

**Sullivan County Legislature  
Regular Meeting  
January 28, 2016 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:06PM by Chairman Alvarez with the Pledge of Allegiance.

Roll Call indicated Mr. Samuelson absent.

The Clerk read the following communications:

1. 2016 Meeting schedule for 2016 has been finalized hard copies are on the table
2. Chairman Alvarez's 2016 appointments to the Fire Advisory Board
3. Resolution 15-2016 adopted by the Tompkins County Legislature calling upon congress to reject the Trans-Pacific Partnership (TPP) Agreement
4. Resolution No. 11-2016 adopted by the Chenango County Board of Supervisors calling on the State of New York to restore funding parity between the Capital Plans of the Metropolitan Transportation Authority (MTA) and the New York State Department of Transportation
5. Minutes of the December 17, 2015 meeting of the State of New York Public Service Commission
6. Public Service Announcement from County Clerk Dan Briggs stated that pistol permit related transactions will only be conducted by appointment at the office of the County Clerk
7. Notification from the NYS Department of Transportation regarding a pavement improvement project on Route 97 in the Town of Tusten
8. 2015 Motor Vehicle Account filed by County Clerk Daniel L. Briggs on January 12, 2016
9. Chairman Alvarez's Letter of Appointment of Terri Ward to the Cornell Cooperative Extension Board of Directors
10. Letter dated January 22, 2016 from the New York State Parks, Recreation and Historic Preservation notifying Sullivan County that the Callicoon Downtown Historic District is being considered for nomination to the National and State Registers of Historic Places
11. Records Destruction Notifications filed by the Personnel Department dated January 19, 2016 and Office of Audit and Control dated January 8, 2016

**Public Comment**

There was no public comment.

**Order of Business:**

**RESOLUTION NO. 6-16 INTRODUCED BY THE PLANNING AND ENVIRONMENTAL MANAGEMENT COMMITTEE TO AUTHORIZE APPLICATION FOR FUNDING FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE & MARKETS FOR A 2015 HUDSON VALLEY AGRICULTURAL ENHANCEMENT PROGRAM GRANT**

**WHEREAS**, the New York State Department of Agriculture and Markets invites applications to apply for the 2015 Hudson Valley Agriculture Enhancement Program grant; and

**WHEREAS**, the Sullivan County Division of Planning and Environmental Management promoted the availability of the Farmland Protection Implementation Grant application through email, press release and direct mailings in a 2014 selection process; and

**WHEREAS**, the Sullivan County Agricultural and Farmland Protection Board is a duly authorized committee of the Sullivan County Legislature and operates in accordance with N.Y. AGM. Law 25AA Section 302; and

**WHEREAS**, the Sullivan County Agricultural and Farmland Protection Board received and scored six applications based off the program criteria at a special meeting on July 10,

2014. Of these six applications the farmland of Wilfred and Arlene Hughson, Swiss Hill Road, Jeffersonville, NY and the farmland Robert and Naomi Franklin, Happy Avenue, Swan Lake, NY ranked the highest; and

**WHEREAS**, the Sullivan County Agricultural and Farmland Protection Board recommended the farmland of Wilfred and Arlene Hughson and the farmland of Robert and Naomi Franklin to be submitted for a funding request for the purchase of development rights on their farm, through the 2014 Farmland Protection Implementation Grant, based off their rankings and their competitive merit; and

**WHEREAS**, the County of Sullivan only submitted the application for the farmland of Robert and Naomi Franklin for the 2014 New York State Agriculture and Markets Farmland Protection Implementation Grant. However, the application was not awarded; and

**WHEREAS**, the Sullivan County Agricultural and Farmland Protection Board recommended re-submitting the application for the farmland of Robert and Naomi Franklin and to submit the application for the farmland of Wilfred and Arlene Hughson for the 2015 Hudson Valley Agricultural Enhancement Program grant at their October 13, 2015 meeting; and

**WHEREAS**, the County of Sullivan has previously submitted Farmland Protection Implementation Grants and in previous years has agreed to serve as a co-holder of these agricultural conservation easement projects;

