

**Sullivan County Legislature
Regular Meeting
November 15, 2012 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:10PM by Chairman Samuelson with the Pledge of Allegiance.

Roll Call indicated all legislators present.

The Clerk Read the following communications:

1. Report of Available Revenues for Fiscal year 2013 certified by County Treasurer Ira J. Cohen dated October 19, 2012.
2. Three letters of Support for the Sullivan County Visitor's Association from National Park Service, Norman Duttweiler and New York Welcomes You dated October 12th, October 17th and October 25th respectively.
3. Two letters expressing their support for the new high band radio system for Sullivan county from North Branch Fire District and Jeffersonville Fire District.
4. State of Emergency Proclamation dated October 29, 2012 and Limited Disaster Declaration dated October 31, 2012 and the 2013 Sullivan County Tentative Budget filed on November 2, 2012 by County Manager David P. Fanslau.
5. Chairman Samuelson's appointment of Kimberly Hill James to the Sullivan County Youth Board

SYDA Presentation

SYDA Foundation Maggie Dammon presented Vince Benedetto, President and CEO of BoldGold Media Group on behalf of Paul Ciliberto, Thunder 102 General Manager, its Community Service Award. Mr. Ciliberto missed the ceremony to attend his mother's funeral but asked Mr. Benedetto to receive the award on his behalf. Mr. Benedetto mentioned Mr. Ciliberto's support and fund raising efforts on behalf of local causes and organizations as the reason he deserved the award.

Chairman Samuelson recognized the following speaker:

1. Dr. James Murabito, Sullivan County Community College Interim President announced that SCCC received accreditation just a few days ago. He also mentioned that there are four candidates and the interview process is still continuing for President.

Order of Business:

RESOLUTION NO. 364-12 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2012 COUNTY BUDGET

WHEREAS, the County of Sullivan 2012 Budget requires modification,

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

Moved by Mr. Rouis, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

See Attached

RESOLUTION NO. 365-12 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR CONTINUING OPERATING ASSISTANCE FOR A PROJECT TO PROVIDE PUBLIC MASS TRANSPORTATION SERVICES

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

WHEREAS, County of Sullivan may make application annually to the New York State Department of Transportation for such federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in the County of Sullivan; and

WHEREAS, County of Sullivan desires to enter into a continuing agreement with the State of New York for the undertaking of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to sign the following:

- 1) A continuing agreement between the County of Sullivan and the State of New York providing for the undertaking of the Project and authorizing annual grant applications for such Section 5311 funds;
- 2) Any and all agreements between the County of Sullivan and any third party sub-contractors necessary to complete the Project.

BE IT FURTHER RESOLVED, such agreement shall be in a form approved by the County Attorney.

Moved by Mr. Benson, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

**RESOLUTION NO. 366-12 INTRODUCED BY PUBLIC WORKS COMMITTEE
TO AUTHORIZE AN INTER-MUNICIPAL AGREEMENT (IMA) WITH THE VILLAGE OF
MONTICELLO FOR LEACHATE AND SLUDGE TREATMENT AND DISPOSAL AND
AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE IMA**

WHEREAS, the County and the Village of Monticello have had agreements related to the Leachate treatment associated with the Sullivan County Landfill, including Leachate originating from the former Village Landfill and the disposal of sludge from the Village of Monticello Wastewater Treatment Facility; and

WHEREAS, the Phase I of the Sullivan County Landfill has reached permitted capacity and closed in compliance with NYSDEC permits and regulations; and

WHEREAS, the County no longer has the facility nor the capacity to dispose of the Village of Monticello Wastewater Treatment Facility sludge; and

WHEREAS, the County has a continuing need to have the Leachate treated by the Village of Monticello Wastewater Treatment Facility; and

WHEREAS, the Village of Monticello has procured a contract vendor for the disposal of the sludge from the Wastewater Treatment Facility; and

WHEREAS, the Village of Monticello Wastewater Treatment Facility shall accept and treat the Leachate from the Sullivan County Landfill, including Leachate originating from the former Village Landfill, without a fee or charge to the County; and

WHEREAS, the County, in consideration of the Leachate treatment by the Village of Monticello Wastewater Treatment Facility, shall deduct the audited, reasonable, and verified charges for the disposal of sludge from the Wastewater Treatment Facility, from the Solid Waste Disposal tipping fee charges owed to the County from the Village of Monticello for 2012.; and

WHEREAS, this authorized IMA is in the best interest of the County and the Village of Monticello.

