

**Sullivan County Legislature  
Regular Meeting  
September 15, 2011 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:31PM by Chairman Rouis with the Pledge of Allegiance.

Roll Call indicated all legislators present.

The Clerk Read the following communications:

1. Records Destruction Notification filed by the County Treasurer's Department received August 18, 2011, Grants Administration, dated August 22, 2011.
2. Memorandum dated August 24, 2011 filed by the County Treasurer indicating Resolution No. 364-11 authorizing the creation of a second Deputy Treasurer Position.
3. State of Emergency Proclamation filed by Sullivan County Manager Fanslau dated August 26, 2011.
4. State of Emergency notification filed by the Town of Rockland dated August 29, 2011.
5. Town Emergency declaration filed by the Town of Fallsburg dated August 28, 2011.
6. State of Emergency notification filed by the Town of Callicoon dated September 7, 2011
7. Copy of resolution adopted by Jefferson County Board of Legislators opposing Albany power grab in loss of Home Rule
8. FEMA Notification regarding 38 covered bridge of a Conditional Letter of map revision dated September 8, 2011
9. State of Emergency filed by the Town of Rockland dated September 9, 2011
10. Letter dated September 13, 2011 from Sullivan County Manager indicating recommendations for award of contract regarding the RFP entitled "2012 Health/Prescription Card/Dental/vision Insurance Benefits"

Chairman Rouis recognized the follow speakers:

1. Ken Walter stated in regard to all those State of Emergencies, one of the things brought to mind is that in this economy everyone wants to talk about downsizing but there is only so much we can downsize our good government and because our dedicated public employees being town, county or otherwise, got on back up on our feet and we still have neighbors around still struggling, so government does work and we as a society cannot go without it. The other thing he wanted to bring up is an old horse, in respect, that he feels that the legislature has to make a determination of what they can do to recoup \$2.2 million that the college has lost over the ill advised energy project. When you walk around the streets, you will hear someone say what happened to that \$2 million. He feels it wasn't appropriated legally. He feels that there were a lot of things that were done wrong. He has had legal opinions from other people who could be held responsible and that there were things not done properly. You remember he did a presentation between all the interest rates and the fees required to obtain that legal cost, by the time we get done paying that off, it will be another 89 cents on the dollar. So it will be almost \$4 million by the time we pay that off. Every dime counts when it comes to taxes. He doesn't know why the person in the company that we paid is still walking around because he took monies and didn't invest it where he was supposed to. The county needs to explore it because we taxpayers shouldn't have to worry about that money.
2. Sandy Shaddock stated she has spoken a lot about the proposed change in healthcare and this is her last statement on that issue. A very important decision is before this legislature today. A decision that not only affect the members of this legislative body, but 1200 families and every taxpayer in Sullivan County. That issue is the current healthcare proposal that is being presented by the County Manager at the request of this legislature. I fully understand the quandary that lies before you but the economy is not showing any signs of rebounding and we have a deficit in the 2012 and 2011 budgets. She is concerned once again however, that this body is looking for savings on the backs of the workforce. The proposed change in healthcare is this: going from a fully funded health plan in which the county, employee and the taxpayer have a maximum defined contribution to a self funded plan with a stop loss insurance. While she understands that there are increases that the county has no control over under the current NYSHIP Plan, only a premium is being paid. She would ask each of you individually, would you drop the insurance coverage on your house and take a \$250,000 payout? Would you drop the insurance coverage on your car and pay ¾ of the value of your car? She thinks not. What is more alarming is even though we have had meetings for months on this issue, she has asked time after time, to show her the savings. Up until two days there were none. She was told meeting after meeting that this plan would not indicate savings now but would mitigate costs going forward because of a wellness program and the ability to

see your claims history. But was repeatedly told that there was no guaranteed savings. When she hears of EBS RMSCO talk of illnesses that could be devastating to your costs to a self funded plan, the examples were long term illnesses. She then went into some examples. If we go into arbitration because the benefits are less, we are going to be spending money and the county is going to be spending money and that will cut into your savings. Just put the safeguards in place. She can't stop it from happening but she can ask that when the contract is drafted, make sure that everyone is perfected.

**Resolutions:**

**RESOLUTION NO. 371-11 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO APPOINT ONE (1) MEMBER TO THE COMMUNITY SERVICES BOARD**

**WHEREAS**, there is a vacancy on the Community Services Board, and

**WHEREAS**, there is a need to appoint one (1) member to fill the vacancy on the Community Services Board.

**NOW, THEREFORE, BE IT RESOLVED**, the following individual to be appointed to fill a vacancy on the Sullivan County Community Services Board to reflect the date set opposite her name:

<b>APPOINTMENT TO THE CSB</b>	<b>TERM</b>
Stephen McLaughlin 12/31/2013 (to fill a vacancy left by resignation of Rita Klafter)	09/01/2011 to

**Moved by Mrs. Binder, seconded by Mr. Hiatt, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 372-11 INTRODUCED BY PERSONNEL COMMITTEE TO CREATE ONE TEMPORARY POSITION IN SULLIVAN COUNTY SHERIFF'S OFFICE**

**WHEREAS**, through resolution number 227 of 2011, the Sullivan County Legislature authorized the creation of up to eight temporary Deputy Sheriff positions for a time period expiring no later than October 14, 2011, and

**WHEREAS**, the Sheriff was able to fill only four of those positions, leaving four positions vacant, and

**WHEREAS**, the Sheriff requests a 90-day temporary position for an individual to work with the Chief of Patrol for the period October 1, 2011 through December 31, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the creation of one temporary position for the staffing needs of the Sullivan County Sheriff's Office for the period October 1, 2011 through December 31, 2011 and abolishes four temporary Deputy Sheriff positions, which were due to expire October 14, 2011.

**Moved by Mrs. Binder, seconded by Mr. Wood, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 373-11 INTRODUCED BY THE PERSONNEL COMMITTEE TO FILL THE VACANT SECRETARIAL POSITION IN THE SULLIVAN COUNTY DISTRICT ATTORNEY'S OFFICE**

**WHEREAS**, the Sullivan County District Attorney's Office has encountered an unanticipated resignation of one of its secretaries on August 3, 2011; and

**WHEREAS**, the District Attorney has expressed a desire to fill the position due to its vital role in the operations of the District Attorney's Office;

**WHEREAS**, the secretaries employed by the District Attorney's office perform typing, copying, filing and administrative duties to seven full time Assistant District Attorneys;

**WHEREAS**, since 1993, the District Attorney's Office has, on its own, eliminated three secretarial positions, including one secretarial position in the 2011 budget year;

**WHEREAS**, current staffing levels of only two secretarial positions will cause great administrative chaos and delay the proper processing of criminal cases;

**WHEREAS**, the proposed fill of this legal secretarial position will include an entry level salary;

**WHEREAS**, the County of Sullivan currently has a hiring freeze in place and filling this position must be critical to the operations of the District Attorney's office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby finds that filling this position is critical to the primary function of the District Attorney's office and authorizes the immediate filling of the legal secretarial position within the District Attorney's Office at Grade IV of the Teamster's Salary Schedule.

**Moved by Mrs. Binder, seconded by Mr. Hiatt, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 374-11 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE REQUESTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO EXTEND THE PUBLIC COMMENT PERIOD FOR THE REVISED DRAFT "SGEIS" ON THE OIL, GAS AND SOLUTION MINING REGULATORY PROGRAM, COVERING HORIZONTAL DRILLING AND HIGH-VOLUME HYDRAULIC FRACTURING IN THE MARCELLUS SHALE AND OTHER LOW-PERMEABILITY GAS RESERVOIRS, TO 180 DAYS.**

**WHEREAS**, a large portion of the land area in the County of Sullivan is located within the Marcellus Shale Field Basin and therefore may be the location of natural gas exploration and development projects; and

**WHEREAS**, the County of Sullivan and several of its constituent municipalities have in the past voiced concerns to the New York State Department of Environmental Conservation (DEC) and to the New York State Legislature regarding issues of environmental safety and potential impacts resulting from natural gas development and related activities within the County of Sullivan, including, for example, noise, dust, integrity of nearby water wells, and the possibility of contamination resulting from storage and transport of fracking fluids; and

**WHEREAS**, DEC issued the full 2011 Revised Draft Supplemental Generic Environmental Impact Statement (SGEIS) on the Oil, Gas and Solution Mining Regulatory Program on September 7, 2011, simultaneously announcing that written comments will be accepted during the Public Comment Period that extends through the close of business December 12, 2011; and

**WHEREAS**, the Revised Draft SGEIS addresses permit conditions as well as socioeconomic issues, cumulative impacts and other issues of concern to local communities, such as impacts on local roads; and

**WHEREAS**, the Revised Draft SGEIS also contains analysis and references to other documents that are of a highly technical nature, requiring peer review and evaluation by experts in a wide range of fields to assess potential impacts of the proposed regulations;

**NOW, THEREFORE, BE IT RESOLVED**, the County of Sullivan hereby requests that DEC extend the Public Comment Period on the Revised Draft SGEIS to 180 days (through March 5, 2012), in order for the County and its residents to undertake the necessary review for preparing and submitting comments on the proposed regulatory program; and

**BE IT FURTHER RESOLVED** that the Chairman of the Legislature is hereby authorized to issue a letter to DEC Commissioner Joe Martens to this effect.

**Moved by Mrs. LaBuda, seconded by Mr. Sager, put to a vote with Mr. Wood and Mr. Armstrong opposed, resolution carried and declared duly adopted on motion** September 15, 2011.