**WHEREAS**, the County of Sullivan, if awarded the contract, will co-hold the agricultural conservation easements with a qualified land trust for the farmland of Wilfred and Arlene Hughson and the farmland of Robert and Naomi Franklin; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manager, Chairman of the County Legislature, and / or their authorized representative (*as required by the funding source*) to execute any and all necessary documents to submit the 2015 Hudson Valley Agricultural Enhancement Program grant application for funding; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manager, and / or Chairman of the County Legislature (*as required by the funding source*) to accept the award, and enter into an award agreement or contract to administer the funding secured, in such form as the County Attorney shall approve; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager, and / or Chairman of the County Legislature (*as required by the funding source*) to apply for and accept this grant funding while also authorizing the Division of Planning and Environmental Management to administer this funding from the New York State Department of Agriculture and Markets and to provide the in-kind services necessary to administer this funding; and

**BE IT FURTHER RESOLVED**, that should the 2015 Hudson Valley Agricultural Enhancement Program Grant funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding.

**Moved by Mr. Sorensen, seconded by Mrs. Owens**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 7-16 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE TO ADOPT A SOCIAL MEDIA POLICY COVERING COUNTY OWNED AND MAINTAINED SOCIAL MEDIA SITES**

**WHEREAS**, the County of Sullivan desires to utilize social media platforms to communicate pertinent information in a timely manner to members of the public, and

**WHEREAS**, as a municipality, the County of Sullivan has a management responsibility to establish an appropriate policy to administer the use of social media sites and the content that is distributed through those sites.

**NOW THEREFORE BE IT RESOLVED**, that the proposed Sullivan County Social Media/Social Network Policy, attached hereto, be adopted and put into place, and

**BE IT FURTHER RESOLVED**, that the said Sullivan County Social Media/Social Network Policy shall be subject to review, amendments, and revisions at the recommendation of management staff and discretion of the Sullivan County Legislature.

**Moved** by Mrs. Ward, **seconded** by Mr. McCarthy, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 8-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE AWARD AND EXECUTION OF CONTRACT FOR PROJECT LABOR AGREEMENT IMPACT STUDY OF THE NEW SULLIVAN COUNTY JAIL FACILITY**

**WHEREAS**, proposals were received for Project Labor Agreement Impact Study for engaging a consultant to prepare a comprehensive study detailing the impact, whether beneficial or diverse, on economic, labor cost and time variables associated with the use of a PLA in connection with the construction of the new Sullivan County Jail Facility; and

**WHEREAS**, the County intends to use the study to evaluate the costs of and benefits that may be derived from using the PLA in connection with the project; and

**WHEREAS**, the goals of the PLA include: maximizing employment and training opportunities for County residents; ensuring labor peace and harmony through open communication among all parties involved; reducing costs and delays in project completion due to labor disputes; ensuring that workers are paid fairly and provided safe and healthy working conditions; and creating a mechanism for managing an assortment of trades by standardizing decisions, leadership and dispute management; and

**WHEREAS**, if participation in a Project Labor Agreement for drafting and/or negotiating is required, services will be provided at no additional cost; and

**WHEREAS**, Hill International, Incorporated, One Commerce Square, 2005 Market Street, Philadelphia, Pennsylvania 19103, is the most qualified proposer for this project; and

**WHEREAS**, the Sullivan County Division of Public Works, Purchasing and County Manager, have approved said proposer and recommend that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is authorized to execute a contract with Hill International, Incorporated, in accordance with RFP No. R-15-42, for a total cost not to exceed \$55,600.00, plus reimbursable costs not to exceed \$930.00, including negotiations, if required, and shall be in such form as the County Attorney shall approve; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized to transfer these funds from the Assigned Fund Balance for Construction/Repair Buildings to the Capital Account H42 Jail Planning.

