County Legislature by no later than the first Executive Committee meeting in August 2013 so that the Legislature will have sufficient time to review and consider the recommendations of the Commission and, if the Legislature at that time deems it appropriate, to place a proposed local law on the ballot, which would affect the aforesaid change in the structure of the Sullivan County Government.

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

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE OF THE SULLIVAN COUNTY LEGISLATURE TO AUTHORIZE THE COUNTY TREASURER TO ENTER INTO PAYMENT AGREEMENTS WITH HAULERS LICENSED BY SULLIVAN COUNTY

WHEREAS, the Sullivan County Solid Waste Management Rules (hereinafter the Rules) were adopted by the County Legislature by Resolution 324-11; and

WHEREAS, pursuant to Section 632 (a) of the Sullivan County Solid Waste Management Rules (SWMR), a maximum of \$25,000.00 in charges may be accrued by a valid licensed hauler; and

WHEREAS, the Hauler authorizing permit allows for an exception to the maximum limit upon approval of the Legislature; and

WHEREAS, several Valid Licensed Haulers have exceeded the maximum limit from time to time, and

WHEREAS, the terms, conditions, and amounts for which the Valid Licensed Haulers can exceed the limit can be negotiated by the County Manager, County Treasurer, and the Commissioner of Public works.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes exceptions to the \$25,000 maximum charge limit for the Valid Licensed Haulers in the discretion of the County Manager, County Treasurer and the Commissioner of Public Works, and

BE IT FURTHER RESOLVED, that the terms, conditions and amounts permitted will be negotiated and agreed to by the County Manager, County Treasurer and the Commissioner of Public Works, and

BE IT FURTHER RESOLVED, that the Sullivan County Treasurer is hereby authorized to execute an agreement with any Valid Licensed Haulers agreed upon by the County Manager, County Treasurer and the Commissioner of Public Works, detailing the terms, conditions, and amounts agreed to by the County Official.

Moved by _____,

Seconded by _____,

and adopted on motion _____, 2013.

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO
AWARD A CONTRACT TO TOSKI & CO., P.C. FOR THE ANNUAL AUDIT**

WHEREAS, the County of Sullivan is required to engage an independent auditor to perform the annual audit including requirements of the Single Audit Act of 1984, as amended by the Single Audit Act Amendment of 1996, and the provisions of the U.S. Office of Management and Budget (OMB) Circular A-133, and

WHEREAS, the firm of Toski & Co., P.C. has submitted a proposal to prepare the annual audit for the year ending December 31, 2012 and an optional three subsequent years as requested, of all County Departments including the Adult Care Center, New York State Department of Transportation, Community Services, Deferred Compensation Plan and Public Health Nursing Services, and to assist the County in receiving a certificate of compliance from the Government Finance Officers Association;

WHEREAS, the County Treasurer, Deputy County Manager/Commissioner of Management and Budget and the County Clerk have recommended that the Toski & Co., P.C. firm be retained to perform these services.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be authorized to engage the services of Toski & Co., P.C. to perform an audit of the County of Sullivan including the Adult Care Center, New York State Department of Transportation, Community Services, Deferred Compensation Plan and Public Health Nursing Services, and including additional assistance with the Comprehensive Annual Financial Report, for the fiscal year ending December 31, 2012, with the option to extend the contract for the years ending December 31, 2013, December 31, 2014 and December 31, 2015 at an annual amount not to exceed the sum of \$115,000.00”.

BE IT FURTHER RESOLVED, that any additional services required be authorized by the County Manager.

**Moved by
seconded by
declared duly adopted on motion**

Resolution No.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE

RESOLUTION TO REAPPOINT SIX MEMBERS AND TO APPOINT ONE MEMBER TO THE OFFICE FOR THE AGING ADVISORY COMMITTEE

WHEREAS, it is the desire to reappoint Ann Danuff, Onofrio "Chuck" Papa, Roslyn Sharoff, Liliam Stettner, Judy Tolkacz and David Vasquez and to appoint Kenneth Walter to fill the vacancy of Eugene Raponi to the Office for the Aging Advisory Committee, and