See Attached

**RESOLUTION NO. 375-11 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2011 COUNTY BUDGET**

**WHEREAS**, the County of Sullivan 2011 Budget requires modification,

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

**Moved by Mrs. Binder, seconded by Mrs. Goodman, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

See Attached

**RESOLUTION NO. 376-11 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO AUTHORIZE THE USE OF MONEY IN THE LANDFILL CLOSURE DESIGNATED FUND FOR THE PURPOSE OF PAYING SHORT TERM DEBT THAT WAS ISSUED TO CAP THE LANDFILL**

**WHEREAS**, there exists a Landfill Closure Designated Fund, to be categorized as Committed Funds with the implementation of Governmental Accounting Standards Board Statement No. 54, in the General Fund that was created and funded with the intent of using the funds to pay for the closure of the landfill, and

**WHEREAS**, during 2010 money was borrowed on a short term basis through a Bond Anticipation Note (BAN) to fund the cost of closing the landfill, and

**WHEREAS**, it is more prudent to use existing funds in the Landfill Closure Designated Fund to pay down the balance of money due on the BAN rather than to convert the BAN to Long-Term Debt, and

**WHEREAS**, it is in the best interest to use funds in the Landfill Closure Designated Fund for the purpose of paying off the entire amount of the short term BAN in five installments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature authorizes the use of funds from the Landfill Closure Designated Fund for the purpose of retiring the BAN that was issued in 2010 in five installments.

**Moved by Mr. Sorensen, seconded by Mr. Armstrong**, put to a vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 377-11 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE TO AMEND THE CAPITAL PLAN FOR A NEW TRAFFIC SIGNAL AT EXIT 106 ON INTERSTATE 86**

**WHEREAS**, the Department of Public Works is required to install a new traffic signal as part of the reconstruction of exit 106 on interstate 86, and

**WHEREAS**, it has been agreed that the Department of Public Works will purchase the signal and then get reimbursed by the contractor in charge of the reconstruction project, and

**WHEREAS**, there is a need to amend the 2011 Capital Budget.

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

1. Include funding and an associated reimbursement for the purchase of traffic signal at exit 106 on Interstate 86.
2. Increase Expense Account                      D3310-21-2103                      \$6,800  
    Increase Revenue Account                      -D9998-R2770-R247                      \$6,800

**Moved by Mr. Sorensen, seconded by Mr. Hiatt**, put to a roll call vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 378-11 INTRODUCED BY THE MANAGEMENT & BUDGET COMMITTEE TO APPROVE SULLIVAN COUNTY REVOLVING LOANS**

**WHEREAS**, the Sullivan County Division of Planning & Environmental Management (“Division”) oversees the County Agri-Business Revolving Loan Fund funded through grants received from the New York Governor’s Office of Small Cities; and

**WHEREAS**, the Division has submitted a loan report to the Sullivan County Revolving Loan Fund Advisory Board; and

**WHEREAS**, the Advisory Board has considered the loan report and accompanying financial information and a majority approved the loan request listed below contingent upon certain conditions as outlined in the loan commitment letters.

<u>Borrower</u>	<u>Program</u>	<u>Amount</u>
Wilfred Hughson, Wil Hugh Farms \$80,000	Agri-Business	

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the Division to commence with the loan closing process and to have all the

necessary documents executed to secure the loans in such form as approved by the County Attorney; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Treasurer is hereby authorized to draw checks for the borrowers in the amount indicated above.

**Moved by Mrs. Binder, seconded by Mrs. Goodman, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 379-11 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO MODIFY RESOLUTION NO. 223-10 WITH ZION ENVIRONMENTAL, LLC**

**WHEREAS**, pursuant to Resolution No. 223-10, adopted by the Sullivan County Legislature on April 29, 2010, the County Manager executed a contract dated May 20, 2010 with Zion Environmental, LLC (“original agreement”) for Engineering Services for Groundwater Quality Reports at the Sullivan County Landfill (R-10-04), and

**WHEREAS**, the original agreement authorized a one (1) year term with an option for two (2) additional, one year extensions, at an annual contract price not to exceed \$14,500.00.

**WHEREAS**, Resolution No. 223-10 should be amended to reflect the intention of the parties that Zion Environmental, LLC, was to be paid \$14,500.00 annually and not \$14,500.00 for the entire length of the original agreement.

**NOW, THEREFORE, BE IT RESOLVED**, Resolution No. 223-10 should be amended as detailed above.

**Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 380-11 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE AMEND RESOLUTION NUMBER 296-11 TO AUTHORIZE A REFUND ON TRACT #127 – FALLSBURG 17.-1-12.13 & 18.-3-12.**

**WHEREAS**, on July 7, 2011 the Sullivan County Legislature adopted Resolution No. 296-11 to Accept and/or Reject bids made at the June 2011 Public Auction for Real Property acquired by virtue of the In Rem Tax Foreclosure Proceedings, and

**WHEREAS**, Kenneth E Quackenbush purchased tract #127 for SEVENTEEN THOUSAND (\$17,000.00) DOLLARS, and

**WHEREAS**, Sullivan County Resolution No. 296-11 should be amended to authorize the County Treasurer to issue a refund of TWO THOUSAND (\$2,000.00) DOLLARS to Kenneth E Quackenbush due to the vandalism of heating system, baseboard, and appliances to the above referenced property which occurred after the auction and prior to the consummation of the sale, and

**NOW, THEREFORE, BE IT RESOLVED**, Resolution No. 296-11 is hereby amended to authorize the County Treasurer to issue a refund of TWO THOUSAND (\$2,000.00) DOLLARS to Kenneth E Quackenbush, for his acquisition of tract #127, and all other terms of said sale shall remain the same.

**Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 381-11 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE**

**RESOLUTION TO ACCEPT THE BID MADE ON THE SEPTEMBER 2011 ONLINE PUBLIC AUCTION AND REJECT THE BIDS MADE AT THE JUNE 2011 AUCTION FOR REAL PROPERTIES IN THE TOWN OF FALLSBURG KNOWN AS FA11.-1-39.05./0129 & FA11.-1-39.05./0131, 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**, properties located in the Town of Fallsburg designated on the Sullivan County Real Property Tax Map as FA11.-1-39.05./0129, Class 411, located on St Hwy 52 and FA11.-1-39.05./0131, Class 411, located on St Hwy 52 and are owned by the County of Sullivan and formerly owned by Lawrence J Cormier Family Limited Partnership, and

**WHEREAS**, the said properties were sold separately at the June 2011 auction and should have been sold as one unit, and

**WHEREAS**, the bids made at the June 2011 auction on the above referenced properties should be rejected and refunds should be issued, and

**WHEREAS**, Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc conducted an online auction ending on September 3<sup>rd</sup>, 2011, for said properties, and

**WHEREAS**, the Real Property Advisory Board recommends the bid made on the online auction ending on September 3<sup>rd</sup>, 2011 be accepted, and

**WHEREAS**, the successful bidder will pay the balance due immediately, pursuant to the terms and conditions of the auction, and

**NOW, THEREFORE, BE IT RESOLVED**, the bid recorded at the real property online auction ending on September 3<sup>rd</sup>, 2011, is hereby accepted, and the bids made on the above referenced properties at the June 2011 real property auction are hereby rejected and refunds will be issued 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.

**Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 382-11 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE THE SALE OF PROPERTY TO THE SECOND HIGHEST BIDDER(S) FROM THE JUNE 2011 REAL PROPERTY AUCTION.**

**WHEREAS**, Sullivan County held a real property auction on June 22<sup>nd</sup>, 2011 & June 23<sup>rd</sup>, 2011, and

**WHEREAS**, Sullivan County Resolution Number 296-11 was adopted on July 7<sup>th</sup>, 2011 accepting and rejecting bids from the June 2011 Real Property Auction, and

**WHEREAS**, pursuant to the June 2011 Real Property Auction Terms and Conditions, the first highest bidders were to remit any outstanding balance due to the Sullivan County Treasurer on or before 5:00 p.m. July 27<sup>th</sup>, 2011, and

**WHEREAS**, the first highest bidders did not complete the purchase on the following parcels and the second highest bidder(s) has/have agreed to purchase the property for the amount of bid price, plus a ten (10 %) percent auctioneer's commission and additional costs and charges, pursuant to the June 2011 Real Property Terms and Conditions:

<u>Tract #</u>	<u>Town/Section/Block/Lot Number</u>	<u>Second Bidder</u>	<u>Amount Offered</u>
207	FR38.-1-16	Rodolfo C Wazlawik	\$2,250.00
387	RO38.-1-45	Marek Lubach	\$2,500.00
393	RO50.-1-55.2	Elliott Schneider	\$1,000.00
431	TH59.-1-75.4	Vincenza Fischer	\$4,000.00

**WHEREAS**, the purchaser(s) will be responsible for the levied 2011 Town and County tax bill, 2011-2012 School Taxes, and

**NOW, THEREFORE, BE IT RESOLVED**, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to the second highest bidder(s) for their bid amount, plus a 10 % auctioneer's commission and other costs & charges pursuant to the written Terms & Conditions of the June 2011 auction.

**Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 383-11 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTY IN THE TOWN OF MAMAKATING KNOWN AS MA201.-4-32, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2009 LIEN YEAR.**

**WHEREAS**, property located in the Town of Mamakating designated on the Sullivan County Real Property Tax Map as MA201.-4-32, Class 220, being 0.50 +/- acres, located on Main St, is owned by the County of Sullivan and formerly owned by Everett Tsoucalas, and

**WHEREAS**, Susan Berentsen has offered to purchase the said property for the sum of SEVEN HUNDRED FIFTY (\$750.00) DOLLARS, and

**WHEREAS**, this matter was discussed by the Real Property Advisory Board who advised it is in the best interest of the County of Sullivan to convey the parcel to Susan Berentsen for \$750.00 because this property was not sold at the June 2011 auction, and

**WHEREAS**, the purchaser will be responsible for the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, 2011 Town/County taxes, 2010/2011 & 2011/2012 Village taxes, water and sewer charges, and

**NOW, THEREFORE, BE IT RESOLVED**, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary



documents in order to convey the aforesaid premises to Susan Berentsen, upon her payment of \$750.00 to the County Treasurer, plus 10% of sale price for auctioneer's commission, plus fees for the County Clerk, plus the 2011 Town/County taxes, 2010/2011 & 2011/2012 Village taxes, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

**Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 384-11 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTY IN THE TOWN OF ROCKLAND KNOWN AS RO28.A-1-46, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2009 LIEN YEAR.**

**WHEREAS**, property located in the Town of Rockland designated on the Sullivan County Real Property Tax Map as RO28.A-1-46, Class 314, being 1.70 +/- acres, located on Indian Ln, is owned by the County of Sullivan and formerly owned by Clifford M Roth, and

**WHEREAS**, Steve Dunn has offered to purchase the said property for the sum of THREE HUNDRED (\$300.00) DOLLARS, and

**WHEREAS**, this matter was discussed by the Real Property Advisory Board who advised it is in the best interest of the County of Sullivan to convey the parcel to Steve Dunn for \$300.00 because this property was not sold at the June 2011 auction, and

**WHEREAS**, the purchaser will be responsible for the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, 2011 Town/County taxes, water and sewer charges, and

**NOW, THEREFORE, BE IT RESOLVED**, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to Steve Dunn, upon his payment of \$300.00 to the County Treasurer, plus 10% of sale price for auctioneer's commission, plus fees for the County Clerk, plus the 2011 Town/County taxes, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

**Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 385-11 INTRODUCED BY PUBLIC WORKS COMMITTEE TO OBTAIN LEGISLATIVE APPROVAL FOR APPLYING FOR FUNDING FROM THE FY 2012 UNIFIED HAZARD MITIGATION ASSISTANCE (HMA) PROGRAM**

**WHEREAS**, New York State Office of Emergency Management (NYOEM) has indicated that 75% Federal funding from the Federal Emergency Management Agency (FEMA) is available for hazard mitigation projects; and

**WHEREAS**, the Division of Public Works (DPW) has completed a Flood Study for the evaluation of measures to relieve flooding along County Road 164 in Kohlertown, and recommends the installation of a storm water bypass culvert to reduce flooding; and

**WHEREAS**, \$1,000,000 is estimated to be necessary for the design and construction of a storm water culvert by County Forces; and

**WHEREAS**, the 25% County share of the project is anticipated to be funded by in-kind engineering and construction work provided by DPW.

**NOW, THEREFORE, BE IT RESOLVED**, the Legislature approves the flood mitigation project; and

**BE IT FURTHER RESOLVED**, that the Division of Public Works is authorized to apply for HMA Program funding; and

**BE IT FURTHER RESOLVED**, that the County Manager is authorized to execute a grant application and any other associated documents if needed for the submission of an application for HMA Program funding, in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. Labuda, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 386-11 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, bids were received for Paving Portion of County Road No. 108, Town of Forestburgh, and

**WHEREAS**, Sullivan County Paving and Construction, Inc., 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 Sullivan County Paving and Construction, Inc., at a contract price not to exceed \$354,526.00 plus the fluctuating cost of asphalt as per "Asphalt price Adjustment" as published by the PGB Index price and in accordance with Bid #B-11-46, dated August 19th, 2011 said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 387-11 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, a quote was received for Mailroom Services for the Central Services Department, and

**WHEREAS**, Kristt Company, 369 Broadway, PO Box 548, Monticello, NY 12701, is the lowest responsible proposer for such work, and

**WHEREAS**, the Department of Purchasing & Central Services, 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 Kristt Company, at a contract price not to exceed \$43,000.00, for the contract period September 26, 2011 through September 25, 2013; there shall be a maximum increase of 3%, per year, from September 26, 2013 through September 25, 2016, if extended, on a yearly basis, by mutual agreement and in accordance with RFP#R-11-17, dated August 19th, 2011 said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 388-11 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AWARD AND AUTHORIZE CONTRACT WITH NYSARC, INC.**

**WHEREAS**, the County remains committed to maintaining the quality of operation of the former Sullivan County Sanitary Landfill by maintaining continuous litter control and maximizing recycling efforts ("Services"), and

**WHEREAS**, NYSARC, Inc., has provided such Services for the County and is prepared to do so in the future, and

**WHEREAS**, NYSARC, Inc., is prepared to perform the Services for the term of 1/1/2011 through 12/31/2011 at the following hourly rates; a) \$17.35/Job Coach, and b) \$4.61/Consumer (Recycling Staff)

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to execute an agreement with NYSARC, Inc., for the Services for the term (1/1/2011 through 12/31/2011) at the hourly rates detailed above. The agreement shall be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 389-11 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO AGREEMENT FOR THE PROVISION OF TRANSITIONAL JOBS 2 PROGRAM RELATED SERVICES FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

**WHEREAS**, the County of Sullivan, through the Department of Family Services, has received approval of its Transitional Jobs 2 Program by the New York State Office of Temporary and Disability Assistance (OTDA); and

**WHEREAS**, the approved Transitional Jobs 2 Program plan includes reimbursement by the Department of Family Services to Sullivan County Board of

Cooperative Educational Services (BOCES) of up to \$6,208 for the provision of services by BOCES; and

**WHEREAS**, the Department of Family Services will enter into agreement with BOCES for the provision of those services with those costs, not to exceed the OTDA approved amount, to be paid by DFS and reimbursed with state OTDA funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreement with Sullivan County BOCES for the provision of OTDA Transitional Jobs 2 Program related during the period from January 1, 2011 through December 31, 2011; and

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

**Moved by Mrs. Binder, seconded by Mr. Sorensen**, put to a vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 390-11 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE FOR AUTHORIZATION TO ENTER INTO A MICROWAVE PATH RELOCATION AGREEMENT WITH VERIZON WIRELESS**

**WHEREAS**, Verizon Wireless has acquired a block of frequencies from the FCC to broaden wireless communications, and

**WHEREAS**, several of those frequencies are currently being utilized as interconnects between tower sites for Sullivan County's 911 Communication system, and

**WHEREAS**, as part of their frequency acquisition Verizon Wireless is to cover certain costs associated with the relocation of existing microwave paths, and

**WHEREAS**, Verizon Wireless and Sullivan County have reached a fair agreement by which Verizon Wireless will reimburse Sullivan County for updated equipment to continue this critical communication link;

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is authorized to enter into an agreement with Verizon Wireless, in such form as the County Attorney shall approve, in order to accept the relocation reimbursement and commence steps necessary for said relocation.

**Moved by Mrs. Binder, seconded by Mr. Sorensen**, put to a vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE A SELF-FUNDED HEALTH/PRESCRIPTION/DENTAL INSURANCE PROGRAM, AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH EBS-RMSCO, INC.**

*WHEREAS, the County of Sullivan is a Participating Agency (PA) with the New York State Health Insurance Program (NYSHIP); and*

*WHEREAS, NYSHIP has projected premium rate increases for 2012 of a minimum of 10.1% to 16.1%; and WHEREAS, the various Collective Bargaining Agreements (CBA's) contain negotiated language that permit the County to switch from NYSHIP to a self-funded insurance program, provided that said coverage will be substantially equivalent, without the intent to diminish the level of benefits; and*

*WHEREAS, the Sullivan County Legislature authorized the issuance of a Request for Proposals (RFP) - 2012 HEALTH/PRESCRIPTION CARD/DENTAL/VISION INSURANCE BENEFITS PROGRAM CARRIER (R-11-11), and*

*WHEREAS, the Sullivan County Legislature authorized the County Manager to research and negotiate alternatives to the NYSHIP program, including an alternative fully-insured program, and a self-funded insurance program, and*

*WHEREAS, the County Manager's research proved that there are no currently available fully-insured health insurance programs that would match the NYSHIP program on the Commercial Market, and*

*WHEREAS, EBS-RMSCO, Inc. submitted a response to the RFP, followed by comprehensive negotiations and due diligence that was performed by a working group consisting of the County Manager, the Deputy County Manager/Commissioner of Management and Budget, the Director of Human Resources, the Purchasing Director, the Director of Risk Management and Insurance, and the Deputy Commissioner of Management and Budget; and*

*WHEREAS, the County Manager and the working group negotiated a self-insurance program for Health/Prescription/Dental insurance with EBS-RMSCO, INC., that would be at least \$1.2 million less than remaining with NYSHIP and Delta Dental's fully insured plan in 2012, and said coverage will be substantially equivalent, to NYSHIP without the intent to diminish the level of benefits as required by the various Collective Bargaining Agreements, and*

*WHEREAS, the County Manager and the working group negotiated a comprehensive program with stable administrative fees for a five year term that includes at no additional cost certain optional services from EBS-RMSCO, INC., as detailed in Schedule "A" that is attached hereto and incorporated herein, and*

*WHEREAS, the County Manager and the working group negotiated a comprehensive program with EBS-RMSCO, INC. that includes a specific stop-loss policy and an aggregate stop-loss policy, as detailed in Schedule "A" that is attached hereto and incorporated herein, and*

*WHEREAS, the County Manager and the working group negotiated a comprehensive program with EBS-RMSCO, INC. that includes coverage through The Hartford Plan for Medicare Primary eligible retirees that will provide a greater benefit to them than the NYSHIP program at a lower cost than NYSHIP, as detailed in Schedule "A" that is attached hereto and incorporated herein, and*

*WHEREAS, the County Manager and the working group negotiated a comprehensive program with EBS-RMSCO, INC. that includes coverage through a self-funded dental insurance program by using the Delta Dental Network, at a lower cost than the fully-insured Delta Dental insurance plan, as detailed in Schedule "A" that is attached hereto and incorporated herein, and*

*WHEREAS, the County Manager has recommended through a letter dated September 13, 2011, attached hereto and incorporated herein as Schedule "B", that the Sullivan County Legislature 1) move from the NYSHIP program to a Self-Funded Health Insurance Program for Health/Prescription/Dental/corverage;. 2) make no changes to the Vision coverage; 3) effectuate these changes that would become effective with NYSHIP coverage ending on December 31, 2011, and coverage commencing with a self-funded program on January 1, 2012; 4) Authorize a five year contract with EBS-RMSCO, INC. to serve Sullivan County as the Third Party Administrator, with a comprehensive inclusion in that contract of the fees and terms negotiated through the RFP process of RFP R11-11; and 5) Authorize and direct the County Manager to formally notify NYSHIP of this change that would be effective on January 1, 2012, along with other required notifications.*

*NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby accepts and effectuates the County Manager's recommendations as detailed in the attached letter dated September 13, 2011, attached hereto and incorporated herein as Schedule "B"; and*

*BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes:*

- 1. A Self-Funded Health Insurance Program for Health/Prescription/Dental coverage, and said coverage shall be substantially equivalent, to NYSHIP without the intent to diminish the level of benefits as required by the various Collective Bargaining Agreements.*
- 2. A comprehensive program with EBS-RMSCO, INC. that includes a specific stop-loss policy and an aggregate stop-loss policy, as detailed in Schedule "A" that is attached hereto and incorporated herein.*
- 3. A comprehensive program with EBS-RMSCO, INC. that includes coverage through The Hartford Plan for Medicare Primary eligible retirees that will provide a greater benefit to them than the NYSHIP program at a lower cost than NYSHIP, as detailed in Schedule "A" that is attached hereto and incorporated herein.*
- 4. A comprehensive program with EBS-RMSCO, INC. that includes coverage through a self-funded dental insurance program by using the Delta Dental Network, at a lower cost than the fully-insured Delta Dental insurance plan, as detailed in Schedule "A" that is attached hereto and incorporated herein.*
- 5. Make no changes to the current vision coverage through Davis Vision.*

6. *Effectuate these changes that would become effective with NYSHIP coverage ending on December 31, 2011, and coverage commencing with a self-funded program on January 1, 2012.*
7. *Authorize a five year contract with EBS-RMSCO, INC. to serve Sullivan County as the Third Party Administrator, with a comprehensive inclusion in that contract of the fees and terms negotiated through the RFP process of RFP R11-11, said fees and terms attached hereto and incorporated herein as Schedule "A".*
8. *Direct the County Manager to facilitate educational sessions to be conducted by EBS-RMSCO, INC., to educate and inform the County covered and eligible employees and the covered and eligible retirees about the self-funded Health/Prescription/Dental Program that will essentially convert the current NYSHIP plan to be the Sullivan County Plan Documents; and to review the network of providers, and take appropriate steps to realize as many of the current providers providing medical services to County subscribers, to be included in the Sullivan County network of providers as possible.*
9. *Authorize and direct the County Manager to formally notify NYSHIP, on October 31, 2011, of this change that would be effective on January 1, 2012, along with other required notifications.*

*BE IT FURTHER RESOLVED, that the agreement to be executed with EBS-RMSCO, INC. shall be in a form approved by the County Attorney, and shall include comprehensive details as described herein and attached hereto, as if fully recited herein.*

Mrs. Goodman stated she doubts that this will pass but when she listened to Mr. Sager speak about the issues, she felt that these issues need to be addressed. She knows it will fail, but she was looking for a motion to postpone this so we can get the GHI image dealt with amongst Crystal Run and possibly the hospital. Once we have reached out to those agencies and have worked out that piece, that she would be willing to vote----Mrs. LaBuda stated she would like to see this pass today and in the meantime ask the County Manager and County Attorney—Mrs. Goodman stated it is too late. She believes that the proper process is to network, come back and vote next week. Mr. Hiatt stated he would second to give the unions an opportunity to look at the stop loss issue.

Mr. Sager stated when you are dealing with an institution or the hospital or Crystal Run that provide services to numerous people in the county, how willing are they going to be to have a huge chunk of their services and proceeds coming from a company like GHI. GHI is a discounted company and many people don't want to deal with them and they may opt out of the plan. So the big providers need to be reached out to because that could significantly change the membership.

Chairman Rouis stated if it is an image issue that we want to educate on, that is one discussion. If we are going to go and renegotiate GHI rates with our largest providers, he is not for that. Mr. Sager stated it is not a point of renegotiating but to see their willingness to be long term participants in the plan.

Mrs. Goodman stated that the Greater Hudson Healthcare has a very active financial department and credibility and she thinks it is very easy to reach out to them. Greater Hudson not only covers Catskill Regional Medical Center but it covers the greater Hudson. This is new to them and she thinks we have to reach out to them and to solidify it.

Mr. Sorensen stated that he sat through all the meetings and he understands the concern, but he does think that we are at the point with the self insurance program and he thinks that some of the concerns that were addressed can be addressed. We are providing through the Self Insurance Program with comparable coverage for the employees and retirees as well as the wellness program and this approach gives an opportunity to really take control of the county's health cost moving forward. While he understands some of the questions, he really does think that we are at a point that we can move forward. County staff has been meeting on a weekly basis doing due diligence on behalf of the county for months and months now and he sat in many of those meetings and his recommendation would be to move forward today.

Mrs. Goodman moved to table until next Thursday, September 22, 2011, seconded by Mr. Hiatt, put to a vote and carried.

**RESOLUTION NO. 391-11 INTRODUCED BY EXECUTIVE COMMITTEE TO ENACT A PROPOSED LOCAL LAW**

**WHEREAS**, proposed Local Law entitled "A Local Law to Authorize Seizure and Forfeiture of property used in connection with Misdemeanor Criminal Acts Defined by Article 220 and Article 221 of the Penal Law", was presented to the Sullivan County Legislature at a meeting held on September 15, 2011 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 Authorize Seizure and Forfeiture of property used in connection with Misdemeanor Criminal Acts Defined by Article 220 and Article 221 of the Penal Law", County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

**Moved by Mr. Armstrong, seconded by Mrs. Binder, put to a roll call vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

LOCAL LAW NO. 5-2011

A LOCAL LAW OF THE COUNTY OF SULLIVAN AUTHORIZING SEIZURE AND FORFEITURE OF PROPERTY USED IN CONNECTION WITH MISDEMEANOR CRIMINAL ACTS DEFINED BY ARTICLE 220 AND ARTICLE 221 OF THE PENAL LAW

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SULLIVAN, STATE OF NEW YORK, AS FOLLOWS:

Article I – Purpose

Section 1.1. This Legislature hereby finds and determines that activity associated with misdemeanor drug offenses poses a serious threat to the health, safety and welfare of the County residents and imposes an enormous burden upon the County in the provisions of personnel to enforce the laws, prosecute the violators and deliver services necessary to address the adverse social and health consequences of such criminal activity.

Section 1.2. This Legislature further finds and determines that while criminal sanctions under the Penal Law are a useful weapon to deter misdemeanor drug activity, further local legislation is needed to achieve a reduction of such activity in the county by removing the potential for profit and developing greater resources to enhance treatment and education strategies to deter future crimes.

Section 1.3. Therefore, the purpose of this law is to provide for the seizure and forfeiture of property and funds used in connection with or constituting the proceeds of misdemeanor drug activity.

Article II - Conduct

Section 2. Except as otherwise authorized by law, it shall be unlawful for any person to:

(a) transport, carry, or convey any controlled substance or marijuana in, upon, or by means of any vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft, or

(b) conceal or possess any controlled substance or marijuana in or upon themselves or any vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft, or upon the person of anyone in or upon any vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft, or

(c) use any vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft, to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, or sale of any controlled substance or marijuana, or

(d) possess monies that are proceeds from the sale of any controlled substance or marijuana or used or intended to be used for the purchase of any controlled substance or marijuana.

### Article III – Seizure and Delivery

Section 3.1. Any vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft which has been or is being used in violation of Article II, except a vehicle used by any person as a common carrier in the transaction of business as such common carrier, and any money possessed in violation of Article II shall be seized by any peace officer, acting pursuant to their special duties, or police officer, and forfeited as hereinafter provided in this local law.

Section 3.2. The officer having made the seizure of such property shall promptly deliver a report of all the facts and circumstances of the seizure to the District Attorney.

### Article IV – Civil Proceedings

Section 4. It shall be the duty of the District Attorney to inquire into the facts of the seizure so reported to the District Attorney and if it appears probable that forfeiture has been incurred by reason of a violation of this local law, for the determination of which the institution of proceedings in the Supreme Court is necessary, to cause the proper proceedings to be commenced and prosecuted, not later than ten (10) days after written demand by a person claiming ownership thereof, to declare such forfeiture, unless upon inquiry and examination, the District Attorney decides that such proceedings cannot probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted in which case the District Attorney shall cause such seized property to be returned to the owner thereof. The procedure for proceedings instituted under this local law shall conform as much as possible to be the procedure for attachment.

### Article V – Notice

Section 5. Notice of the institution of the forfeiture proceeding shall be served on the owner of the seized property in accordance with the notice and service provisions of the New York State Civil Practice Law and Rules.

### Article VI – Requirements For Forfeiture

Section 6.1. In the event the seized property was used or possessed in violation of Article II by the owner thereof, forfeiture shall not be adjudged in the absence of a misdemeanor conviction under Article 220 or Article 221 of the Penal Law.

Section 6.2. In the event the seized property was used or possessed in violation of Article II by a person other than the owner thereof, the forfeiture shall not be adjudged in the absence of a misdemeanor conviction under Article 220 or Article 221 of the Penal Law together with proof established by a preponderance of the evidence that the owner either (A) knew that the property would be used in violation of Article II, or (B) had reason to know that the property would be used in violation of Article II.



Section 6.3. Notwithstanding the provisions of this local law, nothing herein shall be deemed to preclude the owner of seized property from entering into a consent agreement with the District Attorney's office addressing the voluntary forfeiture of any property seized in furtherance of drug activity as set forth in Article I and II. Any property voluntarily forfeited shall be distributed pursuant to Article VII of this local law.