NOW, THEREFORE, BE IT RESOLVED, by the Sullivan County Legislature:

1. An Inter-Municipal Agreement (IMA) is hereby authorized with the Village of Monticello related to the Leachate treatment associated with the Sullivan County Landfill, including Leachate originating from the former Village Landfill, and the disposal of sludge from the Village of Monticello Wastewater Treatment Facility.
2. The Village of Monticello Wastewater Treatment Facility shall accept and treat the Leachate from the Sullivan County Landfill, including Leachate originating from the former Village Landfill, without a fee or charge to the County.
3. The County, in consideration of the Leachate treatment by the Village of Monticello Wastewater Treatment Facility, shall deduct the audited reasonable and verified charges for the disposal of sludge from the Wastewater Treatment Facility, from the Solid Waste Disposal tipping fee charges owed to the County from the Village of Monticello for 2012.
4. The County Manager is hereby authorized and directed to execute the IMA in a form

approved by the County Attorney.

5. The IMA shall be effective from January 1, 2012 through December 31, 2012, subject to renewal by mutual consent of the County Legislature and the Village of Monticello Board of Trustees.

Moved by Mrs. LaBuda, seconded by Mr. Steingart, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 367-12 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO PURCHASE SNOW REMOVAL EQUIPMENT PIN 9902.70 FOR THE SULLIVAN COUNTY INTERNATIONAL AIRPORT

WHEREAS, the County of Sullivan applied for and received a grant to fund the purchase of Snow Removal Equipment for the Sullivan County International Airport; and

WHEREAS, Resolution No. 309-12 authorized the County Manager to apply for and execute AIP grants with the Federal Aviation Administration (FAA) for 90% federal Funding and 5% State funding; and

WHEREAS, the NYSDOT has offered NYS PIN 9902.70, a matching grant of 5% of the total project cost to the Federal grant AIP #3-36-0060-30-12; and

WHEREAS, the County of Sullivan desires to advance the Project by committing funds for the local match, the funding shares being Federal (FAA) \$400,298; State \$22,239; County \$22,239 for a total project cost of \$444,776 for the Purchase of Snow Removal Equipment; and

WHEREAS, if the County of Sullivan and/or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the Project based on increased eligible costs and has authorized the proportionate increase in local funding, the State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature approves the Project and authorizes the County Manager to execute all necessary agreements in such form as the County Attorney shall approve, on behalf of the County with the NYSDOT, in connection with the Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Projects; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Moved by Mr. Benson, seconded by Mrs. Edwards, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 368-12 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO ACCEPT A DEED IN LIEU OF FORECLOSURE PURSUANT TO RPTL § 1170.

WHEREAS, there exist a parcel of real property, known as Town of Bethel Tax Map Parcel No. 46.-16-1.4 that is privately owned, and

WHEREAS, said property is currently tax delinquent for the year 2012, and

WHEREAS, said property has been placed on the list of delinquent taxes for the 2012 tax lien foreclosure proceeding, and

WHEREAS, the current owner of the property, has offered to provide the County of Sullivan with a deed in lieu of foreclosure pursuant to the provisions of RPTL § 1170, and

WHEREAS, the County of Sullivan has searched the title to the property and has ascertained that there are no other outstanding liens on said property that the County would necessitate a formal foreclosure proceeding pursuant to Article 11 of the RPTL and it is in the best interest to accept a deed in lieu of foreclosure which would save the County the time and expenses associated with foreclosing the tax liens with respect to this parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Sullivan County Legislature is hereby authorized to execute any and all documents, in such form as the County Attorney shall approve, necessary to accept this conveyance pursuant to the provisions of RPTL § 1170, and

BE IT FURTHER RESOLVED, that by virtue of this conveyance in lieu of foreclosure, the Sullivan County Treasurer is directed to cancel the delinquent taxes with respect to this parcel.

Moved by Mr. Rouis, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 369-12 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO ACCEPT A DEED IN LIEU OF FORECLOSURE PURSUANT TO RPTL § 1170.