**Moved** by Mr. Sorensen, **seconded** by Mr. Perrello, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 9-16 INTRODUCED BY THE MANAGEMENT & BUDGET COMMITTEE TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS, ACCEPT THE AWARD, AND ENTER INTO A CONTRACT WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES AND MODIFICATION AGREEMENTS WITH SULLIVAN LEGAL AID PANEL, INC. AND SULLIVAN COUNTY CONFLICT LEGAL AID SOCIETY**

**WHEREAS**, New York State Office of Indigent Legal Services (“NYSOILS”) has offered the County of Sullivan (“County”) funding in the amount of \$242,997 over a three (3) year period in order to improve the quality of indigent legal services provided by the County pursuant to Article 18-b of the County Law; and

**WHEREAS**, in order to acquire the funding the County must submit the necessary documents to NYSOILS, accept the award, and enter into an agreement with NYSOILS to administer the funding; and

**WHEREAS**, in order to provide the additional funding to the Legal Aid Panel and Conflict Legal Aid it will be necessary to modify their respective contracts, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manager to execute any and all necessary documents to submit to NYSOILS to apply for 2016-2018 funding; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized to execute an agreement for a 3 year period for a total amount of \$242,997 to acquire the funding from NYSOILS, said documents to be in a form approved by the County Attorney; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized to executive Modification Agreements with Legal Aid Panel for an amount not to exceed \$55,000 per year for a 3 year period, and Conflict Legal Aid for an amount not to exceed \$25,999 per year for a 3 year period and/or any other appropriate entity that contracts with the County of Sullivan for Indigent Legal services under Article 18-b of the County Law as outlined above, said Modification Agreements to be in a form approved by the County Attorney’s Office.

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

**Moved by Mr. McCarthy, seconded by Mrs. Ward, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 10-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO RENEW THE CONTRACT WITH THE TOWN OF ROCKLAND FOR OPERATION OF THE ROCKLAND TRANSFER STATION**

**WHEREAS**, the County has been operating a solid waste transfer and recycling station on the lands owned by the Town of Rockland; and

**WHEREAS**, the County desires to continue to operate a regional solid waste transfer and recycling station; and

**WHEREAS**, the Town desires to continue to lease its solid waste transfer and recycling station to the County for the purpose of the County operating a regional solid waste transfer and recycling station.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be authorized to execute a lease renewal for a term of 25 years commencing January 1, 2016 and ending December 31, 2041 at a cost not to exceed \$1.00 per year under terms and conditions

acceptable to the County Manager, said lease to be in such form as the County Attorney shall approve.

**Moved by Mr. Perrello, seconded by Mr. McCarthy, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

**RESOLUTION NO. 11-16 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO AMEND RESOLUTION NO. 176-01 AND ESTABLISH RATES OF PAY FOR CORONER PHYSICIAN ASSISTANTS**

**WHEREAS**, Resolution No. 176-01, adopted by the Sullivan County Legislature on April 26, 2001, established the rate of pay for Coroner Physician Assistants at \$175 per autopsy, and

**WHEREAS**, the Physician Assistants have requested an increase in the rate of pay to \$275.00 per autopsy and \$50.00 per blood draw (when an autopsy has been refused), stating that the current amount does not cover their expenses, and

**WHEREAS**, it is the recommendation of the Sullivan County Coroners to increase the rate of pay of Physician Assistants to \$275.00 per autopsy and \$50.00 for each blood draw.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby amends Resolution No. 176-01 and authorizes the payment to the Physician Assistants, upon presentation of a proper voucher, the amount of \$275.00 per autopsy and \$50.00 per blood draw effective January 1, 2016.