#### Article VII – Distribution

Section 7.1. The District Attorney, after such judicial determination of forfeiture, shall have the discretion where the property is a vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft to either retain such forfeited vehicle for the official use of the District Attorney's Office or the seizing police agency, or, by a public notice of at least five days, sell such forfeited vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft at public sale; provided, however, that where such vehicle, snowmobile, all-terrain vehicle, boat, ship, watercraft is subject to a perfected lien such vehicle may not be retained for official use unless all such liens on the vehicle to be retained have been or will be satisfied. The net proceeds of any such forfeiture under this local law, after deduction of the lawful expenses incurred, shall be collected by the District Attorney and deposited with the Treasurer of Sullivan County, who shall record them in the appropriate trust account(s) and who shall forthwith distribute directly from this account as follows:

(a) thirty-three and one-third percent (33 1/3 %) of all monies realized through forfeiture shall be paid into an account to be designated as the District Attorney's County Forfeiture Account, these funds are for the costs incurred in protecting, maintaining and forfeiting the property including that proportion of the salaries of attorneys, clerical and investigative personnel devoted thereto, as well as the related expenses towards increased forfeiture capabilities;

(b) thirty-three and one-third percent (33 1/3 %) of all monies realized through forfeiture to the seizing police agency in satisfaction of the costs incurred for protecting, maintaining, and storing the seized property, said monies to be deposited in the agency's general forfeiture account in accordance with said agency's routine accounting procedures. The seizure agency may lose any claim to the seized asset pursuant to this section, if the report of facts and circumstances is not filed with the District Attorney's Office in a timely manner pursuant to Article III, Section 3.2;

(c) the remaining thirty-three and one-third percent (33 1/3%) of all monies realized through forfeiture shall be paid into an account to be designated Law Enforcement Against Drugs. Monies paid into this account shall be used to fund Law Enforcement Against Drugs program initiatives of the District Attorney's Office in law enforcement, treatment, diversion, education, and increased forfeiture capabilities.

Section 7.2. The Division of Management and Budget and the Sullivan County Treasurer shall monitor usage of all monies paid directly to the office of the District Attorney under Section 7.1.(a) of this local law or to the account used to fund LAW ENFORCEMENT AGAINST DRUGS program initiatives under Section 7.1(c) of this local law and these assets will be accounted for and reported through Sullivan County's official accounting records.

#### Article VIII – Restoration

Section 8. Whenever a person interested in any property which is seized and declared forfeited under the provisions of this local law files with a justice of the Supreme Court a petition for the recovery of such forfeited property, the justice of the Supreme Court may restore said forfeited property upon such terms and conditions as the Supreme Court deems reasonable and just, if the petitioner establishes that the petitioner was without personal or actual knowledge of the forfeiture proceeding and that the District Attorney failed to establish the requirements for forfeiture as set forth in Article VI of this local law. If the petition is filed after the sale of the forfeited property, any judgment in favor of the petitioner shall be limited to the net proceeds of such sale, after

deduction of the lawful expenses and costs incurred by the District Attorney, and police agency.

#### Article IX – Statue of Limitations

Section 9. No suit or action under this local law for wrongful seizure shall be instituted unless such suit or action is commenced within six months after the time when the property was seized.

#### Article X – Effective Date

Section 10. This local law shall be effective upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

**RESOLUTION NO. 392-11 INTRODUCED BY THE EXECUTIVE COMMITTEE TO CONVEY PROPERTY IN THE TOWN OF BETHEL, KNOWN AS THE SMALLWOOD GOLF COURSE, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF AN *IN REM* TAX FORECLOSURE PROCEEDING TO THE BETHEL LOCAL DEVELOPMENT CORPORATION AND TO ESTABLISH LEAD AGENCY UNDER SEQRA.**

**WHEREAS**, in 2010, the County of Sullivan obtained property located in the Town of Bethel designated on the Sullivan County Real Property tax Map as Bethel, 51.-1-25.3 and 51.-1-27.1, comprising approximately 192 acres which include a golf course and a ball field (hereafter, the “Property”), by virtue of the 2008 *in rem* tax foreclosure proceeding; and

**WHEREAS**, the Bethel Local Development Corporation has offered to purchase the Property for the sum of the taxes, penalties and interest owed on the Property, for purposes of development in accordance with a conservation development plan and has agreed to subdivide so much of the Property as to create a lot, approximately half-acre in size, for purchase by adjoining property owners as a buffer area; and

**WHEREAS**, it is in the best interest of the County of Sullivan to convey the Property to the Bethel Local Development Corporation and to have the Bethel Local Development Corporation subdivide the Property so as to create a lot, approximately half-acre in size, for purchase by adjoining property owners as a buffer area; and

**WHEREAS**, the conveyance of the Property shall be subject to the right to reversion of the Property to the County of Sullivan in the event the anticipated housing development does not commence within thirty-six months of title closing and without cost to the County of Sullivan, and to other such provisions as the County Attorney shall negotiate on behalf of the County Legislature, and

**WHEREAS**, the conveyance of the Property is considered a Type 1 action pursuant to 6 NYCRR Part 617 State Environmental Quality Review (SEQRA) and a lead agency must be designated; and

**WHEREAS**, the County will undertake a coordinated review pursuant to SEQRA with the Town of Bethel Planning Board and, as the agency principally responsible for the approval of the development of the Property, the Town of Bethel Planning Board should be named lead agency.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Attorney is hereby authorized to negotiate a contract of sale and the Chairman of the Sullivan County Legislature is authorized to execute all necessary documents to convey the Property to

the Bethel Local Development Corporation, for the sum of the taxes, penalties and interest owed on the Property, subject to outstanding tax and other outstanding payments due with regard to the Property; and

**BE IT FURTHER RESOLVED**, that the Bethel Local Development Corporation shall remit the proceeds of the sale of the anticipated lot, approximately half-acre in size, to adjoining property owners, to the County of Sullivan, c/o Sullivan County Treasurer, said lot to be created through a subdivision of the Property by the Bethel Local Development Corporation; and

**BE IT FURTHER RESOLVED**, that the lead agency for the SEQRA coordinated review will be the Town of Bethel Planning Board.

**Moved by Mrs. LaBuda, seconded by Mrs. Binder**, put to a roll call vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 393-11 INTRODUCED BY EXECUTIVE COMMITTEE EXTENDING THE CURRENT TAX RATE ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the County Legislature of the County of Sullivan, as follows:

SECTION 1. Section 4-A of Resolution No. 3, enacted by the Board of the Supervisors of the County of Sullivan on January 6, 1975, imposing sales and compensating use taxes, as amended, is amended to read as follows:

“SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there are hereby imposed and there shall be paid: (i) an additional one-half of one percent rate of such sales and compensating use taxes, for the period beginning June 1, 2003, and ending November 30, 2013; and (ii) an additional one-half of one percent rate of sales and compensating use taxes which is additional to the one-half of one percent rate imposed above in this section, for the period beginning June 1, 2009, and ending November 30, 2013. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.”

SECTION 2. Paragraph (B) of Subdivision (1) of Section 11 of Resolution No. 3, enacted by the Board of Supervisors of the County of Sullivan on January 6, 1975, imposing sales and use taxes, as amended, is amended to read as follows:

“(B)(1) With respect to the additional tax of one-half of one percent imposed for the period beginning June 1, 2003, and ending November 30, 2013, in respect to the use of property used by the purchaser in this county prior to June 1, 2003; and

(2) With respect to the additional tax of one-half of one percent imposed for the period beginning June 1, 2009, and ending November 30, 2013, in respect to the use of property used by the purchaser in this county prior to June 1, 2009. ”

SECTION 3. This enactment shall take effect December 1, 2011.

**Moved by Mrs. Binder, seconded by Mr. Sager**, put to a roll call vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 394-11 INTRODUCED BY THE EXECUTIVE COMMITTEE TO ADOPT THE REVISED ASSET MANAGEMENT POLICY FOR THE COUNTY OF SULLIVAN.**

**WHEREAS**, pursuant to Resolution 184-08 adopted by the Sullivan County Legislature on May 15, 2008, the County adopted the revised Asset Management “Policy”; and

**WHEREAS**, amendments to the Policy have been recommended; and

**WHEREAS**, said amendments are incorporated into an amended Policy attached hereto and made a part of.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached amended Policy be formally adopted and made effective as of January 1, 2011.

**Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

See Attached.

**RESOLUTION NO. 395-11 TO AUTHORIZE COUNTY TREASURER TO ADJUST FUND BALANCE TO BE “ASSIGNED” IN THE GENERAL FUND FOR JOURNAL ENTRY PURPOSES AND THE ANNUAL UPDATE DOCUMENT AS REQUIRED BY GASB 54, AS NECESSARY**

**WHEREAS**, the General Accounting Standard Board regularly promulgates pronouncements setting generally accepted accounting principles for local governments, and

**WHEREAS**, GASB 54, effective June 30, 2011, institutes new fund balance reporting and governmental fund definitions, and

**WHEREAS**, the County Treasurer is responsible for timely year end reporting and the annual filing of the County’s annual update financial statement with the New York State Comptroller, all of which necessitates flexibility and discretion in the adjustment and delineation of funds and allocations of moneys, and

**WHEREAS**, it is prudent and appropriate to authorize the County Treasurer to have the discretion to adjust and determine those portions of fund balance consisting of amounts subject to a purpose constraint, and

**NOW, THEREFORE BE IT RESOLVED**, that the County Treasurer is hereby authorized to adjust assigned fund balances as necessary.

**Moved by Mrs. Binder, seconded by Mr. Wood, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 396-11 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AGREEMENTS FOR THE SINGLE STREAM MATERIALS RECOVERY FACILITY**

**WHEREAS**, on February 17, 2011 the Legislature passed Resolution 98-11 authorizing a contract with Hudson Baylor to operate the County of Sullivan's ("County") Materials Recovery Facility and transport the recyclables to Hudson Baylor's facilities, and

**WHEREAS**, the County Manager and the Commissioner of the Division of Public Works have advised that based on current discussions with IESI and with Hudson Baylor it would be in the County's best interest to have IESI operate the County's Single Stream Materials Recovery Facility and to contract with Hudson Baylor to transport the recyclables to Hudson Baylor's processing facilities, acceptable to the County, for a period of five (5) years.

**NOW THEREFORE BE IT RESOLVED**, that the County Manager is hereby authorized to finalize and execute the above referenced Agreements and Agreement modifications, as applicable, which shall be in a form approved by the County Attorney.

