



**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**  
**May 16, 2013 at 11:30AM**

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

- I. ACTING COUNTY MANAGER'S MONTHLY REPORT**
- II. COUNTY ATTORNEY'S MONTHLY REPORT**
- III. DISCUSSION**  
Vacancies  
Overtime---Sheriff's Department
- IV. PRESENTATION:** Amanda Hulse and Hannah Feinman (Sullivan West students)
- V. RESOLUTIONS :**
  1. Authorize 5 Temporary 90 day positions in the Sheriff's Department
  2. Mayday for Mandate Relief
  3. Request for Home Rule Legislation for the sales tax extension
  4. Appointing Cora Edwards to the Soil & Water Conservation District Board
  5. Opposing A6550/2013 regarding additional notice of claim legislation
  6. Authorize the preparation and submission of a Rural Business Opportunity Grant (RBOG)
  7. Authorize agreement with Deborah De Jesus to serve as a Temporary Interim Administrator of the Adult Care Center
- VI. PUBLIC COMMENT**

**Vacancy Request Fact Sheet**

**Date:** April 24, 2013

**Department:** Dept. of Community Services

**Department Head:** Joe Todora, Director, DCS

**Position/Duties:** Database Clerk (#2819) / This person does the purchase orders, orders supplies, schedule appointments for clients, answer phones, does monthly statistics for our utilization review of charts, attaches records to clients charts, does outgoing faxes and attaches incoming faxes to charts, and covers the front desk as needed.

**Salary:** \$21,334 / \$22,457

**Benefits:** \$22,951/\$23,249

**Total Cost:** \$44,285 / \$45,706

**County Share:** \$28,473 +/- Depending on revenues generated

**Federal Share:** \$16,400

**State Share:** 0

**Other:** Revenue from our other units helps to cover this cost \*

**Mandated:** No

**Budgeted:** Yes **Budget Line:** A4310-10-1011

**Date of Vacancy:** 5/3/2013

**Notes:** Person took a promotion.

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**Date Received** 4/29/13 **Date Reviewed** \_\_\_\_\_

**Approved** \_\_\_\_\_ **Committee Vote:**

**Denied** \_\_\_\_\_ **YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Held** \_\_\_\_\_

**Vacancy Request Fact Sheet**

**Date:** April 24, 2013

**Department:** Dept. of Community Services

SULLIVAN COUNTY MANAGER

**Department Head:** Joe Todora, Director; DCS

APR 29 2013

**Position/Duties:** Assistant Social Worker I (#1910) / This person provides care coordination/management to clients with serious mental health illness, developing social supports in their environment, refer clients to other agencies. With the changing regulations and the start of Health Homes this position is critical.

RECEIVED

**Salary:** \$38,046 / \$40,048

**Benefits:** \$26,041 / \$26,502

**Total Cost:** \$64,087 / \$66,550

**County Share:** 0

**Federal Share:** 0

**State Share:** 0

**Other: Revenues** \$64,087 / \$66,550 plus from Medicaid, Medicare, 3<sup>rd</sup> party insurance ~~+~~ billing

**Mandated:** No

**Budgeted:** Yes    **Budget Line:** A4320-42

**Date of Vacancy:** 3/15/2013

**Notes:** Previous person resigned 3/15/2013

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**Date Received** 4/29/13                      **Date Reviewed** \_\_\_\_\_

**Approved** \_\_\_\_\_                      **Committee Vote:**

**Denied** \_\_\_\_\_                      YES \_\_\_\_\_ NO \_\_\_\_\_

**Held** \_\_\_\_\_



Vacancy Request Fact Sheet

Date: 5/8/13

Department: Center for Workforce Development

Department Head: Laura Quigley

Position / Duties: 45 - Summer youth positions - youth 14-20 yrs old  
Participate in 6 wk paid summer employment / education program.  
Pos# 9999

Salary: average 1125/youth = 50,625

Benefits: average 166/youth = 7470

Total Cost: 58,095

County Share: 0

Federal Share: 0

State Share: 58,095

Other: 0

Mandated: N/A

Budgeted: Y Budget Line: 10-1011 / 80-8001 / 80-8006 / 80-8007

Date of Vacancy: 7/8/13 - 8/16/13

Notes: SEASONAL program.