WHEREAS, there exist a parcel of real property, known as Town of Liberty Tax Map Parcel No. 6.-1-24 that is privately owned, and

WHEREAS, said property is currently tax delinquent for the year 2012, and

WHEREAS, said property has been placed on the list of delinquent taxes for the 2012 tax lien foreclosure proceeding, and

WHEREAS, the current owner of the property, has offered to provide the County of Sullivan with a deed in lieu of foreclosure pursuant to the provisions of RPTL § 1170, and

WHEREAS, the County of Sullivan has searched the title to the property and has ascertained that there are no other outstanding liens on said property that the County would necessitate a formal foreclosure proceeding pursuant to Article 11 of the RPTL and it is in the best interest to accept a deed in lieu of foreclosure which would save the County the time and expenses associated with foreclosing the tax liens with respect to this parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Sullivan County Legislature is hereby authorized to execute any and all documents, in such form as the County Attorney shall approve, necessary to accept this conveyance pursuant to the provisions of RPTL § 1170, and

BE IT FURTHER RESOLVED, that by virtue of this conveyance in lieu of foreclosure, the Sullivan County Treasurer is directed to cancel the delinquent taxes with respect to this parcel.

Moved by Mr. Rouis, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 370-12 INTRODUCED BY THE HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE SULLIVAN COUNTY PUBLIC HEALTH SERVICES TO RECOMMEND AMENDED GROUP RATES FOR CONTRACTED PROVIDERS IN THE PRESCHOOL SPECIAL EDUCATION PROGRAM TO NYSED

WHEREAS, Sullivan County Public Health Services is required to pay state-approved Preschool Special Education providers who contract with the County to provide such services; and

WHEREAS, the County is authorized to determine and set the rates at which the State Education Department indicates the County shall pay PRESCHOOL SPECIAL EDUCATION PROVIDERS for these services; and

WHEREAS, the County is interested in controlling the rising costs of the PRESCHOOL SPECIAL EDUCATION PROGRAM while still assuring and maintaining the quality of such services; and

WHEREAS, the proposed rates are consistent with the rates set by surrounding counties of Ulster, Delaware and Orange Counties,

WHEREAS, Sullivan County's group rates are currently higher than surrounding counties' rates.

NOW, THEREFORE, BE IT RESOLVED, the Public Health Director be authorized to recommend to the State Education Department that Sullivan County's group rates for PRESCHOOL SPECIAL EDUCATION services be reduced from the current rates to the proposed rates (listed below), which are consistent with bordering counties. This will be effective beginning with the September 2012 school year.

	<u>Current rates:</u>	<u>Proposed rates:</u>
30 min group	\$35	\$30
45 min group	\$52.50	\$45
60 minute group	\$70	\$60

If approved by the State Education Department, the new rates will be automatically adopted by the County of Sullivan effective immediately retroactively to the Fall 2012 school year.

Moved by Mr. Rouis, seconded by Mrs. Gieger, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 371-12 INTRODUCED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO PROCLAIM AND DESIGNATE MONTICELLO AND SULLIVAN COUNTY AS THE BAGEL CAPITAL

WHEREAS, the Sullivan County Legislature hereby officially proclaims and designates that Monticello is the "Bagel Capital"; and

WHEREAS, the invention of the original bagel making machine was created by Hurleyville native Louis Wichinsky and

WHEREAS, a Sullivan County native has inspired the world forever because of our County's unique trend setting achievements and creativity in the bagel realm; and

WHEREAS, Monticello will recognize the invention of the original bagel making machine by hosting an annual festival celebrating the history and popularity of the bagel.

NOW, THEREFORE, BE IT RESOLVED, by the Sullivan County Legislature that in view of the contributions by the citizenry of Monticello and Sullivan County to the bagel world, the ideas and glory for which it stands, and its unique place as a world trend setter, it is hereby proclaimed and designated as "the bagel capital"; and

BE IT FURTHER RESOLVED that the Clerk to the Sullivan County Legislature shall transmit this resolution to United States Department of Commerce, Governor Andrew M. Cuomo, United States Senators and Members of Congress representing the State of New York, Senator John J. Bonacic, Assemblywoman Aileen M. Gunther, the New York State Association of Counties, and to each municipality within Sullivan County.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 372-12 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AMEND RESOLUTION NO. 314-12 TO CHANGE THE TITLE OF THE SOCIAL SERVICES DISTRICT REVIEW PANEL TO HEALTH AND FAMILY SERVICES REVIEW PANEL

WHEREAS, the County Legislature adopted Resolution No. 314-12 on September 20, 2012 that created the Social Services District Review Panel, and

WHEREAS, there is a desire to amend the resolution to change the title to Health and Family Services Review Panel.

