

**Sullivan County Legislature**

**Regular Meeting**

**May 16, 2013 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:12PM by Chairman Samuelson with the Pledge of Allegiance.

Roll Call indicated all legislators present.

Chairman Samuelson and Legislator Steingart presented Mark and Carla Kutsher with a Memoriam of Helen Kutsher.

Vice Chairman and District Seven Legislator Gene Benson presented Joan Collins, Mayor of the Village of Woodridge a certificate of recognition for 100 years of service by the Associated Mutual Insurance Cooperative.

**2013 Valedictorians**

Chairman Samuelson introduced Lawrence Thomas, Sullivan County BOCES District Superintendent of Sullivan County Schools.

Lawrence Thomas introduced each School Superintendent for presentation of their Valedictorian. Each High School Principal introduced their 2013 Valedictorian.

**ELDRED CENTRAL SCHOOL**

Mikaela Balsano Valedictorian  
Robert Dufour Superintendent  
Scott Krebs HS Principal

**FALLSBURG CENTRAL SCHOOL**

Arjun Malhotra Valedictorian  
Dr. Ivan Katz Superintendent  
Michael Williams HS Principal

**LIBERTY CENTRAL SCHOOL**

Eugene William Doyle III Valedictorian  
Dr. William Silver Superintendent  
Jack Strassman HS Principal

**LIVINGSTON MANOR CENTRAL SCHOOL**

Samantha Ann Scott Valedictorian  
Deborah Fox Superintendent  
Sandra Johnson HS Principal

**MONTICELLO CENTRAL SCHOOL**

Brittany Rupp Valedictorian  
Daniel Teplesky Superintendent  
Dr. Lori Orestano-James HS Principal

**ROSCOE CENTRAL SCHOOL**

Larry Thomas, District Superintendent accepted Zachory Park Roscoe's Valedictorian Certificate of Commendation since he was on a class trip and could not make it.

**SULLIVAN WEST CENTRAL SCHOOL DISTRICT**

Amanda Hulse Valedictorian  
~~Dr. Nancy Hackett~~ Superintendent  
Margaret Tenbus HS Principal

**TRI-VALLEY CENTRAL SCHOOL**

Victoria Tingley           Valedictorian  
Thomas Palmer Superintendent  
Robert Peters             HS Principal

The Clerk Read the following communications:

1. Records Destruction Notification filed by Risk Management on April 24, 2013 and Public Health Services dated May 14, 2013.
2. Annual Financial Report Update Document for fiscal year ended 12/31/2012 filed by the Sullivan County Treasurer's Office dated May 1, 2013
3. Copy of Resolution adopted by the Sullivan County Association of supervisors dated May 1, 2013 supporting the expansion of the Monticello Motor club in the Town of Thompson
4. Copy of letter dated May 10, 2013 to Thompson Supervisor Cellini from Ann Culligan questioning why an original CML 239 was not filed for the development of the Monticello Motor Club when neighbors begged the Town of Thompson Town and Planning Boards to require an Environmental Impact Study
5. Chairman Samuelson's appointment of Kitty Vetter to the Cornell Cooperative Extension Board of Directors
6. Copy of a resolution adopted by the Niagara County Legislature to calling on NYS Legislature to pass and enact legislation repealing the NY SAFE Act.

Chairman Samuelson recognized the following speakers:

1. Liz Bucar who spoke about the firing of David Sager.

**Order of Business:**

**RESOLUTION NO. 195 -13 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE A PUBLIC HEARING FOR THE INCLUSION OF ADDITIONAL PARCELS INTO AGRICULTURAL DISTRICT NO. 4.**

**WHEREAS**, the Sullivan County Legislature has the authority under Article 25-AA, Section 303-b of New York State Agriculture and Markets Law to amend the Sullivan County Agricultural Districts on a yearly basis; and

**WHEREAS**, the Sullivan County Agricultural & Farmland Protection Board has recommended that the Legislature amend Sullivan County Agricultural District No. 4 to include additional parcels as listed in Schedule A attached hereto and made a part hereof; and

**WHEREAS**, prior to authorizing the inclusion of additional parcels into an Agricultural District it is necessary to conduct a public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize holding a public hearing on Thursday, June 20, 2013 at 1:40 pm in the Legislative Hearing Room of the Sullivan County Government Center, 100 North Street, Monticello, New York regarding the inclusion of the parcels listed on Schedule A into Agricultural District No. 4; and

**BE IT FURTHER RESOLVED**, that the Clerk to the Legislature is hereby authorized and directed to publish a notice of such public hearing in the official newspapers of the County and to provide such notice in writing directly to those municipalities whose territory encompasses the lands which are proposed to be included in Agricultural District No. 4 and to the Commissioner of Agriculture and Markets.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**COUNTY OF SULLIVAN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Sullivan County Legislature on Thursday, June 20, 2013 at 1:40 pm in the Legislative Hearing Room of the Sullivan County Government Center, Monticello, New York to consider the recommendations of the Agricultural and Farmland Protection Board and the County Planning Commissioner to modify the Agricultural District No. 4 to add parcels as contained on the Sullivan County Tax Maps on May 1, 2013 and designated as follows:

Town of Highland	10.-1-47.1
Town of Highland	10.-1-47.2
Town of Mamakating	21.-1-32.3
Town of Mamakating	21.-1-32.4

**SCHEDULE A**

Town of Highland	10.-1-47.1
Town of Highland	10.-1-47.2
Town of Mamakating	21.-1-32.3
Town of Mamakating	21.-1-32.4

As portrayed on the Sullivan County Tax Maps on May 1, 2013.