Date Received 5/8/13

Date Reviewed \_\_\_\_\_

Approved \_\_\_\_\_

Committee Vote:

Denied \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Held \_\_\_\_\_

Vacancy Request Fact Sheet

Date: 5/8/13

Department: Center for Workforce Development

Department Head: Laura Quigley

Position / Duties: 4 seasonal crew leaders - provide supervision to youth participating in summer youth program.

Pos #'s = 1685, 1687, 2894, 2895

Salary:  $2700 \times 4 = 10,800$

Benefits:  $364.88 \times 4 = 1459$

Total Cost: 12,259

County Share: 0

Federal Share: 0

State Share: 12,259

Other: 0

Mandated: N/A

Budgeted: y Budget Line: 10-1011 ; 80-8001 ; 80-8007 ; 80-8006.

Date of Vacancy: 6/26/13 - 8/16/13

Notes: SEASONAL positions

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Date Received 5/8/13

Date Reviewed \_\_\_\_\_

Approved \_\_\_\_\_

Committee Vote:

Denied \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Held \_\_\_\_\_

Vacancy Request Fact Sheet

**Date:** May 9, 2013

**Department:** Sullivan County Public Health Services

**Department Head:** Carol Ryan, RN, BSN, MPH

✓ **Position / Duties:** #4082. 2912 –Part time Breastfeeding Peer Counselor

**Salary\*:** Entry: \$9,330 (\$12.7669/hour); Full: \$9,821 (\$13.4390/hour) (budgeted to work 14 hours/week)

\*For all new teamsters hired after 9/1/10, their wages are to be reduced by 10% in compliance with their union agreement. If this were not the case, this position's entry and full wage rates would have been \$14.1856/hour and \$14.9322/hour, respectively. The annual wages calculated for 14 hours/week would be Entry: \$10,367 and Full: \$10,913.

**Benefits:** Entry: \$3,186; Full: \$3,347

**Total Cost:** Entry: \$12,516; Full: \$13,168

**County Share:** \$0.00

**Federal Share:** For entry wages & benefits: \$10,501; for full wages & benefits: \$11,048

**State Share:** For entry wages & benefits: \$2,015; for full wages & benefits: \$2,120

**Other:** N/A

**Mandated:** Yes, contractual

**Budgeted:** Yes **Budget Line:** A4082-10-1011 – Personal Services Regular Pay and for the various benefits: A4082-80-8001 through A4082-80-8007

**Date of Vacancy:** Jan 1, 2013

- 1.) **Notes:** State funded requirement as part of our contract with NYSDOH to have adequate personnel to meet the needs of the population and caseload we are serving; the state has funded us for 2 breastfeeding peer counselor positions at 14 hrs/wk each; we currently have one filled and one part time position vacant. By filling the position, there will be a positive impact on the health and nutritional status of pregnant women, infants and children, a reduction in waiting time for clients needing breastfeeding support and education.
- 2.) The position of breastfeeding Peer counselor is a mandatory contractual obligation of the New York State WIC Program of which we are a local agency. Increased breastfeeding in recognized studies has been shown to maintain the health of babies, protect them from illness, and decrease health care costs both in the short term and the long term.

**Date Received** 5/9/13

**Date Reviewed** \_\_\_\_\_

**Approved** \_\_\_\_\_

**Committee Vote:**

**Denied** \_\_\_\_\_

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**Held** \_\_\_\_\_

**Vacancy Request Fact Sheet**

**Date:** May 1, 2013

**Department:** Sullivan County Public Health Services

**Department Head:** Carol Ryan, RN, BSN, MPH

**Position / Duties:** #4082.2910 – Reg. Part time Nutritionist / WIC

**Salary\*:** Entry: \$19,023 (\$20.8244/hour); Full: \$20,024 (\$21.9201/hour) (budgeted to work 17.5 hours/week)

\*For all new teamsters hired after 9/1/10, their wages are to be reduced by 10% in compliance with their union agreement. If this were not the case, this position's entry and full wage rates would have been \$23.1374/hour and \$24.3553/hour, respectively. The annual wages calculated for a 17.5 hours/week would be Entry: \$21,136 and Full: \$22,249.

