

**Sullivan County Legislature
Regular Meeting
November 19, 2009 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:22PM by Chairman Rouis with the Pledge of Allegiance.

Roll Call indicated Mr. Armstrong absent.

The Clerk Read the following communications:

1. Letters dated October 22, 2009 from the NYS Office of Parks, Recreation and Historic Preservation listing the Jewish Center of Lake Huntington and the Spring House in Barryville, NY on the State Register of Historic Places
2. Letter indicating that the NYSDEC has been too restrictive in the permitting process and CD of photos from the last four floods from the residents of Kohlertown and the Town of Delaware
3. Letter from Mary Berger of Hurleyville received October 16, 2009 regarding tax relief for seniors.
4. Letter dated November 13, 2009 from Robert Meyer, Commissioner of Public Works indicating his department has explored and considered using a Project Labor Agreement on the proposed Materials Recovery Facility/Transfer Station project
5. Letter dated November 13, 2009 from Kathy Jones, Director of Purchasing and Central Services indicating that her department has explored and considered using Project Labor Agreement on the proposed Materials Recovery Facility/Transfer Station project
6. Copy of the Sullivan County IDA 2010 final budget
7. Letter from the Town of Forestburgh opposing the solid waste user fee. This correspondence will also be placed in the Local Law No. 7 Solid Waste User Fee file.
8. Receipt of letter from the New York State Department of Transportation scheduling an informational meeting on Thursday, December 3, 2009 at 7 p.m., in the Tusten Town Hall, Narrowsburg, New York to provide an overview of a capital project addressing a bridge on NYS Route 97 over the Ten Mile River in the Town of Tusten.
9. Receipt of a newspaper article entitled "Escape from New York" received from Charlie Breiner of Claryville, New York (regarding a new study that states taxes are driving people away).
10. A copy of Resolution # 302 of 2009 adopted by the Town of Thompson Town Board on October 20, 2009 requesting the New York State Department of Transportation not delay the improvements to Exit 106 of State Route 17 and to include it in their 2009 fiscal year programming.
11. Letter received from Sara Spoerri, RN from Honesdale Pa. and a retired employee of the SC Department of Community Services requesting the continuation of care provided by the Department of Community Services.
12. Receipt of a letter from Joyce Teed of White Sulphur Springs stating that she opposes the solid waste user fee.
13. Request from the Sullivan County Chamber of Commerce to schedule a joint meeting with Legislators in mid-December to review assessing of non-residential businesses.

Manager Fanslau gave the following brief update regarding the status of the jail project. As you know, there was a meeting in Albany yesterday attended by county staff, Sheriff's Office, and LaBella, with the NYSCOC to discuss the status on the jail project. While we await a formal written response from the NYSCOC, the following seems to be their current position:

1. NYSCOC will allow the base bid of 256 capacity all cell pods, with double-bunking to 304, with an add bid alternate of 304 base with double-bunking to 364.
2. There will need to be a determination by the Sheriff and legislature regarding the 80%/20% retherm kitchen, or a conventional kitchen.
3. There will need to be a slight modification to the medical unit to add an office for a psychiatrist.
4. The NYSCOC Chairman opined that an administrative office for the Sheriff be added to the design, separate and apart from the potential future move of road patrol and civil to the jail property.

Also, the Chairman of the NYSCOC indicated that he would be willing to travel to Sullivan County to discuss the need for the county to move forward with a new jail. The NYSCOC stated that Sullivan County now officially has the oldest operating county jail in New York State that has a crumbling infrastructure. He did express the legislature's concern about the cost of this project and the ability for the county to move forward. He has accepted an invitation to come down but the time has not been worked out. He is willing to come down and explain why the current county facility needs to be replaced. They have notified us now that Sullivan County has the oldest operating jail in the state. We will work together to set a date and a time for the Chairman to come down and address the legislature and the public for the need for Sullivan County to move forward with a new jail facility.

Mrs. LaBuda suggested that we have a night meeting when he comes down. Mr. Sorensen seconded that suggestion. At some point, the state needs to realize that we cannot afford this. We are either second or third in the state for debt capita. They are trying to shove this \$80 million project down our throats and given the fiscal restraints that we are under right now looking at the 2010 budget, he doesn't see how Sullivan County can even begin to afford this. Unless there is a dramatic new revenue source, that comes around every two or three years which he doesn't see coming to fruition, we are already at \$80 million in total debt. This is going to bring us to \$200 million in debt. He thinks it is important that the Chairman of the Commission come down and hear from the public what our fiscal constraints are. Hopefully he will come down with a checkbook to help us build this facility. Right now, they are forcing us in a position where we are going to start exploring bankruptcy because there is no way we can absorb all this debt.

Mrs. Goodman added that a group of us and it is mixed party, will be putting a petition together that we are going to circulate out in the public to get signatures to tell New York State that we are broke, we can't afford it and we can't raise the taxes anymore. Ms. Eggleton should have that draft ready by tomorrow and if you need to see her and get the word out, a petition will be circulating and we want to get those names up to the state ASAP.

Public Comment

Chairman Rouis recognized the following speakers:

1. Phil Manoy stated he wanted to comment on doing the old jail but this young gentlemen here (referring to Mr. Sorensen) said it all, we can't afford it. People are struggling. He has been in the construction business for 25 years and things are tight. We can't afford a tax increase right now. That is all he has to say.
2. Lou Setren stated on behalf of the 650 Teamster Main Unit employees of the county and as well as our DPW Supervisory Unit, he appreciates the opportunity to come and address the legislature directly as well as members of the public. He is encouraged by what he has heard today regarding the Commission on Corrections meeting that took place in Albany. Any reduction in the scale of this project is welcomed given the present financial situation that the county finds itself in. To that end, he would like to reiterate comments that he has made privately to the County Manager and the Chair of the Legislature as well as to some members of the Legislature privately along with other representatives of collective bargaining units that represent employees of the county. As employees of the county, we are residents of this county and we are taxpayers in this county. We recognize as well as any other taxpayer the dire financial straits that we are in. He doesn't want anyone to have the impression that at least Teamsters Local 445, in particular, is closing the door on any discussions as to means to close the budget gap. However, as he has previously stated, it is our belief that the onuses on the management of this county to present proposals to the collective bargaining units rather than vice versa. The county has the ability to do the analysis of what the potential savings may be for any of these proposals. As leadership of the locals, we are unable to make any concession per say. Any proposal must be brought back to our rank and file membership for a vote. That being said, collective bargaining units are looking forward to the opportunity for substantive and constructive discussions on how to get through this budget crisis while avoiding layoffs and avoiding massive property tax increases.
3. Jody Tenaldi stated she would like to make a request for Mr. Fanslau to get a copy of those minutes from the meeting that he attended on Tuesday as she would like to foil them so we can actually see what actually took place.

Manager Fanslau indicated just for the record, he doesn't know if the Commission keeps minutes of those types of meetings. There was only a sign in sheet that he is aware of. Again, it was not a meeting of the Commission; there was one Commissioner there with staff so it is unlikely that there are minutes. People in the meeting were Chairman of the

Commission, Commission staff and county staff. He could give Ms. Tenaldi a copy of the sign in sheet. Ms. Tenaldi stated this is her concern. Mr. Schiff spoke openly at Rock Hill Towne Center meeting about the new jail. When he talked about the new jail, he said stated that the building itself was fine. The kitchen was very clean and could be used, the building was okay. But she finds it hard to believe that in three weeks time that the building is not an option now. She asked Mr. Fanslau about this a couple of hours ago and he stated maybe it was about reelection. She doesn't think Mr. Schiff is that kind of person. He made a statement in front of 30 people. We have hospitals more than 100 years old. We have a rehab center in Monticello and no one is looking to knock it down.