**RESOLUTION NO. 196-13 INTRODUCED BY THE PERSONNEL COMMITTEE  
TO CREATE ONE (1) NEW POSITION IN THE CENTER FOR WORKFORCE  
DEVELOPMENT**

**WHEREAS**, Center for Workforce Development has been awarded grant monies through The Gerry Foundation to oversee the administration of the youth interns for the Sullivan Renaissance Gardening Internship Program, and

**WHEREAS**, the Sullivan Renaissance Gardening Internship Program operates from May 15, 2013 through August 31, 2013, and

**WHEREAS**, the Center for Workforce Development currently has fifteen (15) Youth Internship positions at \$10/ hour and the program is expanding to accommodate sixteen (16) interns at \$10/hour.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the creation of the additional Youth Internship position for the Center for Workforce Development.

**BE IT FURTHER RESOLVED**, that all sixteen (16) positions will be eliminated when the funding ceases to exist.

Moved by Mr. Steingart, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 197-13 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2013 COUNTY BUDGET**

**WHEREAS**, the County of Sullivan 2013 Budget requires modification,

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

Moved by Mr. Benson, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 198-13 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO ADOPT A FUND BALANCE POLICY FOR SULLIVAN COUNTY**

**WHEREAS**, it is prudent for fiscal planning and stability to have written policies for fund balance management, and

**WHEREAS**, a fund balance policy shall establish a clear policy and procedures for developing, appropriating, and managing its operating budget and capital program, and

**WHEREAS**, the County Treasurer and the Commissioner of Management and Budget have presented and proposed a written policy for fund balance management, and recommends that the Sullivan County Legislature review and adopt said policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the proposed written policy for Fund Balance Management, is hereby adopted, and

Moved by Mr. Rouis, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**COUNTY OF SULLIVAN  
FUND BALANCE POLICY**

## GENERAL INFORMATION:

Sullivan County shall establish a clear policy and procedure for developing, appropriating, and managing its operating budget and capital program. This includes a policy for establishing year-end fund balances that meet specific targets for ensuring accounting and fiscal stability.

It is the policy of the Legislature to adopt a budget each year that is estimated by County Manager and Chief Fiscal Officer to result in year-end fund balances that meet the targets listed below. This policy is important because:

- A. Fund balance size and stability are important factors to credit markets when they determine the credit rating of Sullivan County debt instruments, which in turn affects the interest rate that taxpayers must pay for borrowed funds for many years;
- B. An adequate fund balance enables the County to respond to unforeseen negative events and to level out the impact of those events on taxpayers and service-delivery recipients;
- C. An adequate fund balance makes possible a cash position that is viewed by credit markets as healthy and avoids unnecessary staff time for accounting;
- D. Adequate reserves avoid the costs of borrowing, and generate interest earnings;
- E. Fund balance policy should ensure the County maintains adequate fund balance and reserves to provide the capacity to provide sufficient cash flow for daily financial needs, and to provide adequate reserves to offset significant economic downturns or revenue shortfalls.

All of the above results in lower taxes over the long run. Proposals to reduce the fund balances below target levels in order to avoid higher taxes should always be viewed in this light, lower taxes once can meant repeated future tax increases.

## DEFINITIONS:

GASB has replaced the earlier reserved and unreserved fund balance classifications with the following ones:

- A. **FUND BALANCE**: Consists of the measurement of available resources and represents the difference between total assets and total liabilities.
- B. **NONSPENDABLE**: Consists of assets that are inherently non-spendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principle of endowments.
- C. **RESTRICTED**: Consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- D. **COMMITTED**: Consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and the same level of formal action is required to remove the constraint.
- E. **ASSIGNED**: Consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund assigned fund balance represents the residual amount of fund balance.
- F. **UNASSIGNED**: Represents the residual classification for the government's general fund, and could report a surplus or a deficit. In funds other than the general fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for the specific purposes for which amounts had been restricted, committed or assigned.

## POLICY:

- A. When resources have been spent, the County deems that they have been first spent from the highest constraint level available; therefore, they are considered to have been spent in the following order: restricted, committed, assigned and unassigned.
- B. The County will maintain an adequate fund balance in its general fund to provide flexibility and to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures), to ensure stable tax rates, to provide for one time opportunities and to retain favorable credit ratings. The County will endeavor to maintain assigned and unassigned fund balance in its general fund of five percent (5%) of regular general fund operating expenditures.
- C. The actual level of fund balance in the County's general fund is determined in its annual financial statement, several months after the end of the fiscal year. The County's budgeting process, which culminates both in the establishment of the following year's tax rate and the

use of any appropriated fund balance, begins approximately two years in advance of the financial statement that will show the budgets results. Because of this time lag and because of the uncertainties of the budgeting process (such as the amounts of appropriated fund balance actually used each year), it is not possible to guarantee in advance a specific level of fund balance at the close of any fiscal year. Therefore, the County will use the following procedure to adjust the levels of fund balance, as necessary.