**Moved** by Mrs. LaBuda, **seconded** by Mr. Sorensen, put to a vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 397-11 INTRODUCED BY EXECUTIVE COMMITTEE TO REAPPOINT TRUSTEE TO THE SULLIVAN COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES**

**WHEREAS**, the term for Lyman R. Holmes has expired, and

**WHEREAS**, the Sullivan County Legislature wishes to reappoint Lyman R. Holmes for the term ending June 30, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, that Lyman R. Holmes, 29 Hudson Street, Wurtsboro, New York, is hereby reappointed as a Trustee to the Sullivan County Community College Board of Trustees with a term ending on June 30, 2018.

**Moved** by Mrs. LaBuda, **seconded** by Mr. Armstrong, put to a vote, unanimously carried and **declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 398-11 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE THE EXECUTION OF A CONTRACT MODIFICATION WITH CORNERSTONE ENGINEERING PLLC**

**WHEREAS**, the County entered into an agreement with Cornerstone Engineering PLLC for the permitting and design of the Sullivan County Materials Recovery Facility/Transfer Station (MRF/TS) by Resolution 158-09; and

**WHEREAS**, additional design and permitting services are required to complete the project.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is hereby authorized to execute a contract modification for the aforementioned services with Cornerstone Engineering PLLC, 90 Crystal Run Road, Suite 201, Middletown, NY 10941 at a cost not to exceed \$190,000, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

**RESOLUTION NO. 400-11 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY ATTORNEY TO TAKE LEGAL ACTION**

**WHEREAS**, the County of Sullivan has been notified of a governmental entity class action lawsuit against McKesson, and

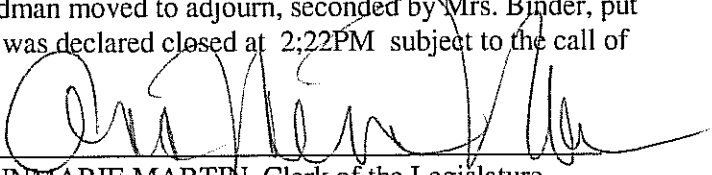
**WHEREAS**, the lawsuit is based on local government entities that have paid for brand-name prescription drugs based on prices reported by First DataBank or Medi-Span, and

**WHEREAS**, the class action may affect the County of Sullivan.

**NOW THEREFORE BE IT RESOLVED**, that the County Attorney is hereby authorized to take such legal action as may be appropriate to participate in the class action against McKesson and possibly First DataBank.

**Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion** September 15, 2011.

There being no further business, Mrs. Goodman moved to adjourn, seconded by Mrs. Binder, put to a vote and carried. The Regular Meeting was declared closed at 2:22PM subject to the call of the Chairman.



ANNMARIE MARTIN, Clerk of the Legislature

September 2011 Budget Modifications

G/L Account Number	Account Description	Revenue Increase	Revenue Decrease	Expense Increase	Expense Decrease
A-1165-47-4724	DEPT DRUG FORFEITURE PROCEEDS NYS			6,276.00	
A-1165-R2626-R247	FORFEITR CRIME PROCDS MISC FEE/REIMBURSMINT	6,276.00			
A-1010-42-4204	OFFICE POSTAGE				150.00
A-1010-45-4501	SPEC DEPT SUPPLY MISC/OTHER			150.00	
A-1230-46-4610	MISC SERV/EXP EMPL NOTARY/CERTIFICATION			60.00	
A-1230-47-4703	DEPT DUES				60.00
A-1320-20-2002	TRACKED EQUIP ELECTRONIC/COMPUTER			860.00	
A-1320-40-4002	CONTRACT ACCOUNT/AUDIT/ACTUARIAL SERVICES				860.00
A-1320-40-4002	CONTRACT ACCOUNT/AUDIT/ACTUARIAL SERVICES			3,000.00	
A-1325-14-41-4102	AUTO/TRAVEL LODGING				1,000.00
A-1325-14-41-4103	AUTO/TRAVEL MEALS			300.00	
A-1325-14-41-4104	AUTO/TRAVEL MILEAGE/TOLLS			300.00	
A-1325-14-41-4109	AUTO/TRAVEL CO FLEET CHARGEBACK			400.00	
A-1330-204-47-4710	DEPT MISC/OTHER				1,000.00
A-1330-204-47-4721	DEPT TAX ACQ PROPERTY MAINTENANCE			1,000.00	
A-1620-10-1011	PERSONAL SERVICES				10,752.00
A-1620-40-4013	CONTRACTING AGENCIES			10,752.00	
A-1620-197-47-4730	DEPT JANITORIAL EXPENSE				60.00
A-1620-20-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			60.00	
A-1620-21-40-4015	CONTRACT PROPERTY MAINTENANCE			3,500.00	
A-1620-21-44-4402	UTILITY FUEL OIL			24,000.00	
A-1620-21-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE				500.00
A-1620-21-45-4524	SPEC DEPT SUPPLY LUMBER			125.00	
A-1620-21-45-4526	SPEC DEPT SUPPLY PAINT				100.00
A-1620-21-45-4532	SPEC DEPT SUPPLY SEED/MULCH ETC				150.00
A-1620-21-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			3,960.00	
A-1620-21-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			500.00	
A-1620-21-46-4611	MISC SERV/EXP EMPL SAFETY/PHYSICAL EXAMS			40.00	
A-1620-21-47-4702	DEPT EQUIP SERVICE/REPAIRS				200.00
A-1620-21-47-4717	DEPT BLDG/PROP REPAIRS			325.00	



A-1620-22-21-2102	FIXED BUILDINGS				4,000.00
A-1620-22-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE				50.00
A-1620-22-45-4524	SPEC DEPT SUPPLY LUMBER	50.00			
A-1620-23-10-1011	PERSONAL SERV REGULAR PAY	24,000.00			
A-1620-23-44-4404	UTILITY PROPANE	1,000.00			
A-1620-23-45-4526	SPEC DEPT SUPPLY PAINT		100.00		100.00
A-1620-23-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY		100.00		
A-1620-23-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY		200.00		
A-1620-23-45-4540	SPEC DEPT SUPPLY PARTS/FLUIDS/FILTERS			200.00	200.00
A-1620-23-45-4542	SPEC DEPT SUPPLY WELDING			200.00	200.00
A-1620-23-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			200.00	
A-1620-23-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			1,000.00	1,000.00
A-1620-24-44-4404	UTILITY PROPANE			1,000.00	1,000.00
A-1620-24-45-4524	SPEC DEPT SUPPLY LUMBER		50.00		50.00
A-1620-24-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY		150.00		150.00
A-1620-24-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING		500.00		500.00
A-1620-24-45-4549	SPEC DEPT SUPPLY SAFETY		350.00		350.00
A-1620-24-46-4604	MISC SERV/EXP REAL ESTATE TAXES				1,805.00
A-1620-24-47-4717	DEPT BLDG/PROP REPAIRS				50.00
A-1620-24-47-4717	DEPT BLDG/PROP REPAIRS				500.00
A-1620-24-47-4717	DEPT BLDG/PROP REPAIRS				500.00
A-1620-24-47-4779	DEPT BLDG/PROP MAINTNCE SERVICES				1,805.00
A-1620-25-44-4402	UTILITY FUEL OIL			1,000.00	1,000.00
A-1620-25-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY			25.00	25.00
A-1620-25-47-4717	DEPT BLDG/PROP REPAIRS				
A-1620-27-47-4779	DEPT BLDG/PROP MAINTNCE SERVICES				1,000.00
A-1620-28-44-4402	UTILITY FUEL OIL				25.00
A-1680-20-2002	TRACKED EQUIP ELECTRONIC/COMPUTER			1,500.00	1,500.00
A-1680-43-4301	COMPUTER SUPPLIES				
A-1680-43-4303	COMPUTER SOFTWARE PURCHASE/LEASE				14,000.00
A-1680-43-4303	COMPUTER SOFTWARE PURCHASE/LEASE				4,000.00
A-1680-43-4303	COMPUTER SOFTWARE PURCHASE/LEASE				18,000.00
A-1680-43-4303	COMPUTER SOFTWARE PURCHASE/LEASE				600.00
A-1989-99-47-4736	DEPT CONTINGENT				1,016.00
A-1989-99-47-4736	DEPT CONTINGENT				3,000.00
					178,000.00

A-3020-44-4406	UTILITY WIRELESS COMMUNICATIONS	3,000.00	
A-3020-47-4717	DEPT BLDG/PROP REPAIRS	3,000.00	
A-3140-16-41-4103	AUTO/TRAVEL MEALS	2,000.00	
A-3140-16-47-4745	DEPT ALCOHOL/DRUG TESTING	2,000.00	
A-4010-33-41-4109	AUTO/TRAVEL FLEET CHARGEBACK	1,800.00	
A-4010-33-45-4507	SPEC DEPT SUPPLY MEDICAL/CLINICAL	3,000.00	
A-4010-33-45-4543	SPEC DEPT SUPPLIES FOOD	1,800.00	
A-4010-33-46-4603	MISC SERV/EXP EMPL UNIFORM ALLOWANCE	3,000.00	
A-4010-34-20-2001	TRACKED EQUIP FURNITURE	100.00	
A-4010-34-40-4024	CONTRACT PERSONAL CARE	100.00	
A-4010-44-45-4501	SPEC DEPT SUPPLY MISC/OTHER	250.00	
A-4010-44-46-4609	MISC SERV/EXP SPECIAL SERV/OTHER	250.00	
A-4050-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE	1,229.00	
A-4050-47-4774	DEPT PUBLIC HEALTH EDUCATION	1,229.00	
A-4059-20-2001	TRACKED EQUIP FURNITURE	3,100.00	
A-4059-42-4203	OFFICE OFFICE SUPPLIES	425.00	
A-4059-42-4204	OFFICE POSTAGE	300.00	
A-4059-R4401-R402	FED AID PUBLIC HEALTH ARRA		3,825.00
A-5610-44-4402	UTILITY FUEL OIL	1,500.00	
A-5610-45-4502	SPEC DEPT SUPPLY GASOLINE	1,000.00	
A-5680-10-1011	PERSONAL SERV REGULAR PAY	32,000.00	
A-6293-10-1011	PERSONAL SERV REGULAR PAY	45,549.00	
A-6293-41-4104	AUTO/TRAVEL MILEAGE/TOLLS	1,500.00	
A-6293-42-4201	OFFICE ADVERTISING	1,000.00	
A-6293-42-4203	OFFICE OFFICE SUPPLIES	250.00	
A-6293-47-4780	DEPT CLIENT TRAINING	50,000.00	
A-6293-47-4780	DEPT CLIENT TRAINING	12,600.00	
A-6293-R4791-R336	FED AID WIA YOUTH		50,000.00
A-6293-R4791-R336	FED AID WIA YOUTH		60,899.00
A-7110-39-47-4766	DEPT CLEAN UP/BEAUTIFICATION		475.00
A-7110-39-47-4766	DEPT CLEAN UP/BEAUTIFICATION		330.00
A-7110-82-20-2002	TRACKED EQUIP ELECTRONIC/COMPUTER	330.00	
A-7110-82-45-4501	SPEC DEPT SUPPLY MISC/OTHER	300.00	
A-7110-82-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE	175.00	