Mrs. LaBuda inquired if Ms. Tenaldi could get copies of that meeting. Ms. Tenaldi stated it was an election---we were there speaking on platform. If you asked Mr. Schiff or his platform, maybe it is on his platform. He was asked directly by people in the audience about how the jail was. Mr. Fanslau had suggested to her that maybe some people should go and take a tour of the jail. If that can be arranged then they would be happy to go. It is a jail. She would love to see the property the county is looking to buy. We could build a hotel. She worked at the Concord and she made plenty of money. There is no money around here. We need jobs. There are few middle class working to pay for the bigger picture. In Mrs. Goodman's petition, she suggested making another one that says "Albany make us whole". Mrs. Goodman stated that we have done that already. Ms. Tenaldi stated now in regards to the trash. Again, he spoke with Mr. Fanslau again about the \$181.00. There is a one bed, one bath unit in Davos that is going to be charged the same fee and an 8 bedroom, 6 bath in Chapin Estates which are both single family residences. She has a hard time swallowing that because the trash usage is definitely going to be a huge difference. She understands that it is a starting point and she understands why the legislature is doing it. Her opinion is that by the end of January, there will be a huge influx of money from everyone that has paid their taxes on time, which there is not a lot of those people out there anymore. She really hopes that the Legislature thinks about everything and not just past the nose on your face. She is a real estate broker and we are going to push these second home buyers out of here. They are not going to stay and they are not going to take it anymore. Their taxes are as high as they are in Long Island and they have a lot more services on Long Island. Thank you.

4. Tom Manza indicated that he is starting to feel like a regular here. Once again, he is here to talk about the petition on the jail. He asked the Legislature to consider all options before you in the 11th hour of the jail process. Along with his neighbors, they have gone way above to oppose the jail in their neighborhood. This has been a mission of principle. He realizes this new jail process is on familiar territory. He thinks all of you create the main issue with providing safe and comfortable working and living conditions for the correction officers and inmates at an affordable price tag. He thinks some of you agree that any bad conditions in the jail shouldn't have to wait for new construction years from now. There should be no reluctance on anyone's part to have the jail inspected by independent local contractors for maintenance now and for the possibility of restoration. The \$4-6 million estimate done by DPW in 2008 and discussed last week in Executive Meeting clearly says at the bottom that these are the items currently aware of. The list is extensive and includes replacement. He will admit the words at the bottom of the list saying additional items may need repair and will increase cost to correct. This is where a full evaluation of the structure is warranted. He knows a local businessman has expressed that to you as well. The fact is, local contractors can do the work. On the same day of the \$4 to 6 million estimate from June 18th, 2008, a separate rough estimate to extend the recreational yard by 50% for \$300,000 to \$500,000 was discussed at the DPW. This leads him to believe that this is a long term solution for the jail. The Jail Committee meeting minutes of May 15, 2008 and June 11, 2008 includes discussion by the Sheriff on modifying the existing jail to house the road patrol, raising the belief that the building still has useful life. Obviously, renovation will not make the jail new but it can provide an affordable solution for a number of years will give the correction officers a safe and comfortable environment. In any event, for the short term or the long, this deserves to be looked at by independent eyes. Last week an open hearing on the jail was requested and granted. He would appreciate that this meeting be held in the evening. Hope you all agree that all options should be visited. He thinks a more affordable option needs to be on the table and fought for if necessary. We have waited many years to build this jail and the \$80 million option which is presently on the table, goes against the affordability and wishes of many of your citizens and constituents. A less expensive option is a win/win for all of us. He and his neighbors have the most to lose with higher taxes, lower property values and an unwelcome neighbor. Please take an objectionable look of the whole picture. There is still time for the jail committee to make adjustments.

RESOLUTION NO. 443-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO ENACT A LOCAL LAW TO ENACT A PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF THE SULLIVAN COUNTY CODE TO MODIFY AND REALIGN THE COMMITTEES OF THE LEGISLATURE OF THE COUNTY OF SULLIVAN TO CREATE THE SUSTAINABILITY POLICY COMMITTEE”.

WHEREAS, proposed Local Law entitled “A Local Law to Amend the Administrative Code of the Sullivan County Code to Modify and Realign the Committees of the Legislature of the County of Sullivan to Create the Sustainability Policy Committee”, was presented to the Sullivan County Legislature at a meeting held on November 19, 2009, 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 to Amend the Administrative Code of the Sullivan County Code to Modify and Realign the Committees of the Legislature of the County of Sullivan to Create the Sustainability Policy Committee”, County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by Mr. Hiatt, **seconded by** Mrs. Goodman, put to a roll call vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

LOCAL LAW NO. 8 OF 2009

A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF THE SULLIVAN COUNTY CODE TO MODIFY AND REALIGN THE COMMITTEES OF THE LEGISLATURE OF THE COUNTY OF SULLIVAN TO CREATE THE SUSTAINABILITY POLICY COMMITTEE

EXPLANATION – Matter in **bold (underscored) is new; matter in brackets [~~strikethrough~~] is old to be omitted.

Section 1: Legislative Intent: The Sullivan County Legislature, after due diligence and careful consideration, declares that it is in the best interests of the citizens and the government of the County of Sullivan to modify and realign the Committees of the County Legislature to create a Sustainability Policy Committee as a standing committee, and in the furtherance thereof, hereby amends the Administrative Code of the Sullivan County Code (hereinafter “Code”).

Section 2: Section A2-1 through Section A2-10 of the Code is amended as follows:

ARTICLE II The County Legislature

§ A2-1. County Legislature.

The County Legislature shall be the elected governing body of Sullivan County which shall perform the legislative, appropriating, policy determining and administrative functions as provided for in the County Law.

§ A2-2. Membership.

The County Legislature shall be composed of the elected legislators elected from single-member legislative districts, each member elected for a term of four years and having one vote. Members of the Legislature shall be elected from the districts established in § C2.01 of the Sullivan County Charter.

§ A2-3. Powers and duties.

A. The County Legislature shall exercise all the powers and duties now or hereafter conferred or imposed by state law upon a Board of Supervisors and/or a County Legislature of a County and all powers and duties necessarily implied or incidental thereto, and all the powers assigned to it by the Sullivan County Charter, and restricted as therein provided. Among such powers and duties, but not by way of limitation, it shall:

- (1) Make appropriations, levy taxes, incur indebtedness and adopt the County budget.
- (2) Enact, amend or repeal this Administrative Code, local laws, legalizing acts or resolutions; and provide for the administrative implementation thereof.
- (3) Adopt, by resolution, all necessary rules and regulations for its own conduct and procedure.
- (4) By local law, create, alter, combine or abolish administrative units of County government not headed by elected officers or officers designated in the Sullivan County Charter, establishing or abolishing positions of employment in connection therewith.
- (5) Appoint heads of units of County government, except those officers who are required to be elected and/or whose appointment is otherwise provided for by law, by the Sullivan County Charter or by this Administrative Code.
- (6) Establish or abolish positions of employment.
- (7) Fix, by resolution, the compensation of all County officers and employees, except members of the judiciary and the District Attorney.
- (8) Fix, by resolution, the compensation to be paid from County funds to persons rendering service to or in behalf of, but who are not officers or employees of, the County.
- (9) Adopt such standard rules and regulations regarding County employment as it may deem appropriate.
- (10) Fix the amount of bonds of officers and employees paid from County funds as hereinafter provided.
- (11) Authorize contracts for goods and services on behalf of the County.

(12) Conduct studies and investigations in furtherance of its legislative functions, and in connection therewith obtain and employ professional and technical advice, appoint citizens committees, commissions and boards, subpoena witnesses, administer oaths and require the production of books, papers and other evidence necessary or material to such studies or investigations.