**PROCEDURE:**

- A. Once the external auditor has reviewed the County's financial statements for the prior year and has confirmed the fund balances of the general fund, the County Manager and Chief Fiscal Officer will recommend to the appropriate committee of the Legislature the amounts and types of assignments for the fund balance to be included in the financial statement.
- B. The appropriate committee of the Board will review these assignments, discuss them with the external auditor as necessary and accept or modify the assignments prior to the presentation of the statement to the Board.
- C. The County Manager, as Budget Officer and County Treasurer as Chief Fiscal Officer, shall make recommendations regarding the use of fund balance to be appropriated in the following year's budget based on this policy; specifically, he shall recommend as amount that will, in their estimation, retain the level of fund balances established in this policy.
- D. If the level of assigned and unassigned fund balances in the general fund falls more than 10% above or below the level set by this policy, the County Manager, as Budget Officer and County Treasurer as Chief Fiscal Officer shall recommend increasing (but see E, below) or decreasing the use of fund balance appropriated in the following year's budget, such that in his estimation over the course of no more than three years, the fund balance will be again within the level set by this policy.
- E. Where the level of Assigned/Unassigned fund balances is shown to be more than 10% above the level set by this policy, as an alternative, or in addition to increasing the use of fund balance in the following year's budget, the County Manager and County Treasurer may recommend the use of, or the Legislator's may use, Assigned/Unassigned fund balances during or outside the budget process for one-time expenditures to meet unusual opportunities or to reduce the Count's debt in order to, in their estimation, meet this policy.

**RESOLUTION NO. 199-13 INTRODUCED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO APPROPRIATE \$12,312 TO CATSKILL ASSOCIATION OF TOURISM SERVICES (CATS) FOR PROMOTION OF REGIONAL TOURISM**

**WHEREAS**, Resolution No. 470-01 provided for an appropriation for promotion of regional tourism,

**WHEREAS**, each county within the region agreed to contribute funding for regional tourism marketing as per the terms of Senator John Bonacic's initiative, and

**WHEREAS**, the County of Sullivan is a member of the region and as such committed to participating in regional promotion.

**NOW, THEREFORE, BE IT RESOLVED**, that \$12,312 be appropriated for the promotion of regional tourism payable to Catskill Association of Tourism Services for the fiscal year 2013, 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 Ms. Vetter, seconded by Mr. Steingart, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 200-13 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE TERMS OF LEASE AGREEMENT WITH A THIRD PARTY LAND OWNER FOR PROPERTY WITH AN EXISTING COMMUNICATION TOWER WHICH PROVIDES EMERGENCY SERVICE WITHIN THE COUNTY**

**WHEREAS**, Resolution No. 157-12 authorizes the negotiation for the renewal of agreements with third party land owners for the use of parcels of property for communication towers; and

**WHEREAS**, in order to provide continued communication service for the County, the Tennessean Lake tower lease must be renewed; and

**WHEREAS**, the lease is for a portion of a parcel of land, situate in the Town of Fremont, identified on the Real Property Tax Map Section 8, Block 1 and Lot 6.2, record owner being Loves Tee Time, LLC.

**WHEREAS**, it is in the best interest of the County to enter into a new lease agreement to ensure continued communication capabilities; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Chair of the County Legislature shall be authorized to execute a new lease with the property owner, for the sum of \$3,500 for 2013 and during each April from April 2014 through the end of the lease, a sum equal to the payment made the previous year plus and additional amount equal to three percent of the total amount paid as rent the previous year and in such a form as the County Attorney shall provide.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a roll call vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 201-13 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE TERMS OF LEASE AGREEMENT WITH A THIRD PARTY LAND OWNER FOR PROPERTY WITH AN EXISTING COMMUNICATION TOWER WHICH PROVIDES EMERGENCY SERVICE WITHIN THE COUNTY**

**WHEREAS**, Resolution No. 157-12 authorizes the negotiation for the renewal of agreements with third party land owners for the use of parcels of property for communication towers; and

**WHEREAS**, in order to provide continued communication service for the County, the Thunderhill tower lease must be renewed; and

**WHEREAS**, the lease is for a portion of a parcel of land, situate in the Town of Neversink, identified on the Real Property Tax Map Section 31, Block 1 and Lot 11, record owner being Donald Ackerley.