**Moved by Mrs. Ward, seconded by Mr. Perrello, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

**RESOLUTION NO. 12-16 INTRODUCED BY PERSONNEL COMMITTEE TO CREATE A SENIOR ACCOUNT CLERK/TYPIST POSITION AND ABOLISH AN ACCOUNT CLERK/TYPIST POSITION AT THE SULLIVAN COUNTY CIVIL DIVISION**

**WHEREAS**, the Sullivan County Jail wishes to create a position of Senior Account Clerk/Typist and abolish the position of Account Clerk/Typist (position no. 390);

**WHEREAS**, the employee currently in position No. 390 is willing and able to perform the duties and job functions of a Senior Account Clerk/Typist;

**WHEREAS**, the creation of this position will better serve the needs of the Sullivan County Civil Division;

**WHEREAS**, the Personnel Officer has determined that the employee currently in the position of Account Clerk/Typist is qualified and can be appointed by the Sullivan County Sheriff to the Senior Account Clerk/Typist position.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby creates a new position of Senior Account Clerk/Typist at a salary of \$39,802 and abolishes the Account Clerk/Typist (no. 390) at a salary of \$31,483.

**Moved by Mr. Sorensen, seconded by Mrs. Rajs, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

**RESOLUTION NO. 13-16 INTRODUCED BY PLANNING, ENVIRONMENTAL**

**MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #2.-1-26**

**WHEREAS**, an application dated January 11, 2015 having been filed by John & Tatjana Burburan with respect to property assessed to said applicant on the 2016 tax roll of the Town of Mamakating Tax Map #2.-1-26 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on the taxable portion of the tax roll due to an incorrect entry on the tax roll of a relieved school tax which has been previously paid

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 13, 2016 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 unlawful entry.

**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 Mrs. Owens, seconded by Mr. McCarthy**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 14-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CONFIRM THE APPOINTMENT OF JOSEPH TODORA AS THE COMMISSIONER OF THE DIVISION OF HEALTH AND FAMILY SERVICES**

**WHEREAS**, a vacancy has existed in the position of Commissioner of the Division of Health and Family Services since January 29, 2015, and

**WHEREAS**, upon said vacancy Joseph Todora was appointed as Acting Commissioner of the Division of Health & Family Services by County Manager Joshua Potosek on February 10, 2015, and

**WHEREAS**, pursuant to the provisions of Section C3.06 (g) of the Sullivan County Charter, Joseph Todora has been appointed by County Manager Joshua Potosek to the position of Commissioner of the Division of Health and Family Services, and

**WHEREAS**, pursuant to the provisions of Section C2.03 of the Sullivan County Charter, the County Legislature has the power and duty to confirm the appointment of the Commissioner of the Division of Health and Family Services, made by the County Manager, pursuant to Section C3.06(g) of the Sullivan County Charter, and

**WHEREAS**, pursuant to the authority provided to the County Manager in section A7-6 of the Administrative Code, Joseph Todora shall serve as the statutory Commissioner of the Sullivan County Social Services District for the prescribed term, upon the concurrence and approval of the New York State Office of Temporary and Disability Assistance, and

**WHEREAS**, the confirmation of this appointment of Joseph Todora as Commissioner of the Division of Health and Family Services shall take effect upon the adoption of this resolution, to serve at the pleasure of the County Manager pursuant to Section C3.06(g) of the Sullivan County Charter.

**NOW, THEREFORE, BE IT RESOLVED**, that Joseph Todora as Commissioner shall serve as the statutory Commissioner of the Sullivan County Social Services District for the prescribed term, upon the concurrence and approval of the New York State Office of Temporary and Disability Assistance, and

**BE IT FURTHER RESOLVED**, that the salary for the Commissioner of the Division of Health and Family Services be set at \$100,321 and County Commissioner of Social Services be set at \$5,000 per year, subject to merit increases, as recommended by the County Manager and approved by the County Legislature.

**Moved by Mr. McCarthy, seconded by Mrs. Owens** put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 15-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO WAIVE THE RESIDENCY REQUIREMENT FOR THE DEPUTY**

**COMMISSIONER POSITION WITHIN THE DEPARTMENT OF FAMILY SERVICES**

**WHEREAS**, the Deputy Commissioner of the Department of Family Services position was difficult to fill with a qualified County resident; and

**WHEREAS**, the Acting Commissioner of the Division of Health and Family Services has stated that Deputy Commissioner William R. Moon has stated that complying with the residency requirement will place an undue hardship upon him; and

**WHEREAS**, the Commissioner of the Division of Health and Family Services has requested that the Legislature waive the residency requirement as it pertains to William R. Moon for the position of Deputy Commissioner of the Department of Family Services to July 1, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby waives said position of Deputy Commissioner from the residency requirement policy, specific to William R. Moon until July 1, 2016.