(13) Legalize and validate by legalizing any act had or taken in connection with a lawful municipal purpose by a governing board or other body, office, agency or unit of a local municipality wholly within the County in the manner provided in the County Law.

B. A member of the County Legislature of the County of Sullivan may be appointed by the County Legislature of Sullivan County to any board or committee, the members of which are public officers.

§ A2-4. Chair of the County Legislature. [Amended 12-9-1997

The County Legislature at its organizational meeting held only on January 1 of each and every even-numbered year following the election of the Legislators, or as soon thereafter as is practical, shall elect from its membership a Chairman who shall serve until replaced.

§ A2-5. Chair of the County Legislature; powers and duties.

Except as may otherwise be provided in this Administrative Code, the Chair of the County Legislature shall have all the powers and duties now or hereafter conferred or imposed upon a Chair of a County Legislature by law. Among such powers and duties, but not by way of limitation, the Chair shall:

A. Determine in consultation with the County Manager what officer shall perform a particular power or duty not clearly defined herein or by law.

B. Execute and deliver documents and contracts authorized by law and by the County Legislature, which are not within the powers of the County Manager as described in §C3.06J of the Sullivan County Charter.

C. Perform such other administrative duties as the Legislature determines to be necessary.

§ A2-6. Vice Chairman and other officers of the County Legislature; selection; powers and duties. [Amended 12-9-1997 2 by L.L. No. 7-1998]

The County Legislature, within the time provided for in the Sullivan County Charter to elect a Chairman, shall elect a Vice Chairman, by majority vote, and may elect other officers as it deems required, all of whom shall serve until replaced. The Vice Chairman shall, in the absence of the Chairman, preside over each duly constituted meeting of the Legislature, have and exercise all of the powers and duties of the Chairman at any meeting over which the Vice Chairman is called to preside, and, except as herein limited, shall have and exercise those additional powers and duties authorized by resolution of the Legislature, provided that such resolution shall

specify the dates during which the Vice Chairman may exercise such powers and duties, and that the powers and duties authorized to the Vice Chairman shall not be exercised by the Chairman during the designated time period. The Vice Chairman shall at no time appoint a person to an office or position of employment with the County, nor appoint the Chairman or members of any committee of the Legislature. The Vice Chairman may in the absence of the Chairman from the County, or upon the Chairman's authorization, execute all agreements on behalf of the County which the Legislature authorized the Chairman to execute.

§ A2-7. Death, resignation or disability of the Chairman, Vice Chairman and/or other officers. [Added 12-9-1997 by L.L. No. 37-1998]

In the event of the death, resignation or disability of the Chairman, the Vice Chairman shall act as Chairman until a new Chairman is elected. In the event of the death, resignation or disability of the Vice Chairman or any other officers that may have been elected, the Legislature shall elect a replacement Vice Chairman and may elect replacements for the other officers. The election to replace the Chairman, Vice Chairman or other officers contemplated herein shall be held at the next regular meeting of the County Legislature or sooner at a special or emergency meeting if desired. The degree of disability of any officer must be such so as to render that person's ability to perform impractical in order to justify a replacement by the Legislature.

§ A2-8. Committees of the County Legislature, appointment. [Amended 12-17-1998 by L.L. No. 9-1998; 2-17-2000 by L.L. No. 1-2000; 1-23-2003 by L.L. No. 3-2003]

Committees are the basis for the organization of administrative units and functions of Government as presented in this Administrative Code. Within 20 days after his or her election, the Chair of the County Legislature shall appoint from among the members of the Legislature the Chairs and members of the Standing Committees, to wit: the Management and Budget Committee; the Government_Services Committee; the Health and Family Services Committee; the Personnel Committee; the Planning_Committee; the Public Safety Committee; the Public Works Committee; the Community and Economic Development Committee; the Capital Planning and Budgeting Committee; the Sustainability Policy Committee; and the Veterans Committee. In the case of a newly created committee, the Chair and members shall be appointed by the Chair of the County Legislature within 20 days after the creation of such new committee. In addition, the Chair of the Legislature may appoint members to new and existing special committees as may be created by the Legislature. The Chair of the County Legislature shall also fill any and all vacancies on any committee within twenty days of the creation of such vacancy. All committees shall meet at the call of the Chair and/or pursuant to the Rules of the Legislature.

§ A2-9. Committees of the County Legislature; jurisdiction, powers and duties. [Amended 12-17-1998 by L.L. No. 9-1998; 2-18-1999 by L.L. No. 1-1999; 5-20-1999 by L.L. No. 4-1999; 2-17-2000 by L.L. No. 1-2000; 3-15-2001 by L.L. No. 1-2001; 1-23-2003 by L.L. No. 3-2003; 12-18-2003 by L.L. No. 8-2003; 10-19-2006 by L.L. No. 1-2006; 4-26-2007 by L.L. No. 2-2007]

A. The jurisdiction of the Committees shall be as follows:

(1) Management and Budget Committee.

- (a) The County budget.
- (b) The County Auditor.
- (c) The County Treasurer (except matters related to real property tax enforcement functions).
- (d) Performance Management and Budgeting.
- (e) Management information systems.
- (f) Performance-based budgeting results.
- (g) Division of Management and Budget
- (h) Payroll Department
- (i) Grants Administration Department
- (j) Sustainable Energy – Fiscal Impacts
- (k) GIS County-wide Enterprise System.

(2) Government Services Committee.

- (a) Purchasing and central services.
- (b) The County Clerk's office.
- (c) The Board of Elections.
- (d) Consumer affairs.
- (e) The County Historian.
- (f) The Sealer of Weights and Measures.
- (g) Sullivan County Community College.
- (h) Cornell Cooperative Extension Services.
- (i) Sullivan County Head Start.
- (j) County Museum. [Added 12-20-2007 by L.L. No. 3-2008]

(3) Health and Family Services Committee.

- (a) Family services and public welfare.
- (b) Mental health, alcohol and drug abuse outpatient programs.
- (c) Public health services.
- (d) Health Services Advisory Committee.
- (e) Professional Advisory Committee.

(f) Utilization Review Committee.

(g) Aging services.

(h) Adult care center.

(i) Youth services.

(4) Personnel Committee.

(a) Personnel and civil services.

(b) Risk management and insurance.

(c) Human Rights Commission.

(5) Community and Economic Development Committee.

(a) Economic Development Corporation.

(b) Community development. [Amended 12-20-2007 by L.L. No. 3-2008]

(c) Sullivan County Empire Zone.

(d) Sullivan County Industrial Development Agency.

(e) Sullivan County Partnership for Economic Development.

(f) Sullivan County Visitor's Association.

(g) Sullivan County Chamber of Commerce.

(h) Center for Workforce Development

(i) Agriculture Economic Development. [Added 12-20-2007 by L.L. No. 3-2008]

(6) Public Safety Committee.

(a) Sullivan County Sheriff.

(b) Sullivan County District Attorney.

(c) Public Defense/Legal Aid.

(d) Coroners.

(e) Emergency services.

(f) Probation.

(g) Office of the Public Defender.

(h) The Electrical Licensing Board.

(i) Animal Welfare Services.

(7) Public Works Committee.

- (a) Public buildings and grounds; equipment and facilities management.
- (b) Public works.
- (c) Highways and bridges.
- (d) Sullivan County International Airport.
- (e) Traffic Safety Board.
- (f) Parks and recreation.
- (g) Solid waste management.
- (h) Recycling.
- (l) Fleet Maintenance
- (j) Motor Pool and Transportation Services
- (k) Sustainable Energy – County Facilities & Fleet

(8) Planning, Environmental Management, and Real Property Committee.