**WHEREAS**, it is in the best interest of the County to enter into a new lease agreement to ensure continued communication capabilities; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Chair of the County Legislature shall be authorized to execute a new lease with the property owner, for the sum of \$3,000 for 2012 and during each September from September 2013 through the end of the lease, a sum equal to the payment made the previous year plus and additional amount equal to two percent of the total amount paid as rent the previous year and in such a form as the County Attorney shall provide.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a roll call vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 202-13 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2011 TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #104.-1-4.2**

**WHEREAS**, an application dated April 4, 2013 having been filed by Yeshiva Zichron Zvi, Inc. with respect to property assessed to said applicant on the 2011 tax roll of the Town of Fallsburg Tax Map #104.-1-4.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error in essential fact on said tax roll resulting from the incorrect acreage on the assessment roll which was corrected as a result of a survey; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed her report dated April 30, 2013 recommending this Board approve said application; and

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

- (a) That the application be approved because of an error in essential fact.

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

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

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



Moved by Mr. Sorensen, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 203-13 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2012 TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #104.-1-4.2**

**WHEREAS**, an application dated April 4, 2013 having been filed by Yeshiva Zichron Zvi, Inc. with respect to property assessed to said applicant on the 2012 tax roll of the Town of Fallsburg Tax Map #104.-1-4.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error in essential fact on said tax roll resulting from the incorrect acreage on the assessment roll which was corrected as a result of a survey; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed her report dated April 30, 2013 recommending this Board approve said application; and

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

(a) That the application be approved because of an error in essential fact.

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

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

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

Moved by Mr. Sorensen, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 204-13 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2013 TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #104.-1-4.2**

**WHEREAS**, an application dated April 4, 2013 having been filed by Yeshiva Zichron Zvi, Inc. with respect to property assessed to said applicant on the 2013 tax roll of the Town of Fallsburg Tax Map #104.-1-4.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error in essential fact on

said tax roll resulting from the incorrect acreage on the assessment roll which was corrected as a result of a survey; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed her report dated April 30, 2013 recommending this Board approve said application; and

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

(a) That the application be approved because of an error in essential fact.

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

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

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

Moved by Mr. Sorensen, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 205-13 INTRODUCED BY PLANNING, ENVIRONMENTAL  
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTIES TO THE  
TOWN OF TUSTEN KNOWN AS TU16.-5-1.1 & TU16.-5-1.3 ACQUIRED BY THE COUNTY OF  
SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE  
2011 LIEN YEAR**

**WHEREAS**, properties located in the Town of Tusten designated on the Sullivan County Real Property Tax Map as Tusten 16.-5-1.1, being 50.00 x 200.00 +/- ft., located on Str #1 Lot #28C & D & Tusten 16.-5-1.3, being 50.00 x 200.00 +/- ft., located on So Trail, and

**WHEREAS**, the Town of Tusten has offered to purchase said properties for Town purposes, for the amount of delinquent taxes, including 2013, at the County base price in the sum of SIX HUNDRED NINETY-FIVE (\$695.52) 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 sell the parcels privately to the Town of Tusten for the amount of SIX HUNDRED NINETY-FIVE (\$695.52) DOLLARS, 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, water and sewer charges, plus 10% of sale price for auctioneer's commission 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 Town of Tusten upon payment of SIX HUNDRED NINETY-FIVE (\$695.52) DOLLARS to the County Treasurer, plus 10% of sale price for auctioneer's commission, plus fees for the County Clerk.

Moved by Mr. Sorensen, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 206-13 INTRODUCED BY PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH VERIZON NEW YORK INC. TO PROVIDE MAINTENANCE OF ENHANCED 911 TELEPHONE EQUIPMENT.**

**WHEREAS**, the County of Sullivan executed an agreement with Verizon New York pursuant to resolution 192-08 to supply equipment and maintenance for the operation of the E911 telephone system, and

**WHEREAS**, components of the current E911 telephone system are no longer supported by the manufacturer and an upgrade will be necessary, and

**WHEREAS**, Verizon is willing to extend the agreement for an additional 6 months to provide maintenance of the E911 phone system as alternatives are explored for upgrades to the E911 phone system,

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is hereby authorized to execute an agreement with Verizon New York Inc. to provide maintenance of Enhanced 911 telephone equipment for a 6 month term expiring 12/31/2013 and a cost not to exceed \$12,300.00

Moved by Mr. Rouis, seconded by Mr. Steingart, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 207-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT**

**WHEREAS**, proposals were received for Quality Assurance Asphalt Plant Inspection for 2013 paving contract (B-13- 20) and

**WHEREAS**, Advance Testing Company, Inc., 3348 Route 208, Campbell Hall, New York 10916, is the responsible proposer for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said proposal and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with Advance Testing Company, Inc., at a total price not to exceed \$15,000.00, for Asphalt Plant Testing for Quality Assurance, in accordance with R-13-15, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Rouis, seconded by Mr. Steingart, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 208-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT**