**Moved by Mrs. Rajszyk, seconded by Mrs. Owens**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION 16-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE A LINE OF CREDIT FOR SULLIVAN COUNTY COMMUNITY COLLEGE**

**WHEREAS**, the Sullivan County Legislature is advised that, in the past, the Sullivan County Community College had obtained a line of credit to deal with short term cash flow issues, and

**WHEREAS**, New York State community colleges are able to obtain a line of credit with approval of the local sponsor, and

**WHEREAS**, the Sullivan County Legislature agrees that it would be fiscally prudent to allow the Sullivan County Community College to obtain a line of credit not to exceed \$1,000,000.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Sullivan County Legislature hereby authorizes the Sullivan County Community College to obtain a line of credit not to exceed \$1,000,000, and
2. The terms and conditions of such line of credit, including interest rate, shall be subject to the approval of the County Manager and the County Attorney.

**Moved by Mr. Perrello, seconded by Mrs. Rajszyk**, put to a roll call vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 17-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE AWARD AND EXECUTION OF A CONTRACT WITH CAPACITY BUSINESS CONSULTING TO CONDUCT A LABOR SHED AND LARGE SCALE ECONOMIC DEVELOPMENT IMPACT STUDY.**

**WHEREAS**, the Center for Workforce Development applied for and received a USDA Rural Business Development Grant in the amount of \$93,576 to complete a labor shed and large scale economic development study, and

**WHEREAS**, the Center for Workforce Development (CWD) with input from the Division of Planning and Environmental Management, the Partnership for Economic Development, the Sullivan County Visitor's Association and other stakeholders, developed Request for Proposal No. R-15-41 (the "RFP") to seek services related to a labor shed and large scale economic development study for the County, and

**WHEREAS**, CWD staff and representatives from the Workforce Partners Group reviewed and evaluated the proposals received, and

**WHEREAS**, CWD staff and Group members have concluded, that based on their evaluation the firm of Capacity Business Consulting, most appropriately meets the requirements for experience, approach and budget outlined in the RFP and have therefore recommended that said firm be selected as the consultant for the project.

**NOW THEREFORE, BE IT RESOLVED**, that the County Manager be hereby authorized to execute a contract with Capacity Business Consulting in an amount not to exceed \$93,200.00 as per this firm's proposal submitted in response to the RFP, said contract to be in such form as the County Attorney shall approve.

**Moved by** Mrs. Owens, **seconded by** Mrs. Rajs, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 18-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO ADJUST THE SALARY OF THE CONFIDENTIAL SECRETARY IN THE COUNTY ATTORNEY'S OFFICE**

**WHEREAS**, the County Attorney has a full-time Confidential Secretary to assist in all matters of the legal department, and

**WHEREAS**, the Confidential Secretary provides administrative and research assistance to the County Attorney, Assistant County Attorneys, and outside counsel, and

**WHEREAS**, in addition to traditional secretarial responsibilities, the Confidential Secretary's administrative duties include the review of daily mail and email correspondence directed to the County Attorney that may be an impact on litigation, preparation of draft letters and responses to inquiries, timekeeping for the office, inventory and purchasing of departmental supplies, file management, creation and maintenance of the federal litigation calendar for the County Attorney, and maintenance of personnel and payroll records, and

**WHEREAS**, the Confidential Secretary's duties have broadened to include the undertaking of preliminary legal research, outlining of responsive pleadings, review of scheduling orders and ensuring compliance therewith, mandatory electronic filing with federal district and appellate courts, ensuring compliance with the rules that are established by each of the federal courts, review of mandatory electronic discovery and communicating with outside counsel, adversaries and court representatives, as the case may be.

**NOW THEREFORE BE IT RESOLVED**, that the annual salary of the Confidential Secretary to the County Attorney be increased to \$50,000 effective January 30, 2016.