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

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

OFA REAPPOINTMENT:	TERM:
Ann Danuff 978 CR 31 Glen Spey NY 12737	1/31/2016
Onofrio "Chuck" Papa P O Box 217 Callicoon Center NY 12724	1/31/2016
Roslyn Sharoff 21 Fraser Avenue Monticello NY 12701	1/31/2016
Liliam Stettner P O Box 19 538 Willi Hill Road White Sulphur Springs NY 12787	1/31/2016
Judy Tolkacz Box 250 County Road 164 Callicoon NY 12723	1/31/2016
David Vasquez 3 East Road Wurtsboro NY 12790	1/31/2016

5

OFA APPOINTMENT

Kenneth Walter
80 M Gilles Rd
Grahamsville NY 12740

1/31/2016

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

5A

RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO REAPPOINT TWO MEMBERS (ROBERT KAPLAN AND HAROLD RUSSELL) TO THE SULLIVAN COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Harold Russell, Member at large, as a representative member of the Sullivan County Soil & Water conservation District Board of Directors expired on December 31, 2012,

WHEREAS, the Sullivan County Soil and Water Conservation Board of Directors nominated Mr. Robert Kaplan and Mr. Harold Russell for a new three-year term to serve as representative to said Board,

WHEREAS, the Sullivan County Soil and Water Conservation District Board of Directors unanimously approved the aforementioned nominee at the regular meeting on January 14, 2013.

NOW, THEREFORE, BE IT RESOLVED, that based on this recommendation, the aforementioned nominee is hereby reappointed to the Sullivan County Soil and Water Conservation Board of Directors for a three-year term to expire on December 31, 2015.

Resolution No.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE

RESOLUTION TO REAPPOINT ONE MEMBER AND TO APPOINT ONE MEMBER TO THE RSVP ADVISORY COMMITTEE

WHEREAS, it is the desire to reappoint Sonny Smith and to appoint Kenneth Walter to fill the vacancy of Helen Kwasinowicz to the RSVP Advisory Committee, and

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

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

RSVP REAPPOINTMENT:

TERM:

Sonny Smith
P O Box 721
9 Clark Street
South Fallsburg NY 12779

1/31/2016

RSVP APPOINTMENT

Kenneth Walter
80 M Gilles Rd
Grahamsville NY 12740

1/31/2016

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



ORRICK

ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
NEW YORK, NY 10019-6142
tel 212-506-5000
fax 212-506-5151
WWW.ORRICK.COM

January 15, 2013

Douglas E. Goodfriend
(212) 506-5211 (Direct Dial)
dgoodfriend@orrick.com

VIA E-MAIL (ira.cohen@co.sullivan.ny.us; nancy.buck@co.sullivan.ny.us)

Mr. Ira Cohen
Ms. Nancy Buck
County of Sullivan
Government Center
Monticello, New York 12701

Re: County of Sullivan, New York
Sullivan County Adult Care Center - \$1,130,000 Serial Bonds
Orrick File: 42391-2-33

Ladies and Gentlemen:

In accordance with your recent request, we are enclosing the following **draft** relative to the above for your review before wider distribution:

- (1) A suggested form for the bond resolution. As you know, this resolution must be adopted by the affirmative vote of at least two-thirds of the entire voting strength of the County Legislature.
- (2) A suggested form for the Legal Notice of Estoppel. This Legal Notice of Estoppel should be published once in each of the official newspapers designated in Section 12 of the bond resolution. (Confirm that we have current newspapers please.)

In due course, please furnish us with the following:

- (a) An **ORIGINALLY** certified copy of the bond resolution.
- (b) An **ORIGINAL** printers' affidavit of publication of the Legal Notice of estoppel from both official County newspapers.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas E. Goodfriend

DEG/zmt
Enclosures
752892807.01

8

BOND RESOLUTION

At a regular meeting of the County Legislature of the County of Sullivan, New York, held at the County Government Center, in Monticello, New York, on the ____ day of _____, 2013, at ____:00 o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were:

PRESENT:

ABSENT:

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

8A

BOND RESOLUTION NO. _____ OF 2013 DATED _____, 2013.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,130,000 BONDS OF THE COUNTY OF SULLIVAN, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF THE SULLIVAN COUNTY ADULT CARE CENTER, IN AND FOR SAID COUNTY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, as such type of Action will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Sullivan, New York, as follows:

Section 1. For the specific object or purpose of paying cost of the reconstruction of the Sullivan County Adult Care Center located at 256 Sunset Lake Road, Liberty, in and for the County of Sullivan, New York, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$1,130,000 bonds of said County pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,130,000, and that the plan of financing thereof is by the issuance of the \$1,130,000 bonds of said County authorized to be issued pursuant to this bond resolution.