**WHEREAS**, bids were received for Replacement of County Bridge No.76, in the Town of Tusten, and

**WHEREAS**, Sullivan County Paving & Construction, Inc., 420 Bernas Road, Cohecton, New York 12726, is the lowest responsible bidder for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said bid and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with Sullivan County Paving & Construction, Inc., at a total price not to exceed \$1,358,343.67, for Replacement of County Bridge No. 76, in accordance with B-13-06, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Rouis, seconded by Mr. Steingart, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 209-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, proposals were received for Professional Engineering Services for Preparation and Submittal of Air Quality Reports and Odor Related Issues at the Sullivan County Landfill, and

**WHEREAS**, Cornerstone Engineering & Land Surveying, PLLC, 90 Crystal Run Road, Middletown, New York 10940, is the lowest responsible vendor 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 Cornerstone Engineering & Land Surveying, PLLC, at a contract price not to exceed \$90,500.00, and in accordance with RFP- R-13-17, dated April 26, 2013, said contract to be in such form as the County Attorney shall approve.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote with Mrs. Edwards opposed, resolution carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 210-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, proposals were received for Professional Engineering Services for Preparation and Submittal of Groundwater Quality Monitoring Reports for the Sullivan County Landfill, and

**WHEREAS** Zion Environmental, LLC, 172, Excelsior Avenue, Middletown, New York 10940, is the lowest responsible vendor 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 Zion Environmental, LLC, at a contract price not to exceed \$14,500.00, and in accordance with RFP- R-13-16, dated April 26, 2013, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 211-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT**

**WHEREAS**, a bids were received for a Potable Water System at the Sullivan County International Airport, White Lake, New York, and

**WHEREAS**, Poley Paving Corporation, PO Box 916, Liberty, New York 12754, is the responsible bidder for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said bid and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with Poley Paving Corporation, at a total price not to exceed \$534,474.00, for the Potable Water System for the Sullivan County International Airport, in accordance with B-13-16, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 212-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, proposals were received for the Operation of the Café at the Sullivan County International Airport, White Lake, NY, and

**WHEREAS**, the proposal received from Jane Axamethy dba The Bake House, 10 Horse Shoe Lake Road, Kauneoga Lake, NY 12749, is considered the most responsible contractor for such work, and

**WHEREAS**, the Division of Public Works has 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 Jane Axamethy dba The Bake House, at a contract price of \$175.00/month, for two (2) years with an option to extend for three (3) yearly renewals through 2017, to be paid to the County and in accordance with the RFP, R-13-01, dated January 25, 2013, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a roll call vote vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 213-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, a proposal was received for Psychiatrist Services for Community Services, and

**WHEREAS**, Sukhwinder Singh, MD, 28 McKown Road, Albany, New York 12203, will provide said services from June 1, 2013 through May 31, 2014, with an option to extend on a yearly basis, for three (3) additional years, under the same terms and conditions, and

**WHEREAS**, the Sullivan County Department of Community Services has recommended said vendor.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute a contract, with Sukhwinder Singh, MD, at an hourly rate of \$115.00, in accordance with RFP R-13-05A, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 214-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT**

**WHEREAS**, bids were received for Resurfacing Portions of Various County Roads and

**WHEREAS**, Callanan Industries, Incorporated, PO Box 15097, Albany, New York 12212, is the lowest responsible bidder for this project, and

**WHEREAS**, the Sullivan County Division of Public works has approved said bid and recommends that an agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute an agreement with Callanan Industries, Incorporated, at a total price not to exceed \$3,285,159.44, plus the fluctuating cost of asphalt as per "Asphalt Price Adjustment" as published by the PGB Index price and in accordance with B-13-20, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 215-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE MODIFY AWARD OF CONTRACT**

**WHEREAS**, pursuant to Resolution No. 434-03, adopted by the Sullivan County Legislature on November 20, 2003, the County entered into a contract with NYCOMCO to lease console equipment for the Emergency Control Center, and

**WHEREAS**, the initial lease expired on May 31, 2011 and a Modification Agreement to extend the current lease, through May 31, 2013, was made pursuant to Resolution No. 268-11, adopted by the Sullivan County Legislature on June 16, 2011, and Resolution No. 263-12, adopted by the Sullivan County Legislature on July 19, 2012, due to the replacement of the current equipment, and

**WHEREAS**, the current equipment has not yet been replaced and a continuation of the lease is required through May 31, 2015.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to modify the lease with NYCOMCO, for the term of June 1, 2013 through May 31, 2015, at a cost not to exceed \$1,285 00/month and in accordance with the written quote, from NYCOMCO, dated April 10, 2013, said lease modification to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 216-13 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE MODIFICATION AGREEMENT WITH AD-VANTAGE, LLC**

**WHEREAS**, pursuant to Resolution No. 223-09, adopted by the Legislature on June 18, 2009, the County entered into a contract with Ad-Vantage , LLC for the installation of TV monitors to display advertisement and/ or special announcements in the Department of Motor Vehicles, and

**WHEREAS**, Ad-Vantage, LLC (n/k/a Best AD-Vantage Media Group, Inc.) is providing these services, and

**WHEREAS**, in order to modify the original contract, it will be necessary to enter into a Modification Agreement.

**WHEREAS**, the Government Services Committee recommends that the modification agreement be approved, and

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to enter into a Modification Agreement with Ad-Vantage, LLC, to be in such form as the County Attorney shall approve, sharing revenues that are generated by the ads.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 217-13 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE SUPPLEMENTAL AGREEMENT NO. 6 TO MUNICIPAL CONTRACT D017888.**

**WHEREAS**, a Project for County Road 53 over the Neversink River, BIN 3355530, Town of Fallsburg, Sullivan County, P.I.N. 9752.57 (the "Project") is eligible for funding under Title 23 U.S.