**Benefits:** Entry: \$9,882; Full: \$10,148

**Total Cost:** Entry: \$28,905; Full: \$30,172

**County Share:** \$0.00

**Federal Share:** For entry wages & benefits: \$24,252; for full wages & benefits: \$25,314

**State Share:** For entry wages & benefits: \$4,654; for full wages & benefits: \$4,858

**Other:** N/A

**Mandated:** Yes, contractual

**Budgeted:** Yes **Budget Line:** A4082-10-1011 – Personal Services Regular Pay and for the various benefits: A4082-80-8001 through A4082-80-8007

**Date of Vacancy:** Jan. 1, 2013

- 1) **Notes:** State funded requirement as part of our contract with NYSDOH to have adequate personnel to meet the needs of the population and caseload we are serving; the state has funded us for 3.5 Nutritionist positions; we currently have two filled and one full time and one part time position vacant.
- 2) By filling the position, there will be a positive impact on the health and nutritional status of pregnant women, infants and children, a reduction in waiting time for clients needing food vouchers, and a positive impact on local vendors.

**Date Received** 5/9/13

**Date Reviewed** \_\_\_\_\_

**Approved** \_\_\_\_\_

**Committee Vote:**

**Denied** \_\_\_\_\_

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**Held** \_\_\_\_\_



# New York State Law Proposals Regarding Tax Exemptions

By Hannah Feinman and Amanda Hulse

A01271

○ “Requires the burden of annually establishing that the requirements of the mandatory class non-profit real property tax exemptions have been satisfied to fall upon the owner of the property and must be proven by clear and convincing evidence.”

○ Sponsor: Gunther

○ Co-Sponsor: Galef

A00463

- “Increases maximum income eligibility levels for real property tax exemptions for seniors”
- Sponsor: Englebright
- Co-Sponsor: Barrett

S00878

- “Requires the burden of annually establishing that the requirements of the mandatory class non-profit real property tax exemptions have been satisfied to fall upon the owner of the property and must be proven by clear and convincing evidence.”

○ Sponsor: Bonacic

○ Co-Sponsor: Larkin

S00879

- “Relates to the exemptions from taxation for non-profit organizations”
- Sponsor: Bonacic
- Co-Sponsors: Larkin, Little

S00881

- “Provides that real property tax exemptions granted to real property owned by corporations or associations organized or conducted exclusively for hospital or moral or mental improvement of men, women, or children purposes and used exclusively for carrying out such purposes shall only be granted if the property owner can prove by clear and convincing evidence that each acre is actually used for such purpose at least 120 days a year; appropriates \$10,000,000 therefor”

Sponsor: Bonacic

Co-Sponsor: Larkin

S00130

- “Prohibits landlords convicted of housing violations from claiming exemptions credits or itemized deductions for such property on state tax returns”
- Sponsor: Sampson
- No Co-Sponsor

## What this means for us...

These state laws would benefit our area, specifically Sullivan County, from the burden of large numbers of tax exemptions for many residents.

According to Mrs. Gieger, overall 23% of Sullivan County is tax exempt, but in some townships that figure is upwards of 45% exempt.



## Sources

During our research we contacted both Assemblywoman Aileen Gunther and

Senator John Bonacic regarding proposed laws on the state and local concerning tax exemptions.

All of the bill descriptions are summaries searched for on the website for the New York State Assembly.