8b

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Sullivan, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of said County; provided, however, that in the exercise of these delegated powers, the County Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

GC

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Sd

Section 10. This resolution, which takes effect immediately, shall be published in full in the *Sullivan County Democrat* and the *River Reporter*, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

fe

The foregoing resolution was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The resolution was thereupon declared duly adopted.

* * * * *

GF

LEGAL NOTICE

The bond resolution, a summary of which is published herewith, has been adopted on _____, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Sullivan, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Clerk of the Legislature for a period of twenty days from the date of publication of this Notice.

Dated: Monticello, New York,
_____, 2013.

Clerk, County Legislature

BOND RESOLUTION NO. ____ OF 2013 DATED _____, 2013.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,130,000 BONDS OF THE COUNTY OF SULLIVAN, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF THE SULLIVAN COUNTY ADULT CARE CENTER, IN AND FOR SAID COUNTY.

Specific object or purpose:	Reconstruction of the Sullivan County Adult Care Center
Period of probable usefulness:	25 years
Maximum estimated cost:	\$1,130,000
Amount of obligations to be issued:	\$1,130,000 bonds
SEQRA Status:	Type II Action

8h

**RESOLUTION NO. ____ -13 INTRODUCED BY EXECUTIVE COMMITTEE TO
RETAIN OUTSIDE LEGAL COUNSEL TO ADVISE THE SULLIVAN COUNTY
LEGISLATURE ON THE COUNTY MANAGER'S SEPARATION AGREEMENT**

WHEREAS, The First Term of Employment for County Manager expired on December 31, 2012, and

WHEREAS, the dates of the Terms (Initial Term expiring December 31, 2008 and First Term of Renewal expiring December 31, 2012) are not concurrent with the expiration date of the "Agreement" of December 31, 2014, and

WHEREAS, it is prudent for the County Legislature to seek outside legal counsel and advise the Legislature with respect to its rights and obligations regarding an amicable separation agreement with the County Manager.

NOW, THEREFORE BE IT RESOLVED, that the County Legislature hereby authorizes the retention of outside counsel (in an amount not to exceed \$5,000) to provide the legislature with such advice.

9

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO SET A PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING SECTIONS A7-6 and A7-8 OF THE SULLIVAN COUNTY ADMINISTRATIVE CODE"

WHEREAS, there has been introduced and presented at a meeting of the Sullivan County Legislature held on January 24, 2013 a proposed Local Law entitled "A Local Law Amending Sections A7-6 and A7-8 of the Sullivan County Administrative Code."

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Sullivan County Legislature on February 21, 2013 at 1:40 p.m., in the Legislative Chambers, County Government Center, Monticello, New York, and at least six (6) days' notice of the public hearing be given by the Clerk of the Sullivan County Legislature by due posting thereof on the bulletin board of the County of Sullivan and by publishing such notice at least once in the official newspapers of the County.

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

10

COUNTY OF SULLIVAN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been duly presented and introduced at a meeting of the Legislature of the County of Sullivan, New York, held on January 24, 2013, a proposed Local Law entitled "A Local Law Amending Sections A7-6 and A7-8 of the Sullivan County Administrative Code."

NOTICE IS FURTHER GIVEN that the Legislature of the County of Sullivan will conduct a public hearing on the aforesaid proposed Local Law at the Legislature's Meeting Room, County Government Center, Monticello, New York, 12701, on February 21, 2013 at 1:40 p.m. at which time all persons interested will be heard.

DATED: Monticello, New York
January 24, 2013

ANNMARIE MARTIN
Clerk of the Legislature
County of Sullivan, New York

10A