Code, as amended, that calls for the apportionment of the costs of such program at the ratio of 80% Federal and 20% non-Federal; and

**WHEREAS**, Sullivan County has previously executed a Master Federal Aid and Marchiselli Aid Project Agreement D017888, Supplemental Agreements 1, 2,3,4 and 5; and

**WHEREAS**; Sullivan County desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Preliminary Engineering, Right-of-Way Incidentals and Right-of-Way Acquisitions work.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby approves of the Project and authorizes the County Treasurer to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering, Right-of-Way Incidentals and Right-of-Way Acquisitions work or portions thereof; and

**BE IT FURTHER RESOLVED**, that the sum of \$ 8,500 is hereby appropriated in budget item D 5020-40-4006 and made available to cover the increase of participation in the project; and

**BE IT FURTHER RESOLVED**, that in the event the costs exceeds the amount appropriated above, the Sullivan County Legislature shall timely convene to appropriate said excess amount upon notification by the New York State Department of Transportation thereof; and

**BE IT FURTHER RESOLVED**, that the County Manager be hereby authorized to execute all necessary Agreements, Supplemental Agreements, certifications or reimbursement requests for Federal-Aid and/or Marchiselli Aid on behalf of the County in such forms as approved by the County Attorney, to advance, approve, and administer the Project; and

**BE IT FURTHER RESOLVED**, this Resolution shall take effect immediately.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 218-13 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE AN AGREEMENT FOR CONSULTANT INSPECTION SERVICES FOR THE COUNTY BRIDGE 76 REPLACEMENT PROJECT**

**WHEREAS**, County Bridge No. 76 on County Road 23 (CR 23) over the Ten Mile River, located in the Town of Tusten, will be replaced under contract; and

**WHEREAS**, consultant inspection services are required to make certain the project is constructed by the contractor in accordance with the County's plans and specifications; and

**WHEREAS**, the project is eligible for 100% State funding through CHIPS funding program; and

**WHEREAS**, the Division of Public Works recommends the award of an agreement for consultant engineering services to the firm of Delta Engineers, Architects & Land Surveyors, PC on the basis of qualifications.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is authorized to execute an Agreement for consulting engineering services with Delta Engineers, at a cost not to exceed \$ 148,000.00, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 219-13 INTRODUCED BY EXECUTIVE COMMITTEE TO CREATE FIVE (5) TEMPORARY POSITIONS IN THE SULLIVAN COUNTY SHERIFF'S OFFICE**

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

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

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

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

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

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

Moved by Mr. Rouis, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 220-13 INTRODUCED BY EXECUTIVE COMMITTEE DECLARING “MAYDAY FOR MANDATE RELIEF” AND URGING THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES**

WHEREAS, counties are mandated to administer and finance dozens of state and federal programs; and

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, the Clerk to the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Speaker Sheldon Silver and Senate Majority Leader Dean Skelos Senator John J. Bonacic, and Assemblywomen Aileen Gunther, and Claudia Tenney, and all others deemed necessary and proper.

Moved by Mr. Benson, seconded by Mrs. Vetter, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 221 OF 2013 INTRODUCED BY THE EXECUTIVE COMMITTEE REQUESTING THE ADOPTION OF NEW YORK STATE ASSEMBLY BILL A.7321 AND NEW YORK STATE SENATE BILL S. 5204 AUTHORIZING THE EXTENSION OF NEW YORK STATE TAX LAW §1210(i)(33) WHICH AUTHORIZED AN INCREASE TO THE THREE PERCENT RATE AUTHORIZED BY STATE TAX LAW FOR THE PERIOD BEGINNING DECEMBER 1, 2013 AND ENDING NOVEMBER 30, 2015, FOR A TOTAL SALES TAX RATE OF 8%, 4% OF WHICH WOULD BE REVENUE FOR SULLIVAN COUNTY**

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

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

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

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

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby requests that the New York State Assembly adopt Bill No. A.7321, and the New York State Senate adopt Bill No. S.5204, which shall authorize the extension of the current sales tax rate in the County of Sullivan, to be maintained at 8% of which 4% is revenue to the County, as expeditiously as possible; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a certified copy of this resolution to the Honorable John J. Bonacic, State Senator representing the 42<sup>nd</sup> Senatorial District, the Honorable Aileen M. Gunther, Assemblywoman representing the 100<sup>th</sup> Assembly District, Hon. Dan Skelos, Majority Leader of the Senate, Honorable Sheldon Silver, Speaker of the General Assembly, and the Honorable Andrew M. Cuomo, Governor of the Great State of New York.