<http://assembly.state.ny.us/leg/>

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

**RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO CREATE FIVE (5) TEMPORARY POSITIONS IN THE SULLIVAN COUNTY SHERIFF'S OFFICE**

**WHEREAS**, the Sheriff has requested that five (5) temporary Deputy Sheriff positions be created in the Sheriff's Office, and

**WHEREAS**, in order to meet the staffing needs of the Sullivan County Sheriff's Office, it is the wish of the Sullivan County Sheriff to create five (5) temporary Deputy Sheriff positions, and

**WHEREAS**, these temporary Deputy Sheriffs will be employed for a time period not to exceed ninety (90) days, commencing on June 3, 2013 and expire 90 days thereafter, or commencing at a later date and expiring no later than October 11, 2013.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the creation of (5) temporary Deputy Sheriff positions in the Sheriff's Office for the temporary staffing needs of the Sullivan County Sheriff's Office, and

**BE IT FURTHER RESOLVED**, that these five (5) temporary Deputy Sheriff positions shall be effective on June 3, 2013, and shall be hereby abolished 90 days thereafter, or commencing at a later date and expiring no later than October 11, 2013, and

**BE IT FURTHER RESOLED**, that the Sheriff is hereby authorized to fill three (3) of the five (5) temporary Deputy Sheriff positions, and the Sheriff shall obtain the authorization of the County Manager and the Chairman of the County Legislature prior to offering employment or filling the remaining Temporary Deputy Sheriff positions.

Moved by \_\_\_\_\_,  
Seconded by \_\_\_\_\_,  
and adopted on motion \_\_\_\_\_, 2013

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Sheriff Michael Schiff

**Re:** Request for Consideration of a Resolution: To create temporary deputy positions

**Date:** 5/2/13

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

To hire 5 temporary deputy sheriffs for the summer months to help meet staffing needs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Is subject of Resolution mandated? Explain:**

No.

\_\_\_\_\_

\_\_\_\_\_

**Does Resolution require expenditure of funds? Yes  No**

**If "Yes", provide the following information:**

**Amount to be authorized by Resolution:** \$ 62,500.00

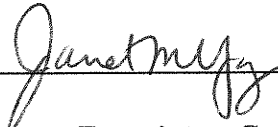
**Are funds already budgeted? Yes  No**

**If "Yes" specify appropriation code(s):** \_\_\_\_\_

**If "No", specify proposed source of funds:** Transfer of funds from open positions

**Estimated Cost Breakdown by Source:**

County	<u>\$62,500.00</u>	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

**Verified by Budget Office:** 

**Does Resolution request Authority to Enter into a Contract? Yes  No**

**If "Yes", provide information requested on Pages 2 and 3.**

Request for Authority to Enter into Contract with [ \_\_\_\_\_ ] of  
[ \_\_\_\_\_ ]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From \_\_\_\_\_ To \_\_\_\_\_

Is this a renewal of a prior Contract? Yes \_\_\_ No \_\_\_

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): \_\_\_\_\_

Resolutions authorizing prior contracts (Resolution #s): \_\_\_\_\_

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes \_\_\_ No \_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \_\_\_\_\_

Efforts made to find Less Costly alternative:

This would be the least costly method to supplement Patrol staff for the summer months.

\_\_\_\_\_  
\_\_\_\_\_

Efforts made to share costs with another agency or governmental entity:

Not applicable.

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)  
Not applicable

Person(s) responsible for monitoring contract (Title): \_\_\_\_\_

**Pre-Legislative Approvals:**

- A. Director of Purchasing: Kathy Jones Date 5/14/13
- B. Management and Budget: Garnet Myer Date 5/14/13
- C. Law Department: Stacy as GW Date 5/12
- D. County Manager: Julie Reed Date 5/14/13
- E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_

1       **RESOLUTION DECLARING “MAYDAY FOR MANDATE RELIEF” AND URGING**  
2       **THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL**  
3       **STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON**  
4       **RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES**

5  
6       **WHEREAS**, counties are mandated to administer and finance dozens of state and federal  
7       programs; and

8  
9       **WHEREAS**, many counties in New York State face significant fiscal challenges made worse  
10      by the recent recession and slow economic recovery; and

11  
12      **WHEREAS**, these county fiscal challenges are also directly tied to state-imposed mandates  
13      and in recent years reduced state reimbursement; and

14  
15      **WHEREAS**, the New York State Association of Counties has identified 9 state mandates that  
16      consume 90 percent of all county property taxes levied across the state (outside of New York  
17      City), representing over \$4 billion in county property taxes levied. These mandates include:  
18      Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special  
19      Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and  
20      Pensions; and

21  
22      **WHEREAS**, these mandated and fixed employee costs can consume more than 80 percent of a  
23      county’s total budget, leaving fewer local dollars that can be devoted to local programs and  
24      services; and

25  
26      **WHEREAS**, these State mandates are the root cause of high county property and sales taxes in  
27      New York and have led to a decline in the delivery of important local services.