- (a) Comprehensive Planning, Land Use, and State Mandated Planning Functions
- (b) GIS Planning and Mapping functions.
- (c) Environmental Management.
- (d) Environmental Protection.
- (e) Flood Mitigation and Management.
- (f) Agriculture Planning Districts.
- (g) Real Property Tax Services Agency
- (h) County Treasurer (real property tax enforcement and real property administration function).
- (i) Real Property Advisory Board.
- (j) Transportation Advisory Board.
- ~~(k) Sustainable Energy – External organizations.~~
- (k) Historical and Cultural Resource Management.

(9) Veterans Committee.

- (a) Veterans' services.

(10) Capital Planning and Budgeting Committee

- (a) Formulation of the six-year Capital Plan.

(b) Legislative oversight of fiscal impacts of capital projects.

(c) Capital Budgeting and Planning analyses.

(11) Sustainability Policy Committee

(a) Sustainable principles, practices and technologies in future county facilities.

(b) "Green" building standards, renewable energy, and other "best practices".

(c) Sustainable policies in current county facilities

(d) County Fleet review of hybrid and alternative fuel vehicles

(e) Environmental health and sustainable practices of the Department of Public Health

(f) Benchmarks for measuring progress on sustainability goals

(g) Oversight of external education of Sustainability policies.

B. Unless waived by a majority vote of the County Legislature, each resolution relating to a division, department, agency or other matter within the purview of a standing committee shall first be referred to said committee for its recommendation to the Legislature, affirmative, negative or neutral, before being acted upon by the Legislature. Except in cases of overlapping responsibility, each such resolution shall be referred to only one standing committee; however, any committee may request the opinion of another committee on any resolution.

§ A2-10. Executive Committee of the County Legislature.[Amended 2-17-2000 by L.L. No. 1-2000; 3-15-2001 by L.L. No. 1-2001]

There shall be an Executive Committee of the County Legislature consisting of the membership of the Legislature, with the Chair of the Legislature as the Chair of the Committee. The Executive Committee shall oversee compliance with legislative intent, coordinate the activities of the various committees of the Legislature, advise and assist the Chair of the Legislature in his/her duties, either at his/her request or on its own initiative, and make such recommendations to the Legislature as it may deem appropriate. The Executive Committee shall perform the annual performance review of the County Manager provided for in § C3.05 of the Sullivan County Charter. The Executive Committee shall act as the Rules Committee of the Legislature, acting in regard to the rules of the Legislature and amendments thereto; and shall receive from other jurisdictions within the County their ordinances, local laws, enactments or other legislation requiring action by the Legislature and recommend action thereon. The Executive Committee shall also consider all matters relating to optional forms of County government and reapportionment. The Executive Committee shall have legislative oversight of the Sullivan County Board of Ethics. The Executive Committee shall have additional

duties as may be assigned, by the Chairman of the Legislature, from time to time.

RESOLUTION NO. 444-09 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO REAPPOINT ONE MEMBER TO THE RSVP ADVISORY COMMITTEE

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

WHEREAS, the reappointment for Daisy Smith be for a term to end October 31, 2012, and

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

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

RSVP REAPPOINTMENT:

TERM:

Daisy Smith (Cochecton)
239 Mitchell Pond East Road
Cochecton NY 12726

10/31/2012

Moved by Mr. Sager seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 445-09 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO AUTHORIZE THE APPOINTMENT OF LUIZ C. ARAGON TO THE UPPER DELAWARE SCENIC BYWAY (“UDSB”) BOARD TO REPRESENT SULLIVAN COUNTY AS A VOTING MEMBER AND TO APPOINT HEATHER JACKSY AS AN ALTERNATE MEMBER

WHEREAS, the UDSB Committee recommended that Sullivan County become a voting member along with the cities, towns and villages along the Byway; and

WHEREAS, the Sullivan County Legislature adopted Resolution No. 253-04 on July 15, 2004 appointing Dr. William J. Pammer, Jr., the Commissioner of Planning and Environmental Management, as the County representative to the UDSB Board; and

WHEREAS, Dr. William J. Pammer, Jr., has since resigned as the Commissioner of Planning and Environmental Management, leaving the position for the Sullivan County Representative on the UDSB Board vacant; and

WHEREAS, an alternate member, Heather Jacksy, Associate Planner, representing Sullivan County needs to be appointed to the UDSB as well; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby appoints, Luiz C. Aragon, Commissioner of Planning and Environmental Management as the Sullivan County representative to the UDSB, and appoints Heather Jacksy, Associate Planner, as an alternate member of the UDSB.

Moved by Mrs. Goodman seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion November 19, 2009.

RESOLUTION NO. 446-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO APPOINT TWO INDIVIDUALS TO THE SULLIVAN COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD

WHEREAS, there are two newly created positions on the Sullivan County Industrial Development Agency Board (“IDA”), and

WHEREAS, the Labor Subcommittee of the Sullivan County Legislature does recommend Cindy Garlinghouse of Loch Sheldrake to fill one of these seats, due to her substantial experience with labor-specific issues, and

WHEREAS, Suzanne Rhulen-Loughlin of Rock Hill has been recommended by members of the Sullivan County Legislature to fill one of these seats, due to her substantial business and economic development experience, both locally and nationally,

NOW THEREFORE, BE IT RESOLVED, that Cindy Garlinghouse and Suzanne Rhulen-Loughlin be appointed to fill the two newly created positions on the IDA effective immediately.

Moved by Mrs. LaBuda seconded by Mr. Hiatt, put to a vote with Mr. Armstrong absent and Mr. Sager opposed, resolution carried and declared duly adopted on motion November 19, 2009.

RESOLUTION NO. 447-09 INTRODUCED BY EXECUTIVE COMMITTEE TO ADOPT A WHISTLE BLOWER POLICY

WHEREAS, the Sullivan County Legislature (hereinafter “Legislature”) believes that County employees and persons doing business with the County of Sullivan may be in a position to know whether there are instances of unlawful or fraudulent conduct occurring within County government, and

WHEREAS, the Legislature believes that some County employees and persons doing business with the County may have been reluctant to report instances of unlawful or fraudulent conduct due to a fear of retaliation, and

WHEREAS, all County employees and persons doing business with the County should be advised that the County is committed to pursuing and investigating allegations of unlawful or fraudulent conduct occurring within County government, and

WHEREAS, the Legislature believes that all County employees and persons doing business with the County should be advised that there are a number of federal and state statutes which protect the rights of so-called whistleblowers and that the County, in accordance with those statutes and with its own policy, does not permit retaliation against persons who, in good faith, report unlawful or fraudulent conduct within County government to appropriate officials.

NOW THEREFOR BE IT RESOLVED AS FOLLOWS:

1. The County Manager is hereby directed to advise all existing County employees, all new County employees and all persons contracting to do business with the County, by such means as the County Manager shall deem appropriate and effective, of the following:
 - A. The Legislature encourages all County employees and persons doing business with the County to report, to appropriate officials, any unlawful or fraudulent conduct occurring within County government.