Moved by Mr. Benson, seconded by Mr. Sorensen, put to a roll call vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 222-13 INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND  
RESOLUTION NO. 71-12 BY APPOINTING CORA EDWARDS TO THE SULLIVAN COUNTY  
SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

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

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

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

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

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

Moved by Mr. Benson, seconded by Mr. Sorensen, put to a vote with Mrs. Edwards abstaining, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 223-13 INTRODUCED BY THE EXECUTIVE COMMITTEE, OPPOSING  
A6550/2013 – ADDITIONAL NOTICE OF CLAIM LEGISLATION**

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

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

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

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

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

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

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

Moved by Mr. Benson, seconded by Mr. Sorensen, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 224-13 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE PREPARATION AND SUBMISSION OF A RURAL BUSINESS OPPORTUNITY GRANT (RBOG) APPLICATION TO FUND A COMPREHENSIVE COORDINATED TRANSPORTATION PLAN AND FEASIBILITY STUDY FOR SULLIVAN COUNTY**

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

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

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

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

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

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

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

Moved by Mr. Sorensen, seconded by Mr. Benson, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 225 -13 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH DEBORAH DE JESUS TO SERVE AS A TEMPORARY INTERIM ADMINISTRATOR OF THE ADULT CARE CENTER FOR A PERIOD NOT TO EXCEED 90 DAYS**

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

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

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

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

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

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

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

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

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

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

Moved by Mrs. LaBuda, seconded by Mrs. Edwards, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**RESOLUTION NO. 226-13 INTRODUCED BY EXECUTIVE COMMITTEE**

**TO CONVEY PROPERTY IN THE TOWN OF FALLSBURG KNOWN AS FA29.-1-51.4, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2011 LIEN YEAR.**

**WHEREAS**, property located in the Town of Fallsburg designated on the Sullivan County Real Property Tax Map as FA29.-1-51.4, Class 270, being 1.50 +/- acre, located on East Pond Rd, is owned by the County of Sullivan and formerly owned by Adam C Boons, was included in the foreclosure of 2011 liens, and

**WHEREAS**, Maurice & Nicole Dubose have offered to purchase said property for the sum of, THREE THOUSAND (\$3,000.00) DOLLARS, and

**WHEREAS**, property owned by them share electric and water with this property, and

**WHEREAS**, the purchaser will also be responsible for 10% of sale price for auctioneer's commission, plus the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, 2013 Town/County taxes, 2013/2014 School 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 Maurice & Nicole Dubose or an entity to be formed by them, upon his payment of \$3,000.00 to the County Treasurer, plus 10% of sale price for auctioneer's commission, plus fees for the County Clerk, plus the 2013 County/Town taxes ,plus the 2013/2014 School taxes, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

**BE IT FURTHER RESOLVED**, that upon this conveyance, the buyers will file a combination request with the Fallsburg Assessor to combine this property with FA29.-1-51.1 or, in the alternative, will provide separate facilities for water and electric service.

Moved by Mr. Benson, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion May 16, 2013.

**Recognition of Legislators:**

Chairman Samuelson recognized the following legislators:

1. Legislator LaBuda
2. Legislator Vetter

There being no further business, Mrs. Edwards moved to adjourn, seconded by Mr. Sorensen. The meeting was declared closed at 3:13PM, subject to the call of the Chairman.

AnnMarie Martin, Clerk to the Legislature



May 2013

Modifications to the 2013 Sullivan County Budget

Account Code	Account Description	Revenue		Appropriation	
		Increase	Decrease	Increase	Decrease
A-1010-41-4109	AUTO/TRAVEL CO FLEET CHARGEBACK			341	
A-1010-42-4205	OFFICE PRINTING				341
A-1165-47-4724	DEPT DRUG FORFEITURE PROCEEDS NYS			13,000	
A-1185-45-4501	SPEC DEPT SUPPLY SPEC DEPT SUPPLY MISC/OTHER				120
A-1185-45-4549	SPEC DEPT SUPPLY SAFETY			120	
A-1620-19-44-4401	UTILITY ELECTRIC				750
A-1620-19-44-4407	UTILITY UTILITY OTHER			750	
A-1620-19-45-4505	SPEC DEPT SUPPLY BLDG/PROP MAINTENANCE			45	
A-1620-19-45-4541	SPEC DEPT SUPPLY TOOLS			150	
A-1620-19-47-4717	DEPT BLDG/PROP REPAIRS				195
A-1620-21-47-4701	DEPT RENTALS			200	
A-1620-21-47-4717	DEPT BLDG/PROP REPAIRS				200
A-1620-22-45-4501	SPEC DEPT SUPPLY SPEC DEPT SUPPLY MISC/OTHER			25	
A-1620-22-47-4717	DEPT BLDG/PROP REPAIRS				25
A-1620-22-47-4717	DEPT BLDG/PROP REPAIRS				275
A-1620-23-43-4301	COMPUTER SUPPLIES			75	
A-1620-23-45-4526	SPEC DEPT SUPPLY PAINT			300	
A-1620-23-47-4717	DEPT BLDG/PROP REPAIRS				300
A-1620-23-47-4717	DEPT BLDG/PROP REPAIRS				75
A-1620-26-45-4526	SPEC DEPT SUPPLY PAINT			325	
A-1620-26-47-4717	DEPT BLDG/PROP REPAIRS				325
A-3110-30-41-4102	AUTO/TRAVEL LODGING			850	
A-3110-30-45-4506	SPEC DEPT SUPPLY PUBLIC SAFETY				850
A-4010-33-10-1011	PERSONAL SERV REGULAR PAY				2,250
A-4010-33-42-4205	OFFICE PRINTING			1,000	
A-4010-33-46-4608	MISC SERV/EXP EMPL TUITION REFUNDS			1,000	
A-4010-33-47-4717	DEPT BLDG/PROP REPAIRS			250	
A-4010-34-10-1011	PERSONAL SERV REGULAR PAY				1,000
A-4010-34-46-4608	MISC SERV/EXP EMPL TUITION REFUNDS			1,000	
A-4010-35-42-4203	OFFICE OFFICE SUPPLIES			219	
A-4010-35-45-4501	SPEC DEPT SUPPLY SPEC DEPT SUPPLY MISC/OTHER				219
A-4010-44-40-4001	CONTRACT AGENCIES				5,000