A-7110-82-45-4527	SPEC DEPT SUPPLY MISC STONE			100.00
A-7110-82-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY	50.00		
A-7110-82-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY	25.00		
A-7110-82-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			250.00
A-7110-82-45-4549	SPEC DEPT SUPPLY SAFETY	25.00		
A-7110-84-45-4532	SPEC DEPT SUPPLY SEED/MULCH ETC	15.00		
A-7110-84-47-4717	DEPT BLDG/PROP REPAIRS			15.00
A-7310-42-4201	OFFICE ADVERTISING	100.00		
A-7310-42-4203	OFFICE OFFICE SUPPLIES			100.00
A-7450-202-44-4401	UTILITY ELECTRIC	1,000.00		
A-7450-202-47-4701	DEPT RENTALS	900.00		
A-7450-203-40-4013	CONTRACT OTHER			5,000.00
A-7450-203-47-4717	DEPT BLDG/PROP REPAIRS			30.00
A-7450-203-47-4717	DEPT BLDG/PROP REPAIRS			900.00
A-7450-203-47-4729	DEPT SPECIAL PROJECTS			
A-7450-203-47-4766	DEPT CLEAN UP/BEAUTIFICATION	5,000.00		
A-7520-42-4203	OFFICE OFFICE SUPPLIES	30.00		
A-7520-45-4501	SPEC DEPT SUPPLY MISC/OTHER	125.00		
A-7520-45-4503	SPEC DEPT SUPPLY RECREATION	25.00		
A-7520-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE	250.00		300.00
A-7520-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY	15.00		
A-7520-45-4549	SPEC DEPT SUPPLY SAFETY	10.00		
A-7520-46-4609	MISC SERV/EXP SPECIAL SERV/OTHER	165.00		
A-7520-47-4717	DEPT BLDG/PROP REPAIRS			40.00
A-7610-87-41-4104	AUTO/TRAVEL MILEAGE/TOLLS			500.00
A-7610-87-41-4109	AUTO/TRAVEL CO FLEET CHARGEBACK			
A-9089-10-1015	PERSONAL SERV OTHER PAY	500.00		
A-9901-90-9001	TRANSFERS COUNTY ROAD			366,000.00
A-9901-90-9001	TRANSFERS COUNTY ROAD			600.00
A-9901-90-9002	TRANSFERS ROAD MACHINERY			1,016.00
A-9901-90-9002	TRANSFERS ROAD MACHINERY			
	<b>Total General Fund</b>		<b>121,000.00</b>	<b>609,297.00</b>
		<b>0.00</b>	<b>730,297.00</b>	<b>142,500.00</b>
CL-8160-45-4547	SPEC DEPT SUPPLY CHEMICALS			5,000.00

CL-8160-47-4767	DEPT NYS/US REGLTRY FEES/FINES/ASSESS								
	<b>Total Solid Waste Fund</b>								
D-3310-45-4511	SPEC DEPT SUPPLY PAINT - TRAFFIC								5,000.00
D-3310-45-4512	SPEC DEPT SUPPLY GLASS BEADS								<b>5,000.00</b>
D-3310-45-4516	SPEC DEPT SUPPLY POSTS, NUTS, BOLTS							12,650.00	
D-3310-45-4516	SPEC DEPT SUPPLY POSTS, NUTS, BOLTS							440.00	
D-3310-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY							50.00	
D-5020-10-1011	PERSONAL SERV REGULAR PAY							50.00	
D-5020-42-4203	OFFICE OFFICE SUPPLIES							40,000.00	
D-5020-42-4205	OFFICE PRINTING							150.00	
D-5020-42-4205	OFFICE PRINTING							150.00	
D-5110-45-10-1011	PERSONAL SERV REGULAR PAY							200,000.00	
D-5110-45-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE							475.00	
D-5110-45-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE							300.00	
D-5110-45-45-4516	SPEC DEPT SUPPLY POSTS, NUTS, BOLTS							300.00	
D-5110-45-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY							475.00	
D-5142-10-1012	PERSONAL SERV OVERTIME PAY							70,000.00	
D-5142-21-2103	FIXED MACHINERY/EQUIPMENT							12,000.00	
D-5142-45-4534	SPEC DEPT SUPPLY SAND ICE CONTROL							12,000.00	
D-9998-R5031-R209	INTERFUND TRANSFR GENERAL FUND						600.00		
D-9998-R5031-R209	INTERFUND TRANSFR GENERAL FUND							310,000.00	
	<b>Total County Road Fund</b>								<b>26,225.00</b>
DM-5130-48-21-2103	FIXED MACHINERY/EQUIPMENT								1,016.00
DM-5130-48-45-4502	SPEC DEPT SUPPLY GASOLINE							45,000.00	
DM-5130-48-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY							100.00	
DM-5130-48-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY							300.00	
DM-5130-48-45-4537	SPEC DEPT SUPPLY DIESEL FUEL							80,000.00	
DM-5130-48-45-4541	SPEC DEPT SUPPLY TOOLS							100.00	
DM-5130-48-45-4541	SPEC DEPT SUPPLY TOOLS							300.00	
DM-5130-49-44-4402	UTILITY FUEL OIL							100.00	
DM-5130-49-45-4502	SPEC DEPT SUPPLY GASOLINE							5,000.00	
DM-5130-49-45-4537	SPEC DEPT SUPPLY DIESEL FUEL							2,500.00	

DM-5130-49-47-4702	DEPT EQUIP SERVICE/REPAIRS			320.00
DM-5130-49-47-4767	DEPT NYS/US REGISTRY FEES/FINES/ASSESS		320.00	
DM-9997-R5031-R209	INTERFUND TRANSFR GENERAL FUND	1,016.00		
DM-9997-R5031-R209	INTERFUND TRANSFR GENERAL FUND	142,500.00		
	<b>Total Road Machinery Fund</b>	<b>1,016.00</b>	<b>143,220.00</b>	<b>1,736.00</b>



**Fixed Assets and Equipment  
Policy & Procedures**

**Effective 1/1/2011**

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## **I. PURPOSE**

The following fixed asset and equipment policy & procedures document is to ensure a standard set of guidelines are followed for the physical and reporting control of Sullivan County's assets. The intent of these policies is to obtain timely and accurate accountability over our fixed assets and equipment, provide centralized documentation, meet financial reporting needs, and generate asset management information.

## **II. POLICY**

Sullivan County makes valuable use of their assets in pursuing individual department missions. Given that each department engages in the acquisition, transfer, disposal and use of assets, this policy sets forth the roles and responsibilities in regard to the aforementioned.

Sullivan County tracks and capitalizes all assets with a cost of or have a Fair Market Value (FMV) value of \$5,000 or greater at the time of acquisition, and a useful life that extends beyond one reporting period. Assets that cost \$5,000 or greater are defined as *fixed assets*. Legal responsibilities require the county to record and account for all fixed assets on a regular basis. The Office of Management & Budget will assign a designee to perform inventories of all equipment as an internal control policy.

The first reason for tracking and recording fixed assets is to accurately depreciate their value over the useful life of the asset. Assets that fall below the \$5,000 threshold will be fully expensed at the time of acquisition and will not be included in the fixed asset report of Sullivan County.

The second reason for tracking and recording assets is to protect the assets from their misuse and/or misappropriation. The Asset Management System (AMS) will produce a detailed list of all assets, by department, location, value, asset ID#, description, and picture. Department heads will be held accountable for the existence and proper use of assets.

As part of the policy and procedures, a list of frequently used terminology can be found in the definition section.

## **III. AUTHORITY**

The Office of Management & Budget is responsible for the physical and reporting control of Sullivan County's fixed assets and equipment. Physical inventories will be completed periodically to ensure the existence and

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condition of all assets in the AMS. A designee assigned by the Office of Management & Budget will perform the physical inventory with the assistance from an employee of the department being inventoried.

#### IV. DEFINITIONS

**The following definitions are to be used solely with this policy:**

***Accumulated Depreciation*** – Total depreciation expense since the acquisition of the asset.

***Acquisition Cost*** – The total cost/value of an asset at the time of acquisition. This includes all ancillary charges. (i.e. shipping, professional fees, set up, site preparation, etc). If it was donated then it is the FMV plus any ancillary charges.

***Asset*** – Any machinery, equipment and/or fixed asset that will have a cost of \$5,000 or greater and a useful life that extends beyond one reporting period.

***Asset ID*** – This is a tag (with a number and barcode) that is affixed to the asset at the time it is inventoried. The barcode and number are unique to each asset.

***Asset Management System (AMS)*** – An internal database created by MIS, which will track and maintain all asset information.

***Building*** – Any roofed structure that is used to shelter (permanent or temporary) people, animals, equipment, plants, or machinery.