**Moved by** Mrs. Ward, **seconded by** Mrs. Rajs, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 19-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO APPOINT MEMBERS OF THE SULLIVAN COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD**



**WHEREAS**, pursuant to Resolution No. 80-12 of , the terms of two members of the Sullivan County Agricultural and Farmland Protection Board (Board), Robert Kaplan, an active farmer and Dennis Nearing, an agribusiness representative, have expired as of December 31, 2015; and

**WHEREAS**, Fred Michel, a member of the Board serving as the agricultural land preservation representative resigned as the agricultural land preservation representative on October 13, 2015 at the Agriculture and Farmland Protection Board; and

**WHEREAS**, Robert Kaplan no longer qualifies as an active farmer; and

**WHEREAS**, the County of Sullivan posted a vacancy announcement on November 23, 2015 for the following positions: an active farmer, an agri-business representative and an active farmer and/or other agricultural stakeholder and/or stakeholder from an organization dedicated to agricultural land preservation as required by Article 25AA of the Agriculture and Markets Law; and

**WHEREAS**, pursuant to Resolution No. 407 of 2011, all terms of office for appointed membership of boards and commissions shall be for not more than two consecutive four term years. The two four year consecutive term limit shall be waived in the event no other qualified individual is available to serve on the board and commissions; and

**WHEREAS**, Robert Kaplan, Dennis Nearing and Fred Michel have all served more than two consecutive four term years; and

**WHEREAS**, Robert Kaplan, Dennis Nearing, Dr. Joseph D'abbraccio and Fred Michel responded to the vacancy announcement; and

**WHEREAS**, Robert Kaplan and Fred Michel were the only qualified individuals to respond to the positions of active farmer and agricultural stakeholder and/or stakeholder from an organization dedicated to agricultural land preservation; and

**WHEREAS**, Dennis Nearing cannot be reappointed to serve the Board and is required to serve a lapse of one full four year term because another qualified agri-business responded to the vacancy notice; and

**WHEREAS**, the Board further recommends that Robert Kaplan of the Sullivan County Farm Bureau be appointed to serve as the agricultural stakeholder and/or stakeholder from an organization dedicated to agricultural land preservation; and

**WHEREAS**, the Board further recommends that Fred Michel be appointed to serve as the active farmer; and

**WHEREAS**, the Board further recommends that Joseph D' abbraccio be appointed to serve as the agri-business representative.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby makes the following appointments to the Board, to commence and terminate on the dates listed below:

Fred Michel  
Active Farmer

January 1, 2016 – December 31, 2019

Dr. Joseph D'abbraccio  
Agribusiness Representative

January 1, 2016 – December 31, 2019

Robert Kaplan  
Agricultural Land Preservation Representative

January 1, 2016 – December 31, 2019

Moved by Mrs. Owens, seconded by Mr. Perrello, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 20-16 INTRODUCED BY EXECUTIVE COMMITTEE TO ADOPT THE LIST OF THOSE PUBLIC OFFICIALS AND EMPLOYEES OF THE COUNTY OF SULLIVAN WHO ARE REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT**

**WHEREAS**, pursuant to Section 201 (3) of the Sullivan County Ethics Law adopted May 23, 2013, the County Legislature must annually determine by resolution who is required to file a Financial Disclosure Statement, and

**WHEREAS**, the County Legislature has determined that persons with the following titles are required to file a Financial Disclosure Statement:

Accounts Payable Coordinator, Audit  
Administrator, Adult Care Center  
Administrator, Department of Motor Vehicles  
Airport Superintendent  
Assistant Commissioner to Planning and Environmental Management  
Assistant County Attorney (2)  
Assistant County Attorney Part time  
Assistant Director of Aging Services  
Assistant Director of Nursing Services/Patient Care  
Assistant Director of Purchasing and Central Services  
1<sup>st</sup> Assistant District Attorney  
2nd Assistant District Attorney  
3rd Assistant District Attorney  
4th Assistant District Attorney  
5th Assistant District Attorney  
6<sup>th</sup> Assistant District Attorney  
7th Assistant District Attorney  
Assistant Director of Risk Management & Insurance  
Attorneys, Department of Family Services (2)  
Attorney, Industrial Development Agency  
Attorney, Sullivan County Funding Corporation  
Board of Ethics members  
Board of Trustees, Sullivan County Community College  
Chairman of the Legislature  
Chief Civil Officer  
Chief Deputy Patrol Division/Internal Affairs  
Chief Information Officer  
Clerk to the Legislature  
Commissioner, Board of Elections (2)  
Commissioner, Division of Health and Family Services  
Commissioner, Planning and Environmental Management  
Commissioner, Division of Public Safety  
Commissioner, Division of Public Works  
Coordinator, Child Support Enforcement Unit  
Coordinator, Children with Special Needs, Public Health  
Coroner (4)  
Correction Captain, Sullivan County Jail  
Correction Lieutenant, Sullivan County Jail  
County Attorney  
County Auditor  
County Clerk  
County Legislator (8)  
County Manager  
County Treasurer  
Deputy Clerk to the Legislature  
Deputy Commissioner of Elections (2)  
Deputy Commissioner of Family Services  
Deputy Commissioner of Public Works, Engineering  
Deputy Commissioner of Management and Budget  
Deputy County Manager/Commissioner Management and Budget  
Deputy Director of Community Services  
Deputy Director of Real Property Tax Services III

Deputy Public Health Director  
 Deputy County Clerk  
 Deputy County Treasurer  
 Deputy County Treasurer II  
 Director of Administration and Case Management  
 Director, Center for Workforce Development  
 Director of Development and Application Support, MIS  
 Director of Operations and Network Administration, MIS  
 Director, Community Services  
 Director, Department of Real Property Tax  
 Director of Family Services  
 Director, Human Resources  
 Director, Municipal Weights and Measures  
 Director, Nursing Services  
 Director, Office for the Aging  
 Director, Parks, Recreation and Beautification Programs  
 Director of Patient Services  
 Director, Probation II  
 Director, Public Health Services  
 Director, Purchasing and Central Services  
 Director, Rehabilitation Services, ACC Physical Therapy  
 Director, Risk Management & Insurance  
 Director of Services, Family Services  
 Director, Temporary Assistance – Department of Family Services  
 Director, Veterans Service Agency  
 Director, Youth Bureau  
 District Attorney  
 District Attorney Investigators  
 Division Contract Compliance Officer, Health and Family Services  
 E-911 Coordinator  
 Economic Development Programs Supervisor  
 Executive Assistant, County Manager  
 Executive Director, Human Rights  
 Facilities Bridge Superintendent  
 Fiscal Administrative Officer, Adult Care Center Fiscal Services  
 Fiscal Administrative Officer, County Clerk Office  
 Fiscal Administrative Officer, Family Services  
 Fiscal Administrative Officer, Health Finance (2)  
 Fiscal Administrative Officer, Management and Budget  
 Fiscal Administrative Officer, Treasurer's Office  
 Garage Superintendent  
 Grants Administration Supervisor  
 Industrial Development Agency Members  
 Jail Administrator, Sheriff's Office  
 One Stop Manager, CWD  
 Managing Attorney, DFS  
 Payroll Coordinator /Software Support Technician  
 Personnel Officer  
 President, Sullivan County Community College  
 Road Maintenance Superintendent  
 Secretary, Industrial Development Agency  
 Senior District Attorney Investigator  
 Sheriff  
 Special Counsel Workers Compensation part time  
 Sr. Accountant, Treasurer Accounting  
 Sr. Assistant County Attorney (part-time)  
 Sr. Family Services Attorney  
 Sr. Fiscal Administrative Officer, Sheriff Civil  
 Sr. Fiscal Administrative Officer, Treasurer Accounting part time  
 Staff Accountant, Treasurer Accounting  
 Sullivan County Funding Corporation Member  
 Treasurer, Industrial Development Agency  
 Trustee, Sullivan County Community College  
 Undersheriff  
 Vice Chair, Industrial Development Agency  
 Vice President for Administrative Services, SCCC  
 WIC Program Coordinator

WHEREAS, Section 201 of the Ethics Law requires that all statements shall be filed on or before the fifteenth day of May of each year, and

WHEREAS, it is duly noted that some of the above positions are presently vacant.