May 2013

Modifications to the 2013 Sullivan County Budget

Account Code	Account Description	Revenue		Appropriation	
		Increase	Decrease	Increase	Decrease
A-4010-44-45-4501	SPEC DEPT SUPPLY SPEC DEPT SUPPLY MISC/OTHER			5,000	
A-4050-40-4013	CONTRACT CONTRACT OTHER			1,500	
A-4050-45-4541	SPEC DEPT SUPPLY TOOLS			5,800	
A-4050-47-4752	DEPT MISC PROGRAM EXP			2,500	
A-4050-47-4774	DEPT PUBLIC HEALTH EDUCATION				9,800
A-4082-10-1011	PERSONAL SERV REGULAR PAY				3,000
A-4082-42-4207	OFFICE FURNITURE			3,000	
A-6293-42-4201	OFFICE ADVERTISING			2,422	
A-6293-47-4780	DEPT CLIENT TRAINING				2,422
A-6610-42-4205	OFFICE PRINTING			25	
A-6610-45-4501	SPEC DEPT SUPPLY SPEC DEPT SUPPLY MISC/OTHER			375	25
A-7110-39-42-4201	OFFICE ADVERTISING			375	
A-7110-82-45-4541	SPEC DEPT SUPPLY TOOLS			25	
A-7110-82-47-4717	DEPT BLDG/PROP REPAIRS				25
A-7520-42-4201	OFFICE ADVERTISING				375
A-7520-45-4548	SPEC DEPT SUPPLY ELECTRICAL/PLUMBING			1	
A-7520-47-4717	DEPT BLDG/PROP REPAIRS				15
A-7610-87-41-4107	AUTO/TRAVEL VOLUNTEER/CLIENT				
A-7610-87-45-4543	SPEC DEPT SUPPLY FOOD			15	
A-8810-45-4530	SPEC DEPT SUPPLY HARDWARE/MISC SUPPLY				100
A-8810-45-4532	SPEC DEPT SUPPLY SEED/MULCH ETC				100
A-8810-47-4710	DEPT DEPT MISC/OTHER				150
A-8810-47-4717	DEPT BLDG/PROP REPAIRS			800	
A-8810-47-4779	DEPT BLDG/PROP MAINTNCE SERVICES				175
A-00915-00146	APPROPRIATED FUND BALANCE DRUG FOFEITURE NYS	13,000			
	<b>General Fund Total</b>	<b>13,000</b>	<b>-</b>	<b>41,113</b>	<b>28,113</b>
CL-8160-45-4532	SPEC DEPT SUPPLY SEED/MULCH ETC			50	
CL-8160-45-4532	SPEC DEPT SUPPLY SEED/MULCH ETC			750	
CL-8160-47-4717	DEPT BLDG/PROP REPAIRS				750
CL-8160-47-4717	DEPT BLDG/PROP REPAIRS				50
	<b>Solid Waste Fund Total</b>	<b>-</b>	<b>-</b>	<b>800</b>	<b>800</b>

May 2013

Modifications to the 2013 Sullivan County Budget

Account Code	Account Description	Revenue		Appropriation	
		Increase	Decrease	Increase	Decrease
DM-5130-48-45-4542	SPEC DEPT SUPPLY WELDING			500	
DM-5130-48-45-4549	SPEC DEPT SUPPLY SAFETY			1,750	
DM-5130-48-47-4717	DEPT BLDG/PROP REPAIRS			5,000	
DM-5130-49-45-4540	SPEC DEPT SUPPLY PARTS/FLUIDS/FILTERS				7,250
	<b>Road Machinery Fund Total</b>	-	-	<b>7,250</b>	<b>7,250</b>