- B. Federal and state laws protect persons from retaliation when in, good faith, they report unlawful or fraudulent to appropriate officials, against retaliation.
 - C. The County is likewise committed to such an anti-retaliation policy.
 - D. Any County employee or person doing business with the County who, in good faith, believes that particular conduct is unlawful or fraudulent is encouraged to report such fact, in writing, to any one of the following officials/bodies with a copy to the County's Personnel Officer:
 - i. his or her Division Commissioner, or
 - ii. the County Auditor, or
 - iii. the Board of Ethics, or
 - iv. the County Manager, or
 - v. the Clerk of the County Legislature
 - E. Any such written report should be signed and dated in order to:
 - i. Enable the official to whom the report is made to log the fact that the employee or person doing business with the County made the report and, as a result, to help insure that there is no retaliation against that individual for having made such a good faith report, and
 - ii. Enable the appropriate County official to contact the source of the report for additional information which may be of assistance in investigating any incident reported.
 - F. The identity of any person submitting such a good faith report to one of the designated County officials will be kept confidential to the extent permitted by law.
2. Commencing July 1, 2010, and every six months thereafter, the Division Commissioners, the Personnel Officer, the Auditor and the County Manager shall, unless such information is otherwise required to be kept confidential for law enforcement purposes, advise the County Legislature, without disclosing the identity of reporting individuals, of the number and nature of all reports made pursuant to this Resolution and what has been done with respect to each such report.
 3. The Personnel Officer and the County Manager shall take reasonable steps see to it that there shall be no retaliation against any County employee or person doing business with the County on account of any good faith written report, filed in accordance with the procedure set forth above, disclosing unlawful or fraudulent conduct occurring within County government.

Moved by Mrs. LaBuda seconded by Mr. Sager, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion November 19, 2009.

RESOLUTION NO. 448-09 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2009 COUNTY BUDGET

WHEREAS, the County of Sullivan 2009 Budget requires modification,

NOW, THEREFORE, BE IT RESOLVED, that the attached budgetary transfers be authorized.

Moved by Mr. Wood **seconded by** Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

See Attached

RESOLUTION NO. 449-09 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE A CHANGE ORDER TO THE AGREEMENT WITH DELTA ENGINEERS INCORPORATED FOR ENGINEERING INSPECTION SERVICES FOR THE BRIDGE 309 REPLACEMENT PROJECT

WHEREAS, Resolution 133-09 authorized an agreement with Delta Engineers for providing engineering inspection services for the replacement of County Bridge 309; and

WHEREAS, additional work is needed to provide full time contract construction inspection during the replacement of County Bridge No. 309. The costs associated with such work shall not exceed \$18,000; and

WHEREAS, the Division of Public Works recommends that a Change Order be implemented; and

WHEREAS, the project is funded through the existing New York State Department of Transportation CHIPS reimbursement grant.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute a change order agreement with Delta Engineers, in such form as the County Attorney shall approve, in an amount not to exceed \$18,000.

Moved by Mrs. Binder **seconded by** Mrs. LaBuda, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 450-09 INTRODUCED BY PUBLIC WORKS COMMITTEE TO ISSUE A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT REGARDING CONSTRUCTION OF PROPOSED MATERIALS RECOVERY FACILITY AND TRANSFER STATION

WHEREAS, the County Legislature has previously determined that it would construct a County Materials Recovery Facility and Transfer Station(the Project) at the Sullivan County Landfill; and

WHEREAS, pursuant to Resolution 365-09 the Sullivan County Legislature declared itself lead agency with respect to the environmental review of the proposed Project; and

WHEREAS, a long form Environmental Assessment and Supporting Documentation has been prepared and which concludes that the proposed Project will not have a significant adverse impact on the environment and recommends that the County Legislature issue a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby accepts the Environmental Assessment and supporting documentation described in the SEQRA Negative Declaration Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby determines based on the above referenced Environmental Assessment and Supporting Documentation that the construction and operation of the proposed Project will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, the Sullivan County Legislature hereby issues a Negative Declaration pursuant to the provisions of the Environmental Quality Review Act, with respect to the proposed Project to construct and operate a County Materials Recovery Facility and Transfer Station at the Sullivan County Landfill.

Moved by Mrs. Binder seconded by Mr. Hiatt, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 451-09 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO DEVELOP PLANS OUTLINING COMMUNITY DEVELOPMENT NEEDS, PRIORITIES AND STRATEGIES FOR THE NEXT FIVE YEARS, AND TO ACCEPT DONATIONS FROM STAKEHOLDER AGENCIES AND ORGANIZATIONS WITHIN THE COUNTY IN ORDER TO OFFSET EXPENSES INVOLVED IN CREATING AN ECONOMIC DEVELOPMENT PLAN AND “CHARRETTE,” OR SUMMIT, OF COUNTY LEADERS AND STAKEHOLDERS.

WHEREAS, the Division of Planning and Environmental Management (DPEM), applied for and obtained a Community Planning Program (CPP) Grant of \$24,000 through the New York State Office of Community Renewal, to be used towards developing a countywide plan or plans outlining community and economic development needs, priorities and strategies for the next five years; and

WHEREAS, DPEM seeks to leverage additional funds for consultant services and other expenses involved in the creation of the community and economic development plan or plans; and

WHEREAS, as a means of launching the process of creating a community and economic development plan, DPEM plans to organize a day-long “charrette” or summit for approximately 100 representatives of stakeholder groups throughout the County to engage in a facilitated dialogue and discussion on the County’s economic development future; and

WHEREAS, DPEM has reached out to and is collaborating with affiliated agencies and organizations charged with advancing economic development within the County, namely the County of Sullivan Industrial Development Agency, the Sullivan County Chamber of Commerce, the Sullivan County Partnership for Economic Development, the Sullivan County Visitors Association, and the Sullivan County Chamber of Commerce, together comprising and economic development “Working Group, for the purpose of creating an Economic Development Plan; and

WHEREAS, DPEM has sought financial contributions from agencies that comprise the Working Group as well as from other major employers or corporations active within the County;

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan Legislature authorizes the development of the Countywide Plan and receipt and disbursement of these funds for expenses related to producing the Economic Development Plan and Charrette.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion November 19, 2009.

RESOLUTION NO. 452-09 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO CANCEL UNENFORCEABLE TAXES, PENALTIES AND INTEREST ON A PARCEL OWNED BY THE STATE OF NEW YORK DOT, LOCATED IN THE TOWN OF LIBERTY KNOWN AS LIBERTY 6.-1-48

WHEREAS, property located in the Town of Liberty designated on the Sullivan County Real Property Tax Map as Liberty 6.-1-48 was acquired by the State of New York/Dept of Transportation by Acquisition Map No. 230 parcel number 534 filed May 16, 2008 and recorded in the Sullivan County Clerk's Office on September 5, 2008 in Liber 3513 at Page 304; and

WHEREAS, a tax bill for the lien year 2009 was generated for this parcel; and

WHEREAS, said parcel has been deleted from the assessment roll; and

WHEREAS, the tax bill for the lien year 2009 has remained unpaid, accruing delinquent taxes, penalties and interest of \$21.07 through November, 2009; and

WHEREAS, the aforementioned parcel purchased by the State of New York is exempt from taxation under Section 558 of the Real Property Tax Law of the State of New York; and

WHEREAS, these said taxes, penalties and interest are unenforceable, the County Treasurer should cancel any outstanding taxes, penalties and interest due and owing on the aforementioned parcel pursuant to Section 558 of the Real Property Tax Law of the State of New York.

NOW, THEREFORE, BE IT RESOLVED, the County Treasurer is so authorized to cancel the delinquent taxes, penalties and interest assessed to Liberty 6.-1-48 and charge back the tax to the appropriate tax districts pursuant to Section 558 of the Real Property Tax Law of the State of New York.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and declared duly adopted on motion November 19, 2009.