NOW, THEREFORE, BE IT RESOLVED, that the Resolution No. 314-12 is hereby amended by the Sullivan County Legislature to change the title of the review panel to the Health and Family Services Review Panel.

Moved by Mrs. Gieger, seconded by Ms. Vetter, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

**RESOLUTION NO. 373-12 INTRODUCED BY PUBLIC SAFETY COMMITTEE
TO APPROVE THE 2013 STOP DWI PLAN AND AUTHORIZE THE COUNTY MANAGER TO
SIGN ANY AND ALL AGREEMENTS NECESSARY FOR THE PLAN**

WHEREAS, the 2013 STOP DWI Plan has been prepared and requires the signature of the County Manager prior to being approved by the New York State Department of Motor Vehicles, and

WHEREAS, the 2013 STOP DWI budget is \$290,337, and

WHEREAS, a copy of the 2013 STOP DWI Plan is on file in the County Manager's Office.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to sign any and all agreements with the State of New York and all appropriate agencies to effect the 2013 STOP DWI Plan, said agreements to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mrs. Edwards, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

**RESOLUTION NO. 374-12 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE
TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN INTER-LOCAL
AGREEMENT WITH THE COUNTY OF ORANGE (ORANGE COUNTY) TO ACCEPT THE
COUNTY OF SULLIVAN'S (SULLIVAN COUNTY) PORTION OF A HAZMAT GRANT
AWARD FROM THE NYS OFFICE OF HOMELAND SECURITY**

WHEREAS, funding was made available for FY09 Hazmat Grants by the NYS Office of Homeland Security for the States Hazardous Material Response Teams; and

WHEREAS, a requirement to submit an application for a Hazmat Grant is, it has to be a regional application; and

WHEREAS, Orange County has applied for the FY09 Hazmat Grant as the "submitting partner/fiduciary agent"; and

WHEREAS, Sullivan County, and Ulster County have applied with Orange County as the "non-submitting partners", and need to enter into an inter-local agreement with Orange County to accept their portion of the Hazmat Grant award, at no cost to the counties; and

WHEREAS, the inter-local agreement is made under the authority of Section 99-h of the NYS General Municipal Law; and

WHEREAS, Orange County, as the "submitting partner" was awarded \$97,338.00 for the region, and will administer a portion of the award to the "non-submitting partners; and

WHEREAS, Sullivan County's portion of the \$97,338.00 award is \$4,338.00 to be used for the acquisition of radiological measuring test equipment; and

WHEREAS, Sullivan County agrees to accept \$4,338.00 of the FY09 Hazmat award from Orange County for the acquisition of radiological measuring test equipment, which procurement shall be made in accordance with the terms and conditions set forth in the the FY09 Hazmat Grant Agreement between the State of New York, and Orange County, NYS Law and Sullivan County Policy.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and is hereby authorized to execute and enter into the inter-local agreement with Orange County specific to FY09 Hazmat Grant, in such form as the County Attorney shall approve; and

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

Moved by Mr. Steingart , seconded by Ms. Vetter, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 375-12 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH LOCAL ENHANCED WIRELESS 911 PROGRAM

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

WHEREAS, Sullivan County's allocation from the 2012-2013 State Budget for costs incurred from April 1, 2012 through March 31, 2015 is \$38,115.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute an agreement with the New York State Department of State to comply with the terms and conditions of the Funding Guidelines for reimbursement of eligible wireless 911 services costs incurred during the specified period in the amount of \$38,115.00, such agreement to be in a form acceptable to the County Attorney.