28  
29      **NOW, THEREFORE, BE IT RESOLVED**, that Sullivan County hereby declares the month of  
30      May to be “Mayday for Mandate Relief” to raise awareness that decisions made in Albany have  
31      a direct impact on the property tax levy and local community services here in Sullivan County;  
32      and

33  
34      **BE IT FURTHER RESOLVED**, that Sullivan County strongly encourages the Governor and  
35      State Legislature to continue working to enact meaningful mandate relief; and

36  
37      **BE IT FURTHER RESOLVED**, that Sullivan County calls on State Lawmakers to enact  
38      legislation preventing future unfunded mandates without corresponding state aid to pay for them;

39  
40      **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor  
41      Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**RESOLUTION NO. OF 2013 INTRODUCED BY THE EXECUTIVE COMMITTEE REQUESTING THE ADOPTION OF NEW YORK STATE ASSEMBLY BILL A.7321 AND NEW YORK STATE SENATE BILL S. 5204 AUTHORIZING THE EXTENSION OF NEW YORK STATE TAX LAW §1210(i)(33) WHICH AUTHORIZED AN INCREASE TO THE THREE PERCENT RATE AUTHORIZED BY STATE TAX LAW FOR THE PERIOD BEGINNING DECEMBER 1, 2013 AND ENDING NOVEMBER 30, 2015, FOR A TOTAL SALES TAX RATE OF 8%, 4% OF WHICH WOULD BE REVENUE FOR SULLIVAN COUNTY**

**WHEREAS**, the Sullivan County Legislature has requested that the New York State Legislature adopt Home Rule Legislation that would authorize the extension of the current sales tax rate in the County of Sullivan which is presently 8%, 4% of which is revenue for Sullivan County; and

**WHEREAS**, pursuant to State Tax Law §1210(i)(33) the New York State Legislature previously authorized Home Rule Legislation that approved two increases in sales tax in the County of Sullivan; the first, by one half percent ( $\frac{1}{2}$  %) from seven percent (7%) to seven and one half percent ( $7\frac{1}{2}$ %) and the second, an additional one half percent ( $\frac{1}{2}$  %) from seven and one half percent ( $7\frac{1}{2}$  %) to eight percent (8%). Four percent (4%) of the eight percent (8%) is currently revenue for Sullivan County; and

**WHEREAS**, both of the one-half of one percent increases in the sales tax are set to sunset or expire on November 30, 2013; and

**WHEREAS**, the Sullivan County Legislature desires to extend the current sales tax rate until November 30, 2015; and

**WHEREAS**, in the event that both of the one-half of one percent increases in the sales tax rate were allowed to sunset or expire the reduction in revenues created would require the Sullivan County Legislature to increase the real property tax rate by eighteen and one half percent (18.5%) in order to make up the deficit in the 2014 budget,

**WHEREAS**, the County of Sullivan is dealing with significant losses of revenue due to the current economic downturn and the requested extension for the increase is both necessary and in the best interest of the County and its citizens; and

**WHEREAS**, the Sullivan County Legislature, by adopting Resolution No. 83-13 on March 21, 2013, requested that the New York State Legislature adopt Home Rule Legislation extending the sunset date of New York State Tax Law §1210(i)(33) until November 30, 2015; and

**WHEREAS**, Bill No. A.7321 is to be presented in the New York State Assembly A7321; and Bill No. S. 5204 is to be presented in the New York State Senate, both bills being identical, would permit the extension of the current sales tax rate in the County of Sullivan which is presently 8%, 4% of which is revenue for Sullivan County, until November 30, 2015.