RESOLUTION NO. 453-09 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO CANCEL UNENFORCAEABLE TAXES, PENALTIES AND INTEREST ON A PARCEL OWNED BY THE STATE OF NEW YORK DOT, LOCATED IN THE TOWN OF LIBERTY KNOWN AS LIBERTY 7.-8-11

WHEREAS, property located in the Town of Liberty designated on the Sullivan County Real Property Tax Map as Liberty 7.-8-11 was acquired by the State of New York/Dept of Transportation by Acquisition Map No. 222 parcel number 525 filed May 16, 2008 and recorded in the Sullivan County Clerk's Office on June 24, 2008 in Liber 3492 at Page 169; and

WHEREAS, a tax bill for the lien year 2009 was generated for this parcel; and

WHEREAS, said parcel has been deleted from the assessment roll; and

WHEREAS, the tax bill for the lien year 2009 has remained unpaid, accruing delinquent taxes, penalties and interest of \$42.02 through November, 2009; and

WHEREAS, the aforementioned parcel purchased by the State of New York is exempt from taxation under Section 558 of the Real Property Tax Law of the State of New York; and

WHEREAS, these said taxes, penalties and interest are unenforceable, the County Treasurer should cancel any outstanding taxes, penalties and interest due and owing on the aforementioned parcel pursuant to Section 558 of the Real Property Tax Law of the State of New York.

NOW, THEREFORE, BE IT RESOLVED, the County Treasurer is so authorized to cancel the delinquent taxes, penalties and interest assessed to Liberty 7.-8-11 and charge back the tax to the appropriate tax districts pursuant to Section 558 of the Real Property Tax Law of the State of New York.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 454-09 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT THE 2008 TAX ROLL OF THE TOWN OF FALLSBURG TAX MAP #60.-1-15.1

WHEREAS, an application dated October 26, 2009 having been filed by Alpine Holdings, LLC. with respect to property assessed to said applicant on the 2008 tax roll of the Town of Fallsburg Tax Map #60.-1-15.1 pursuant to Section 556 of the Real Property Tax Law, to correct an exemption that was added to this parcel and apply it to the multiple parcels it should have been issued to; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated November 2, 2009 recommending this Board approve said application; and

WHEREAS, this Board has duly examined the application and report and does find as follows:

- (a) That the application be approved because of an Error in Essential Fact.

NOW, THEREFORE, BE IT RESOLVED, that the application be approved upon the grounds herein set forth; and

BE IT FURTHER RESOLVED, that the Chairman of the County Legislature be and he hereby is directed to note the decision of this Board on the application, execute and order to such effect to the officer having custody of the tax roll, send notice of approval to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature; and

BE IT FURTHER RESOLVED, that the amount of any tax corrected pursuant to this Resolution shall be a charge upon the said municipal corporation or special district to the extent of any such municipal corporation or special district taxes that were so levied and that the amount so charged to any such municipal corporation or special district shall be included in the next ensuing tax levy and to the extent that the levy made pursuant to this resolution includes a relieved school tax, the Treasurer shall charge back such amount in accordance with law.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 455-09 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AMEND RESOLUTION NO. 313-08 AUTHORIZING COLLECTING OFFICERS IN ALL TOWNS IN THE COUNTY OF SULLIVAN TO ACCEPT PARTIAL PAYMENTS OF CURRENT TAXES

WHEREAS, on August 21, 2008, the Sullivan County Legislature adopted Resolution No. 313-08 authorizing tax collectors in all towns in Sullivan County to accept from any taxpayer partial payments, pursuant to Section 928-a of the Real Property Tax Law, and

WHEREAS, Resolution No. 313-08 authorized that this program shall be effective immediately and shall continue with the levy of the 2009 Town/County taxes on or about January 1, 2009, and shall terminate at the close of towns' warrant on or about April 1, 2009, subject to further resolution of the Sullivan County Legislature, and

WHEREAS, the resolution should be amended to authorize that this program shall commence with the levy of the 2010 Town/County taxes on or about January 1, 2010, and shall terminate at the close of towns' warrant on or about April 1, 2010, subject to further resolution of the Sullivan County Legislature, and

NOW, THEREFORE, BE IT RESOLVED, Resolution Number 313-08 is hereby amended to authorize that this program shall commence with the levy of the 2010 Town/County taxes on or about January 1, 2010, and shall terminate at the close of towns' warrant on or about April 1, 2010, subject to further resolution of the Sullivan County Legislature.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 456-09 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO ACCEPT AND/OR REJECT BIDS MADE AT THE OCTOBER 2009 PUBLIC AUCTION FOR REAL PROPERTY ACQUIRED BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDINGS.

WHEREAS, the Sullivan County Legislature authorized auctions to be conducted by Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc. for real property acquired by virtue of the In Rem tax foreclosure proceedings, and

WHEREAS, Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc conducted an auction on October 22, 2009, and

WHEREAS, by the Terms of Sale, the County reserved the right to withdraw any property listed in the notice of sale from the auction and further required that all such bids at the auction be approved or rejected by the Sullivan County Legislature, and

WHEREAS, the Real Property Advisory Board recommends all bids made at said auction be accepted, and

WHEREAS, the successful bidders will have until 5:00 p.m. on Wednesday, December 9th, 2009, pursuant to the terms and conditions of the auction, to pay the balance due to the Sullivan County Treasurer's Office or any deposit remitted will be forfeited, and

WHEREAS, the successful bidders must purchase all parcels they were the successful bidders for, and

WHEREAS, if the successful bidder(s) do not remit the balance of the bid amount by Wednesday, December 9, 2009, pursuant to the terms and conditions of the auction, the parcels will be offered for sale, and the deposit(s) will be forfeited, and

NOW, THEREFORE, BE IT RESOLVED, the bids recorded at the real property auction held on October 22, 2009, are hereby accepted, and the Chairman of the Sullivan County Legislature is hereby authorized and directed to execute the necessary documents to convey such title to the successful bidder, or to the party to whom conveyance shall be made, and

BE IT FURTHER RESOLVED, the Sullivan County Treasurer is authorized to forfeit and retain any deposits made on bids that were not paid in full on or before 5:00 p.m. December 9, 2009, pursuant to the terms and conditions of the auction.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 457-09 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO ACCEPT LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG)

WHEREAS, the Local Emergency Management Performance Grant, administered by the New York State Emergency Management Office, provides funding to cover a portion of the Commissioner of Public Safety's salary and the full salary of a part-time typist, as well as mileage, and

WHEREAS, the grant award for Fiscal Year 2009 is in the amount of \$30,313, for the period October 1, 2008 through September 30, 2009, and

WHEREAS, it is anticipated by the State Emergency Management Office that the grant award for FY 2010 will be in the same amount of \$30,313.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute participation agreements with the New York State Emergency Management Office to accept said grant for FY 2009 and FY 2010, said agreements to be in a form as approved by the County Attorney's Office.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 458-09 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ACCEPT AN AWARD FROM THE NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

WHEREAS, the New York State Emergency Management Office (SEMO) has awarded the Sullivan County LEPC planning grant money for three grants years, and

WHEREAS, the award for the period October 1, 2006 – September 30, 2007 is in the amount of \$1,800.00, and

WHEREAS, the award for the period October 1, 2007 – September 30, 2008 is in the amount of \$1,800.00, and

WHEREAS, the award for the period October 1, 2008 – September 30, 2009 is a minimum award of \$2,930.00, and

WHEREAS, the purpose of these grants is to improve and implement emergency plans under the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute any and all necessary documents to accept these awards, in such form as the County Attorney shall approve, and

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

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 459-09 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE THE ACCEPTANCE OF A NEW YORK STATE ARCHIVES GRANT, OFFERING LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUNDS, FOR SULLIVAN COUNTY

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

WHEREAS, an objective of the funding is for County Land Records Initiatives; and

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

WHEREAS, the Sullivan County Clerk's Office, submitted an application requesting LGRMIF for use in conducting a back file conversion of the County Land Records, specifically the County's land records and deed books; and

WHEREAS, the County of Sullivan has tentatively secured a grant award in the amount of \$74,655.00, which is being considered tentative due to the NYS Governor proposing cuts to local assistance, including the LGRMIF, which may or may not affect the final amount of said grant award.