***Depreciation*** – The decline in value of an asset over its useful life.

***Disposal*** – The removal of an asset from inventory. This could be due to sale, scrapping, theft, lost, fire, etc. *An Asset Disposal Form must be completed prior to disposal.*

***Expense*** – A charge incurred for the current fiscal period.

***Fair Market Value (FMV)*** – The reasonable value given to an asset that you could expect to receive if sold. Fixed assets should have a qualified appraisal if there is no historical cost.

***GAAP*** – Generally Accepted Accounting Principles are the rules and guidelines that must be followed when reporting financial information.

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**GASB** – Government Accounting Standards Board, which are additional rules that must be followed by governmental agencies when reporting financial information.

**Infrastructure** – Long lived capital assets that normally are stationary in nature and can be preserved for a significantly greater number of years than normal capital assets.

**Intangible Asset** – Assets that have no physical substance.

**Land** – Solid part of earth's surface, easements, right of ways

**Land Improvements** – Enhancements made to land to increase the value or useful life.

**Machinery & Equipment** – Assets that are normally moveable in nature

**Renovations** – Construction to an existing facility that changes and/or improves the function of all or part of the building. Renovations will only be capitalized if useful space was added or useful life was extended.

**Tangible Asset** – Assets that have physical substance.

**Transfer** – The relocation of an asset from one department to another. *An Asset Transfer Form must be completed at the time the asset is to be relocated.*

**Useful Life** – The period of time for which the asset will remain functional and useful for its intended purpose.

## V. PROCEDURES

### A. Fixed Asset and Five Classes Defined

Fixed Assets and Equipment– Items that have a value of \$5,000 or greater and has a useful life that extends beyond one reporting period. Fixed assets will be capitalized and depreciated according to GAAP

There are five classes of fixed assets that are required to be reported in compliance with GASB statement 34:

1. Land – Includes land, easements, and right of ways
2. Land Improvements – Improvements that are made to land to increase the value or useful life. (i.e. fencing, trails, retaining walls, yard lighting)

3. Buildings – Any roofed structure that is used to shelter (permanent or temporary) people, animals, equipment, plants, or machinery. Any renovation that is made to a building and adds to the useful space or extends the useful life of the structure is considered a fixed asset.
4. Machinery and Equipment – This includes assets that tend to be moveable in nature. Moveable assets would be any machinery or equipment that is not permanently attached to a building.
5. Infrastructure – Long lived assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most fixed assets. They could include bridges, roads, drainage systems, dams, and water systems.

## **B. Fixed Asset Valuation**

Sullivan County has four classes for valuing fixed assets, based upon how they were acquired.

- i. Purchased Assets – This includes the purchase price of the asset plus any ancillary charges incurred as part of putting the asset into service at its intended location. Ancillary charges include charges that are directly attributable to the asset acquisition such as freight and transportation costs, professional fees, set-up fees, and site preparation costs.
- ii. Donated Assets – The asset has no purchase or construction cost, however, the asset needs to be recorded at its FMV at the time of acquisition plus any ancillary charges incurred to put the asset in service.
- iii. Leased Assets – Leased assets are included in the AMS, only as a means of tracking. The value of the leased asset **is not** included.
- iv. Infrastructure Assets – Expenditures that extend the useful life of the infrastructure asset or improves its efficiency or capacity, needs to be added to the historical cost. Expenditures that do not meet these tests should be reported as repairs/maintenance.

### **b. Recording Assets**

The designee assigned by the Office of Management & Budget, will record all assets into the AMS at the time the asset is inventoried and tagged. All

transfers and disposals will be recorded upon receiving the appropriate documentation.

*Caution needs to be used if an asset was received through a grant or as a gift as additional procedures may need to be followed to properly record, monitor, transfer or dispose of the asset. If the asset was acquired through a grant, gift or any other circumstance other than a normal purchase, designee assigned by the Office of Management & Budget needs to be notified and information on the particular transaction communicated in writing to that person. It will be the department head's responsibility to properly communicate this information.*

#### **c. Tagging Assets**

All new assets valued at \$5,000 or greater and will have a useful life that extends beyond one reporting period, must be labeled with a Sullivan County Asset ID Tag. The tags will have a barcode and number that is unique to that asset. This, if the County decides to implement, will allow assets to be scanned electronically and expedite the physical inventory process. The Asset ID Tags will need to be placed in an area where the tag will not be damaged in the normal use of the asset. The location of the tag will be noted in the *description field* in the AMS when practical.

#### **d. Transferring Assets**

All fixed assets that will be moved or transferred need to be accompanied by an Asset Transfer Form. Transfers will not be authorized without the form. The purpose of the Asset Transfer Form will be to maintain an accurate and current record of the location of all fixed assets, which needs to be done for compliance. Once the Asset Transfer Form is authorized by the department head and the asset is transferred, the form needs to be forwarded the designee assigned by the Office of Management & Budget.

#### **e. Disposing of Assets**

Assets will eventually need to be removed from the AMS for any one of a number of reasons. Disposing of an asset may be required due to its sale, scrapping, disappearance (lost or stolen), fire or flood. Due to the monetary value, assets being disposed of will require two levels of authorization.

Prior to disposal, an Asset Disposal Form will need to be completed in its entirety and forwarded to the designee assigned by the Office of Management & Budget. The Asset Disposal Form will have all pertinent information related to the asset being disposed of. Assets that are still in satisfactory

working condition should be made available to other county departments, for further utilization, before completing an Asset Disposal Form.

Assets that are disposed of due to "disappearance" may require additional reports for the police dept. and/or insurance companies.

**f. Personal Use**

Assets purchased by, or donated to Sullivan County, are the property of Sullivan County and **ARE NOT** permitted for personal use.

The County is dedicated to safeguarding its assets, and to ensure the proper use of County assets, any county resident who believes they see improper use of a county asset are encouraged to call the Office of Audit and Control at 845-794-3000 to report the incident. The information will be utilized to investigate the allegation.

**g. Physical Inventory**

Periodically, every department will be required to take part in a physical inventory of their assets, which will be performed under the direction of the Office of Management & Budget. Each department will be given a copy of their fixed assets and equipment report generated from the AMS. The department head will be responsible for verifying the existence and condition of every asset on their report. Any discrepancies will be addressed at the end of the inventory. The physical inventory could also help departments plan for future purchases by identifying unanticipated wear and tear of equipment before it breaks down.

Although the designee from the Office of Management & Budget will need complete cooperation with the department head, in order to provide the best internal control, the department head in charge of the assets will not be involved in the physical inventory. The department head will assign an employee from the department to assist the designee from the Office of Management & Budget with the physical inventory. Once the inventory is complete, the department head will address any discrepancies and verify the inventory is correct before signing off on the report.

The Office Management & Budget or it's designee will provide advance notice of when the physical inventory will take place. The purpose of the physical inventory is to verify the existence and condition of Sullivan County's fixed assets and equipment. This will also ensure the accuracy of the AMS.

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The Office of Audit & Control will perform random audits of county assets throughout the year. These audits will be unannounced and independent from this policy & procedures manual.

## **VI. RESPONSIBILITIES**

The responsibility each party has in relation to the Fixed Assets and Equipment Policy & Procedures are as follows:

### **All Departments**

1. Read and understand the Fixed Assets and Equipment Policy & Procedures.
2. Department head required to communicate asset transfers and disposals to appropriate personnel (as outlined in this policy).
3. Assign a representative who will be required to assist in the physical inventory, under the direction of the Office of Management & Budget.
4. Department head required to inform the Office of Management & Budget's designee as soon as possible if any asset tags become illegible, loose, missing or hinder the asset from being used for its intended purpose.
5. Department heads are responsible for tracking and safeguarding all assets, regardless of cost, in their respective departments.

### **All Facilities**

- i. Secure an area where all incoming assets, that meet the \$5,000 threshold and have a useful life that extends beyond one reporting period, **MUST** remain until it is properly tagged and inventoried by an authorized individual. Assets should not be put into service until they have been accounted for. Weekly, scheduled times will be set up to have assets tagged and inventoried.
  - ii. Contact the designee from the Office of Management & Budget if there is an emergency and the asset needs to be put into service immediately. Arrangements will be made to accommodate these situations when practical.
-

## **Purchasing**

1. Ensure copies, via paper or electronically, of the purchase order (PO) for all assets that meet the \$5,000 threshold and have a useful life that extends beyond one reporting period, are sent to the designee from the Office of Management & Budget.
2. Ensure department codes are correct on PO.

## **VII. FORMS**

Asset Disposal Form  
Asset Transfer Form

# Asset Disposal Form

County Asset ID# \_\_\_\_\_

Make of Asset \_\_\_\_\_

Model# \_\_\_\_\_

Serial# \_\_\_\_\_

Description of Asset \_\_\_\_\_

Location of Asset \_\_\_\_\_

Use of Asset \_\_\_\_\_

Was asset made available for transfer? \_\_\_\_\_

Reason for Disposal \_\_\_\_\_

Disposal Method \_\_\_\_\_

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Dept: \_\_\_\_\_

Supervisor's authorization: \_\_\_\_\_ Date: \_\_\_\_\_

Dept. Head authorization: \_\_\_\_\_ Date: \_\_\_\_\_

**Note: Please attach photo**

<b>For Office Use Only</b>	
Date Received/Authorized Signature: _____	_____
Date Processed/Authorized Signature: _____	_____



# Asset Transfer Form

County Asset ID# \_\_\_\_\_

Make of Asset \_\_\_\_\_

Model# \_\_\_\_\_

Serial# \_\_\_\_\_

Description of Asset \_\_\_\_\_

Current Location of Asset \_\_\_\_\_

Proposed Location of Asset \_\_\_\_\_

Use of Asset \_\_\_\_\_

Reason for Transfer \_\_\_\_\_

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Dept: \_\_\_\_\_

Supervisor's authorization: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Please attach photo*

<b>For Office Use Only</b>	
Date Received/Authorized Signature: _____	_____
Date Processed/Authorized Signature: _____	_____