**NOW THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby requests that the New York State Assembly adopt Bill No. A.7321, and the New York State Senate adopt Bill No. S.5204, which shall authorize the extension of the current sales tax rate in the County of Sullivan, to be maintained at 8% of which 4% is revenue to the County, as expeditiously as possible; 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 42<sup>nd</sup> Senatorial District, the Honorable Aileen M. Gunther, Assemblywoman representing the 100<sup>th</sup> Assembly District, Hon. Dan Skelos, Majority Leader of the Senate, Honorable Sheldon Silver, Speaker of the General Assembly, and the Honorable Andrew M. Cuomo, Governor of the Great State of New York.



## S T A T E O F N E W Y O R K

7321

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to extending the authority of Sullivan county to impose a sales and compensating use tax within such county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Clause 33 of subparagraph (i) of the opening paragraph of  
2 section 1210 of the tax law, as amended by chapter 253 of the laws of  
3 2011, is amended to read as follows:  
4 (33) the county of Sullivan is hereby further authorized and empowered  
5 to adopt and amend local laws, ordinances or resolutions imposing such  
6 taxes at a rate that is: (i) one-half of one percent additional to the  
7 three percent rate authorized above in this paragraph for such county  
8 for the period beginning June first, two thousand three, and ending  
9 November thirtieth, two thousand [thirteen] FIFTEEN; and (ii) an addi-  
10 tional one-half of one percent in addition to the other rates authorized  
11 above in this paragraph for such county for the period beginning June  
12 first, two thousand seven and ending November thirtieth, two thousand  
13 [thirteen] FIFTEEN;  
14 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10834-01-3

## S T A T E   O F   N E W   Y O R K

5204

2013-2014 Regular Sessions

I N   S E N A T E

May 14, 2013

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to extending the authority of Sullivan county to impose a sales and compensating use tax within such county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. Clause 33 of subparagraph (i) of the opening paragraph of  
2     section 1210 of the tax law, as amended by chapter 253 of the laws of  
3     2011, is amended to read as follows:  
4     (33) the county of Sullivan is hereby further authorized and empowered  
5     to adopt and amend local laws, ordinances or resolutions imposing such  
6     taxes at a rate that is: (i) one-half of one percent additional to the  
7     three percent rate authorized above in this paragraph for such county  
8     for the period beginning June first, two thousand three, and ending  
9     November thirtieth, two thousand [thirteen] FIFTEEN; and (ii) an addi-  
10    tional one-half of one percent in addition to the other rates authorized  
11    above in this paragraph for such county for the period beginning June  
12    first, two thousand seven and ending November thirtieth, two thousand  
13    [thirteen] FIFTEEN;  
14    S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10834-01-3

**RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND  
RESOLUTION NO. 71-12 BY APPOINTING CORA EDWARDS TO THE SULLIVAN  
COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, Resolution No. 71-12 was adopted in April 2012, and

**WHEREAS**, Kitty Vetter is unable to sit on the Soil and Water Conservation District Board of Directors, and

**WHEREAS**, Cora Edwards wishes to serve on the Sullivan County Soil and Water Conservation District Board of Directors.

**WHEREAS**, it is the desire of the Legislature to appoint Cora Edwards to replace Kitty Vetter on the Sullivan County Soil and Water Conservation Board.

**NOW, THEREFORE, BE IT RESOLVED**, that Mrs. Edwards will be appointed to the Sullivan County Soil and Water Conservation Board of Directors with the term to expire on December 31, 2013.