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

BE IT FURTHER RESOLVED, that relative to the grant award secured by the County of Sullivan, specifically the County Clerk's Office, the County Manager shall be authorized to execute any and all necessary documents to accept the grant award, in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that the grant award secured and the program, shall be administered by the Sullivan County Clerk's Office, with technical assistance from the Sullivan County Department of Grants Administration; and

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

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 460-09 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ACCEPT AN AWARD FROM THE NEW YORK STATE DEPARTMENT OF STATE LEGISLATIVE MEMBER INITIATIVE PROGRAM FUNDED FROM THE STATE FISCAL YEAR 2008 - 2009 ENACTED BUDGET

WHEREAS, the New York State Department of State has awarded the Sullivan County Bureau of Fire \$10,000.00 as a Legislative Member Initiative through Assemblywoman Gunther, and

WHEREAS, the funding is to be used for costs related to the purchase of Search and Rescue Equipment for the Bureau of Fire.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute any and all necessary documents to accept the award, in such form as the County Attorney shall approve.

BE IT FURTHER RESOLVED, that should the Legislative Member Initiative Program funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 461-09 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO AUTHORIZE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH LOCAL ENHANCED WIRELESS 911 PROGRAM

WHEREAS, the New York State Department of State has determined that Sullivan County is eligible to apply for reimbursement of certain costs associated with the provision of Wireless 911 services, and

WHEREAS, Sullivan County's allocation from the 2008-2009 State Budget for costs incurred from April 1, 2009 through March 31, 2012 is \$40,180.00,

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute an agreement with the New York State Department of State to comply with the terms and conditions of the Funding Guidelines for reimbursement of eligible wireless 911 services costs incurred during the specified period in the amount of \$40,180.00, such agreement to be in a form acceptable to the County Attorney.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 462-09 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO AUTHORIZE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR CORONERS' FORENSIC TOXICOLOGY TESTING SERVICES

WHEREAS, forensic toxicology testing services are required at some of the autopsies ordered by Sullivan County Coroners to be performed at Catskill Regional Medical Center, and

WHEREAS, National Medical Services Labs (NMS Labs), 3701 Welsh Road, Willow Grove, PA 19090, performs the medical-legal death investigation testing services required by the Coroners' Office and is the service that Catskill Regional Medical Center contracts with, which would provide continuity to the process, and

WHEREAS, NMS Labs will provide a discounted pricing consideration on routine postmortem toxicology panels for the period January 1, 2010 – December 31, 2010, based upon a projected annual volume of 75 cases per year, and has contracted with Sullivan County for the past two years.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute an agreement with National Medical Services Labs (NMS Labs) in an amount not to exceed the annual amount of \$40,000 for the period January 1, 2010 through December 31, 2010, such agreement to be in a form as approved by the County Attorney's Office.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 463-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, the County is required to perform Pre Employment Drug Testing and Medical Exams, Pre Employment Physicals, Pre Employment Hearing Tests, Pre Employment Vision Tests, Various types of Drug & Alcohol Testing and Various types of physicals on municipal employees, and

WHEREAS, proposals were received for Occupational Medical Services, and

WHEREAS, **Partners in Safety Incorporated, 800 Route 17M, Middletown, New York 10940**, is the lowest responsible bidder for such work, and

WHEREAS, the Risk Management Department approves said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Partners in Safety Incorporated for Occupational Medical Services, at a contract price not to exceed the price list attached hereto as "Schedule A", said contract to be in such form as the County Attorney's Office shall approve.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 464-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, bids were received for Elevator Inspection, Maintenance and Service, and

WHEREAS, Schindler Elevator Corporation, 12 Walkerway, Albany, NY 12205, is the lowest responsible bidder for such work, and

WHEREAS, the Division of Public Works approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Schindler Elevator Corporation, at a contract price not to exceed \$16,656.00/year, and in accordance with Bid #B-09-67, dated October 9, 2009 said contract to be in such form as the County Attorney shall approve.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 465-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, the County of Sullivan requires a vendor to perform cleaning of primary leachate collection lines at the Sullivan County Landfill, and

WHEREAS, Residuals Management Services, Inc. (hereinafter "RMS") was the lowest responsible bidder for said services, and pursuant to Resolution No. 159-08 and subsequent agreement, has performed the contracted services professionally and without issue, and

WHEREAS, RMS has agreed to extend the contract, as per Bid # B-08-06, for an additional year at the same annual cost of \$64,092.16.

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature hereby authorizes the County Manager to execute a modification extending the existing contract with RMS for the cleaning of the primary leachate lines at the Sullivan County Landfill for an additional year at the existing rate not to exceed \$64,092.16, and,

BE IT FURTHER RESOLVED, that the remaining terms and conditions of the existing contract shall remain unchanged.

BE IT FURTHER RESOLVED, that the form of said agreement be approved by the Sullivan County Department of Law.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 466-09 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT WITH BARTON & LOGUIDICE TO UPDATE THE ALL HAZARD MITIGATION PLAN FOR SULLIVAN COUNTY

WHEREAS, Sullivan County received a grant award from the New York State Emergency management Office (SEMO) in the amount of \$56,250, with an in-kind match from Planning totaling \$18,750, 25% of the total project cost of \$75,000; and

WHEREAS, proposals were received to update the All-Hazard Mitigation Plan for Sullivan County; and

WHEREAS, Barton & Loguidice, P.C., 2 Elting Court, PO Box 267, Ellenville, NY is the firm whose proposal met the needs of the RFP; and

WHEREAS, the Commissioner of Planning and Environmental Management has reviewed and approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with and make payments to Barton & Loguidice at a contract price not to exceed \$56,250 and in such form as the County Attorney shall approve.

Moved by Mrs. Binder, seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 467-09 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO AMEND THE CONTRACTS BETWEEN SULLIVAN COUNTY ADULT CARE CENTER AND VARIOUS LICENSED STAFFING AGENCIES

WHEREAS, the Adult Care Center has a need to amend contracts for nursing services; and

WHEREAS, various licensed staffing agencies desire to amend contracts and provide nursing services to the Adult Care Center; and

WHEREAS, the original resolution (625-07) was approved for a maximum of \$100,000 to began on or after 1/1/08 and expire 12/31/11. A follow up resolution was approved (136-09) reducing the maximum amount to \$75,000/year; and,

WHEREAS, contracts need to be amended to increase the total amount from \$75,000/year to \$100,000 for 2009, 2010 and 2011/ year for all nursing staffing contracts.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to amend contracts with various licensed staffing agencies to provide nursing staffing services not to exceed a \$100,000 in total cost; and

BE IT FURTHER RESOLVED, that the form of said contracts and amendments to be approved by the Sullivan County Department of Law.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

Mr. Sorensen stated he know we have a recommendation to use the PLA and we have a memorandum supporting that. He requested someone give the public an explanation of what it is and the benefits of it.

Chairman Rouis explained before you enter into a Project Labor Agreement, there needs to be a study done to show that it is a cost savings as opposed to an additional cost. He believes that is the study that was---Manager Fanslau stated that the Legislature passed a resolution in 2007 that requires a project over \$3 million to be potentially subject to Project Labor Agreement. Part of the state law that allows for such a mechanism requires a due diligence report. The Legislature awarded the contract to Ed Irace and Company which is located in Orange County. The report had indicated with all the considerations and examinations, they informed that there would be a potential savings of \$330,000 associated with utilizing a Project Labor Agreement and they recommend that the county in fact use a PLA. That report was reviewed by the Commissioner of Public Works Bob Meyer and the Director of Purchasing Kathy Jones who both concurred and recommended in accordance with Resolution No. 144 of 2007, to suggest that the Legislature ratify their recommendation and use a PLA Project.