Moved by Mr. Steingart, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 376-12 INTRODUCED BY EXECUTIVE COMMITTEE TO SCHEDULE DATES FOR PUBLIC HEARINGS ON THE COUNTY TENTATIVE BUDGET FOR FISCAL YEAR 2013

WHEREAS, the Tentative Budget for the County of Sullivan for the fiscal year beginning January 1, 2013 will be reviewed by the Sullivan County Legislature in accordance with Rule 50(c) of the Rules of the County Legislature; and

WHEREAS, the County Legislature will hold public hearings on said Tentative Budget on Tuesday, December 4, 2012 at 5:30PM and Tuesday, December 11, 2012 at 12 Noon in the Legislative Chambers of the Sullivan County Government Center, 100 North Street, Monticello, New York;

NOW, THEREFORE, BE IT RESOLVED, that the Clerk to the County Legislature is hereby authorized and directed to publish a notice of hearing in the official newspapers of the County; and

BE IT FURTHER RESOLVED, that at least five days shall lapse between the first publication of such notice and date specified for the hearing pursuant to Section 359 of the County Law.

Moved by Mrs. LaBuda, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

NOTICE OF PUBLIC HEARINGS ON TENTATIVE BUDGET

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Sullivan, New York, will meet in the Legislative Chambers of the Sullivan County Government Center, Monticello, New York on Tuesday, December 4, 2012 at 5:30PM and Tuesday, December 11, 2012 at 12 Noon for the purpose of holding public hearings on the Tentative Budget of said County for the fiscal year beginning January 1, 2013.

Further notice is hereby given that copies of said Tentative Budget are available at the Office of the County Manager, Sullivan County Government Center, Monticello, New York where they may be inspected and procured by an interested person during business hours.

Pursuant to Section 359 of the County Law, the maximum salaries that may be fixed and payable during the fiscal year to the members of the County Legislature and to the Chairman thereof, respectively, are hereby specified as follows:

County Legislator	\$22,600
Chair of the County Legislature	\$31,600

RESOLUTION NO. 377-12 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY LEGISLATIVE CHAIRMAN TO ACCEPT 2011 SPECIAL SESSION FUNDS TO ALLOW THE COUNTY TO MEET THE 25% NON-FEDERAL MATCH REQUIREMENT FOR ELIGIBLE FEDERALLY FUNDED STREAM RESTORATION PROJECTS AKA EMERGENCY WATERSHED PROTECTION PROGRAM PROJECTS THROUGH THE USDA NATURAL RESOURCES CONSERVATION SERVICE.

WHEREAS, NY Empire State Development (*ESD*) has notified the County it has been awarded funding from the remaining 2011 special session funds to allow the County to meet its 25% percent non-federal match requirement for eligible federally funded stream restoration projects through the USDA Natural Resources Conservation Service; and

WHEREAS, the funds awarded are being administered by ESD in consultation with the NYS Department of Environmental Conservation; and

WHEREAS, the unprecedented flood water levels caused by Hurricane Irene and Tropical Storm Lee resulted in extensive damage to public and private infrastructure and the state’s waterways; and

WHEREAS, these funds will help Counties in NYS repair waterways and further safeguard public and private infrastructure from future flood events; and

WHEREAS, Sullivan County has been notified of and awarded \$1,028.00 in funds for the Hust Road Bridge project in the Town of Callicoon (*total project cost of \$4,114.00*).

NOW, THEREFORE, BE IT RESOLVED, that the County Legislative Chairman be and is hereby authorized to execute any and all necessary documents to accept the grant award and access the funding, in such form as the County Attorney shall approve; and

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

Moved by Mrs. Edwards, **seconded** by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 378-12 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE TO ADOPT A SOLID WASTE FEE SCHEDULE FOR 2013

WHEREAS, the Sullivan County Legislature adopted Local Law 6 of 2010 amending Local Law No. 7 of 2009 and Local Law No. 1 of 1992 and Chapter 171 of the Code of Sullivan County to add a new Article VIII Establishing a Solid Waste Fee, and

WHEREAS, Local Law 6 of 2010 provides that there shall be an annual Solid Waste Fee and that the County Legislature establish by resolution a “Rate Schedule assigned to all parcels of improved property based upon the authorized use of real property”, and

WHEREAS, a proposed Rate Schedule has been submitted to the Legislature for adoption for calendar year 2013, and

WHEREAS, the County Legislature has determined that the proposed Rate Schedule will not create any significant adverse environmental impacts.