**RESOLUTION NO. \_\_\_\_\_ INTRODUCED BY THE EXECUTIVE COMMITTEE,  
OPPOSING A6550/2013 – ADDITIONAL NOTICE OF CLAIM LEGISLATION**

**WHEREAS**, proposed state legislation, A6550/2013, will significantly undermine critical protections afforded public entities, such as Sullivan County, by current notice of claim laws, and

**WHEREAS**, the proposed legislation would require public entities to raise, as an affirmative defense in a lawsuit, the defense of a late or improperly served notice of claim, and

**WHEREAS**, the proposed legislation would require a public entity to make a motion for dismissal of litigation due to a defective notice of claim within ninety (90) days of submitting an answer, in the absence of which the defense would be deemed waived, and

**WHEREAS**, this proposed legislation is unnecessary, prejudicial towards public entities, and does not improve the litigation system in New York State, and

**WHEREAS**, the legislation has been passed in the New York State Assembly, but has not yet been introduced in the Senate.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature hereby opposes A6550/2013 and asks the Senate not to pass this Legislation, and

**BE IT FURTHER RESOLVED** that a copy of this resolution, duly adopted, be transmitted to Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos, General Assembly Speaker Sheldon Silver, Senator John Bonacic, and Assemblywoman Aileen Gunther.

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_, put to a vote, unanimously carried and declared duly adopted on motion May \_\_\_\_\_, 2013.

**RESOLUTION NO.      INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE PREPARATION AND SUBMISSION OF A RURAL BUSINESS OPPORTUNITY GRANT (RBOG) APPLICATION TO FUND A COMPREHENSIVE COORDINATED TRANSPORTATION PLAN AND FEASIBILITY STUDY FOR SULLIVAN COUNTY**

**WHEREAS**, the United States Department of Agriculture Rural Development (USDA) and Rural Development of New York administer the Rural Business Opportunity Grant (RBOG) program to promote sustainable economic development in rural communities with exceptional needs by making grants to organizations for economic development planning, technical assistance, or training; and

**WHEREAS**, a stated goal of the County's economic development planning process is improving access to transportation and increasing efficiency throughout the County and region, for the purpose of increasing opportunities for residents and tourists, as well as for businesses to benefit our workforce and our youth; and

**WHEREAS**, USDA/Rural Development is seeking funding proposals for FY2013; and

**WHEREAS**, the Division of Planning, with the assistance of the Division of Public Works, Department of Grants Administration, Center for Workforce Development and the Long-term Care Council Transportation Subcommittee, seeks to engage a technical consultant to conduct a coordinated feasibility study and plan for transportation services throughout the County and region;

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manager and / or the Chairman of the County Legislature (as required by the funding source award agreement) to execute any and all necessary documents to prepare and submit an application under the USDA/Rural Development RBOG Program for funding, to accept the award, and enter into an award agreement or contract to administer the funding secured, all such documents to be in such form as the County Attorney shall approve; and

**BE IT FURTHER RESOLVED**, that if funding is made available, the Division of Planning shall administer the funds and the grant program with technical support from the Department of Grants Administration; and

**BE IT FURTHER RESOLVED**, that should the funding be terminated, the County shall not be obligated to continue any action undertaken or contemplated to be undertaken for the use of this funding.

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

**RESOLUTION NO. -13 INTRODUCED BY EXECUTIVE COMMITTEE TO  
AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH  
DEBORAH DE JESUS TO SERVE AS A TEMPORARY INTERIM ADMINISTRATOR  
OF THE ADULT CARE CENTER FOR A PERIOD NOT TO EXCEED 90 DAYS**

**WHEREAS**, there will be a vacancy in the position of Administrator of the Sullivan County Adult Care Center, a skilled nursing facility, licensed by the New York State Department of Health (NYSDOH), effective May 19, 2013; and

**WHEREAS**, NYSDOH regulations require a licensed Nursing Home Administrator to be responsible for the ongoing compliance with NYSDOH rules and regulations, as a condition of the licensure of the Sullivan County Adult Care Center; and

**WHEREAS**, Ms. Deborah De Jesus, Licensed Nursing Home Administrator, has offered her services to Sullivan County to serve as a temporary Interim Administrator of the Sullivan County Adult Care Center for a period not to exceed 90 days, effective May 20, 2013; and

**WHEREAS**, the County may utilize Ms. De Jesus services up to 18 hours per week at a rate of \$80.00 per hour, at the discretion of the Commissioner of the Division of Health and Family Services; and

**WHEREAS**, the Commissioner of the Division of Health and Family Services has recommended that Ms. De Jesus be retained as the temporary Interim Administrator of the Sullivan County Adult Care Center; and

**WHEREAS**, the County Manager has concurred with the recommendation of the Commissioner of the Division of Health and Family Services, and recommends that the County Legislature authorize the execution of an agreement with Deborah De Jesus to serve as temporary Interim Administrator of the Sullivan County Adult Care Center.