Mr. Sorensen stated thank you.

RESOLUTION NO. 468-09 INTRODUCED BY KATHLEEN LABUDA, DISTRICT 2 LEGISLATOR AUTHORIZING THE USE OF A PROJECT LABOR AGREEMENT FOR THE MATERIALS RECOVERY FACILITY/ TRANSFER STATION

WHEREAS, pursuant to Resolution No. 144-07 adopted by the Sullivan County Legislature on April 26, 2007, a policy was established for the use of Project Labor Agreements ("PLA(s)") for construction projects where the total construction contracts to be let exceed \$3,000,000.00, and

WHEREAS, the County of Sullivan ("County") intends to construct a Materials Recovery Facility/Transfer Station ("Project") at the site of the current Sullivan County Sanitary Landfill, and

WHEREAS, the estimated total construction contracts to be let regarding the Project exceed \$3,000,000.00, and

WHEREAS, Kathy Jones, the Director of Purchasing and Central Services (previously the Office of General Services) in conjunction with Robert Meyer, Commissioner of Public Works, have explored the feasibility of the use of a PLA for the Project, and

WHEREAS, in determining the feasibility of a PLA for the Project Ms. Jones and Mr. Meyer reviewed, amongst other things, a Due Diligence Report, dated October 16, 2009, written by Arace & Company Consulting, LLC, and

WHEREAS, Ms. Jones and Mr. Meyer both issued written recommendations, dated November 13, 2009, stating that the use of a PLA for the Project would foster the goals detailed in Resolution 144-07 and accomplish the cost savings to the County as determined by Arace & Company Consulting, LLC in its Due Diligence Report.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby ratifies the recommendations of the Director of Purchasing and Central Services and the Commissioner of Public Works, both dated November 13, 2009, and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature authorizes the use of a PLA for the Project and directs the Office of Purchasing and Central Services to include the use of a PLA in the bid specifications for construction contracts to be bid for the Project, and

BE IT FURTHER RESOLVED, that the County Manager is authorized to execute a PLA for the Project in such a form as may be approved by the County Attorney's Office.

Moved by Mr. Sager seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 469-09 INTRODUCED BY RON HIATT, CHAIRMAN OF THE HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO AGREEMENTS FOR FUNDING AND FOR THE PROVISION OF CHILD CARE RELATED SERVICES FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2010

WHEREAS, the County of Sullivan, through the Department of Family Services, is able to provide for certain child care related services for eligible Sullivan County families by obtaining funding through a state memorandum of understanding with the New York State Office of Children and Family Services (OCFS); and

WHEREAS, the Department of Family Services desires to enter into an agreement through memorandum of understanding with OCFS to obtain funding; and

WHEREAS, the Department of Family Services also desires to enter into agreement with the Sullivan County Child Care Council for the provision of child care registration and inspection related services, at a cost not to exceed the amount funded by OCFS.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreements to attain funding and provide services for the provision of child care registration and inspection related services during the period January 1, 2010 through December 31, 2010; and

BE IT FURTHER RESOLVED, that the form of said contracts will be approved by the Sullivan County Department of Law.

Moved by Mrs. Binder seconded by Mr. Hiatt, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 470-09 INTRODUCED BY THE PUBLIC WORKS COMMITTEE IN SUPPORT OF CONCORD ASSOCIATES, LP'S PROJECT

WHEREAS, Concord Associates, LP plans to build a resort hotel on the grounds of the former Concord hotel in the Town of Thompson ("Project"), and

WHEREAS, the Sullivan County Legislature has supported the Project from its inception and continues in its support, and

WHEREAS, the Sullivan County Legislature wishes to demonstrate its support for the Project by affirmatively stating that it shall seek to improve the infrastructure surrounding the Project site, including public highways, and

WHEREAS, the County has sought a \$6,000,000.00 reimbursable grant ("Grant") from the New York State Department of Transportation ("NYS DOT") for rehabilitation and reconstruction of portions of Concord Road and Kiamesha Lake Road, and

WHEREAS, it is the intention of the Sullivan County Legislature to obtain the Grant from the NYS DOT once the funding mechanism is put in place appropriating the \$6,000,000.00, in the first place, the Sullivan County Legislature shall authorize the County Manager to execute the necessary documents to acquire the Grant funding.

NOW THEREFORE, BE IT RESOLVED, the Sullivan County Legislature affirmatively states its full support for the Project, and

BE IT FURTHER RESOLVED, that the County Manager shall take all appropriate actions towards acquiring the Grant funding for the rehabilitation/reconstruction of Concord Road and Kiamesha Lake Road.

Moved by Mr. Sorensen **seconded by** Mr. Hiatt, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

RESOLUTION NO. 471-09 INTRODUCED BY DAVID A. SAGER, CHAIRMAN OF THE PERSONNEL COMMITTEE, TO ADDRESS SALARY COMPENSATION LEVELS FOR POTENTIAL EMPLOYEES OF THE SULLIVAN COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION MEMBERS IN THE PATROL DIVISION OF THE SHERIFF'S OFFICE

WHEREAS, the County of Sullivan ("County") and the Sheriff of Sullivan County ("Sheriff") and the Sullivan County Patrolman's Benevolent Association, Inc. ("PBA") are parties to a collective bargaining agreement ("contract") governing terms and conditions of employment, and

WHEREAS, the Sheriff and the County wish to attract trained personnel to the Patrol Division of the Sheriff's Office, who have already attended the police academy and/or have prior police experience, and

WHEREAS, an employee with such previous training and experience would benefit the Sheriff and the County by saving the time and high costs normally associated with providing such training, and

WHEREAS, the Sheriff and the County, realizing such cost savings, have initiated a program that allows such new employees to be paid at a grade of pay higher than the entry level rate, commensurate with their training and experience, and

WHEREAS, the Sheriff, the County and the PBA have entered into an agreement establishing such a program for setting the rates of pay for employees through resolution 402-08 and an MOA signed on December 19th, 2008, and

WHEREAS, the existing MOA does not allow payment at a higher grade prior to the date that resolution 402-08 was passed, and

WHEREAS, the Sheriff desires to modify the existing MOA to allow for the payment at a higher grade effective from the date of hire for employees hired on or after January 1st, 2006.

NOW, THEREFORE, BE IT RESOLVED, upon consideration of a potential employee's training and experience, the Sheriff and the County will determine the amount of years of experience to be credited and the employee will then start at the base salary that corresponds with years credited and based on the Collective Bargaining Agreement in effect at the time of employment and payment to such employee will become effective from the date of hire for employees hired on or after January 1st, 2006.

BE IT FURTHER RESOLVED, that the County Manager is authorized to enter into a Memorandum of Agreement with the Sullivan County Sheriff's Office and Sullivan County Patrolmen's Benevolent Association approving salary compensation levels based on years of experience for the purposes of determining the starting base salary in a form approved by the County Attorney.

Moved by Mrs. Binder seconded by Mrs. Goodman, put to a vote with Mr. Armstrong absent, unanimously carried and **declared duly adopted on motion** November 19, 2009.

Chairman Rouis wished everyone a healthy and happy Thanksgiving next week.

There being no further business, Mrs. Binder moved to adjourn, seconded by Mrs. LaBuda, put to a vote and carried. The Regular Meeting was declared closed at 2:55PM subject to the call of the Chairman.

ANNMARIE MARTIN, Clerk of the Legislature