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. For the calendar year 2013 the Solid Waste Fees shall be as follows:
 - A. The per ton tipping fee for Municipal Solid Waste delivered over scales to any County transfer station shall be \$90.00 per ton.
 - B. The per ton tipping fee for Construction and Demolition debris and Bulky Waste delivered over scales to the central County transfer station shall be \$90.00 per ton.

- C. The annual direct billed portion of the solid waste fee, billed to owners of parcels of improved property, shall be as follows:
- i. Residential category = \$120.00 per parcel.
 - ii. Residence with enhanced STAR or Aged Exemption category = \$108.00 per parcel.
 - iii. Commercial Residential category = \$120.00 per unit, up to 15 units, then capped at \$1,800.00 per parcel.
 - iv. Legislative Definitions category = \$120.00 per parcel.
 - v. Commercial (non-residential) category = \$300.00 per parcel.
2. The fees set forth in this Resolution supersede, as applicable, the comparable fees set forth in the County's current Solid Waste Rules.

Moved by Mr. Rouis, seconded by Mrs. Gieger, put to a vote with Mrs. Edwards and Mr. Sorensen opposed, resolution carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 379-12 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY ATTORNEY AND COMMISSIONER OF MANAGEMENT AND BUDGET TO MODIFY THE RETAINER AGREEMENT WITH LUKAS, NACE, GUTIERREZ AND SACHS

WHEREAS, the County Attorney and Commissioner of Management and Budget entered into a Retainer Agreement with Lukas, Nace, Gutierrez and Sachs (the "Firm") on January 6, 2012, and

WHEREAS, the Firm agreed to provide legal services on behalf of the County of Sullivan ("County") with regard to negotiations with Motorola, and

WHEREAS, the Retainer Agreement was for services not to exceed \$5,000.00 without County Legislative approval, and

WHEREAS, the necessary services have exceeded the \$5,000.00 cap in the Retainer Agreement, and

WHEREAS, the present cost of such services is \$5,130.00, and,

WHEREAS, it is anticipated we may incur another \$2,000.00 in costs, and

WHEREAS, it is requested the cap on the retainer be raised to \$7,500.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney and Commissioner of Management and Budget are hereby authorized to modify the Retainer Agreement with the Firm to extend the amount for legal fees and disbursements to \$7,500.00.

Moved by Ms. Vetter, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion November 15, 2012.

RESOLUTION NO. 380-12 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE EXECUTION OF THE 2013 ANNUAL CONTRACT BETWEEN THE COUNTY OF SULLIVAN AND VISITORS ASSOCIATION

WHEREAS, the County of Sullivan contracts with various agencies for services; and

WHEREAS, the annual contract with this agency needs to be renewed for 2013 to assure continued delivery of service and payments.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be authorized to execute the 2013 annual contract at the following maximum funding level for the period January 1, 2013 through December 31, 2013:

VISITORS ASSOCIATION – in accordance with New York State Tax Law § 1202-j, at a maximum appropriation of eighty five (85%) per cent of the revenues derived by the County by the imposition of its five (5%) per cent hotel and motel room tax, for the promotion of tourism in the County

BE IT FURTHER RESOLVED, that the form of such annual contract be approved by the County Attorney, and

BE IT FURTHER RESOLVED, that compliance with all of the reporting requirements of this resolution and resolution 477-06 shall be a precondition for continued eligibility for funding by the County of Sullivan.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote with Mrs. Edwards and Mr. Benson opposed, resolution carried and declared duly adopted on motion November 15, 2012.

Executive Session:

Mrs. LaBuda, moved to go into Executive Session at 3:03PM for legal advice, seconded by Mr. Sorensen, agreed and carried.

Mrs. Edwards moved to come out of Executive Session at 3:24PM, seconded by Mr. Sorensen.

Recognition of Legislators

Chairman Samuelson recognized the following legislators who all had brief comments to make:

Kathy LaBuda
Kitty Vetter
Cindy Gieger
Cora Edwards
Gene Benson

There being no further business, Mrs. Edwards moved to adjourn, seconded by Mr. Sorensen, put to a vote and carried. The Regular Meeting was declared closed at 3:24PM, subject to the call of the Chairman.

ANNMARIE MARTIN, Clerk
Sullivan County Legislature