**NOW, THEREFORE, BE IT RESOLVED** by the Sullivan County Legislature that the County Manager is hereby authorized to execute an agreement with Deborah De Jesus to serve as the temporary Interim Administrator of the Sullivan County Adult Care Center for a period not to exceed 90 days, effective May 20, 2013, in a form suitable to the County Attorney; and

**BE IT FURTHER RESOLVED** that said agreement shall authorize the Commissioner of the Division of Health and Family Services to utilize the services of Ms. De Jesus at a rate of \$80.00 per hour up to eighteen (18) hours per week, at his discretion; and

**BE IT FURTHER RESOLVED** that Ms. De Jesus shall keep her New York State Nursing Home Administrator License in good standing during the term of this agreement, and the failure to keep said license in good standing shall be cause for the immediate termination of said agreement; and

**BE IT FURTHER RESOLVED** that said agreement shall expire upon the appointment of a successor licensed Administrator of the Sullivan County Adult Care Center through the New York State Civil Service Law, or the 91<sup>st</sup> day after the effective date of the authorization of the temporary interim administrator appointment, whichever occurs first.

**Moved by,**

**Seconded by**

**Declared duly adopted on motion**

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Joshua Potosek, Acting County Manager

**Re:** Request for Consideration of a Resolution: Interim ACC Administrator

**Date:**

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

To authorize agreement with Deborah De Jesus to act as a Temporary Administrator at the Sullivan County Adult Care Center not to exceed 90 days at a rate of \$80.00 per hour

**Is subject of Resolution mandated? Explain:**

Yes, it is required by the NYS Department of Health that there be a Licensed Administrator at the Adult Care Center

**Does Resolution require expenditure of funds? Yes  No**

**If "Yes", provide the following information:**

Amount to be authorized by Resolution: \$20,152.00

Are funds already budgeted? Yes  No

If "Yes" specify appropriation code(s): EI6020-81-10-1011, EI6020-81-80-8001

If "No", specify proposed source of funds: \_\_\_\_\_

**Estimated Cost Breakdown by Source:**

County	<u>\$675.00</u>	Grant(s)	\$ _____
State	<u>\$12,566.00</u>	Other	<u>\$2,307.00</u>
Federal Government	<u>\$4,604.00</u>	(Specify)	<u>3rd Party Billing</u>

**Verified by Budget Office:** 

**Does Resolution request Authority to Enter into a Contract? Yes  No**

**If "Yes", provide information requested on Pages 2 and 3.**



Request for Authority to Enter into Contract with [Deborah De Jesus] of  
\_\_\_\_\_

Nature of Other Party to Contract: Professional **Other:**

Duration of Contract: From 05/20/2013 To 08/17/2013

Is this a renewal of a prior Contract? Yes \_\_\_ No

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): \_\_\_\_\_

Resolutions authorizing prior contracts (Resolution #s): \_\_\_\_\_

Future Renewal Options if any:

None

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes  No \_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

A Licensed Administrator is required for the Adult Care Center by the NYS  
Department of Health

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \$20,152

Efforts made to find Less Costly alternative:

Acting County Manager and Commissioner Parker made attempts to interview and negotiate with other willing Licensed Administrators

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

N/A

Person(s) responsible for monitoring contract (Title): Commissioner Parker

Pre-Legislative Approvals:

- A. Director of Purchasing: Nancy Jones Date 5/14/13
- B. Management and Budget: Janet Myer Date 5/14/13
- C. Law Department: S. Yastrom Date 5/14/13
- D. County Manager: John Bond Date 5/14/13
- E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in Executive Committee Committee on 05/16/2013