NOW, THEREFORE, BE IT RESOLVED, that the above list represents the 2016 list of titles set by the Sullivan County Legislature of those persons required to file a Financial Disclosure Statement with the Clerk of the Sullivan County Legislature on or before May 15, 2016.

Moved by Mrs. Rajs, seconded by Mr. McCarthy, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.

**RESOLUTION NO. 21-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT ONE MEMBER TO THE SULLIVAN COUNTY COMMISSION ON HUMAN RIGHTS**

WHEREAS, pursuant to the Resolution No. 490-04 adopted on December 6, 2004, the Sullivan County Legislature created a Sullivan County Commission on Human Rights ("Commission"); and

WHEREAS, Resolution No. 109-05 adopted on March 17, 2005, the Sullivan County Legislature appointed the members to the Commission for designated terms; and

Due to the expiration of Chet Carlin's term as well as his resignation on 12/31/15 and

WHEREAS, it is the desire of the legislature to appoint Bill Liblick to a two year term, and

WHEREAS, Resolution No. 113-06 adopted on March 16, 2006 indicates terms are to commence on January 1 and terminate on December 31 in the year in which they are scheduled to terminate.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby appoint the following member to the Human Rights Commission for the following terms:

**Appoint:**

**Member**  
Bill Liblick

**Term Expires**  
December 31, 2017

Moved by Mrs. Rajs, seconded by Mr. Sorensen, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.

**RESOLUTION NO. 22 -16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO MAKE AN APPOINTMENT TO THE SULLIVAN COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD**

WHEREAS, Legislator Cindy Geiger was previously the Sullivan County Legislature representative on the Sullivan County Agricultural and Protection Board; and

WHEREAS, Legislator Cindy Geiger no longer serves on the Sullivan County Legislature; and

WHEREAS, Legislator Terri Ward, a member of the Agriculture and Sustainability Committee, has offered to serve as the County Legislature representative.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby makes the following appointment to the Sullivan County Agricultural and Farmland Protection Board:

Terri Ward, County Legislator  
For a term to commence on January 1, 2016 and expire on December 31, 2019

**BE IT FURTHER RESOLVED**, that the Clerk of the County Legislature is hereby directed to transmit a copy of this resolution to the Sullivan County Agricultural and Farmland Protection Board, and said resolution shall be filed with any appropriate agency.

**Moved by Mrs. Owens, seconded by Mrs. Rajsz**, put to a vote with Mrs. Ward abstaining and Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION 23-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT A MEMBER TO THE SULLIVAN COUNTY PUBLIC HEALTH SERVICES' HEALTH SERVICES ADVISORY BOARD**

**WHEREAS**, Section 357 of the Public Health Law mandates that two members of the Health Services Advisory Board (HSAB) be licensed physicians, with the remaining seven to be known as public members selected on the basis of their interest and knowledge regarding health needs, resources and facilities of the community, and

**WHEREAS**, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members shall have fixed terms of four years, which shall be deemed to run from the first day of the year in which the appointment was made, and

**WHEREAS**, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members may not serve for more than two terms consecutively.

**NOW, THEREFORE, BE IT RESOLVED**, that the individual listed below be *appointed* to the Health Services Advisory Board for a four-year term (1/1/16-12/31/19) per Public Health Law.

**Wendy E. Brown, RN, MS**  
57 Lake Drive  
Swan Lake, NY 12783

**Moved by Mrs. Rajsz, seconded by Mr. Sorensen**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION 24-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT A MEMBER TO THE SULLIVAN COUNTY PUBLIC HEALTH SERVICES' HEALTH SERVICES ADVISORY BOARD**

**WHEREAS**, Section 357 of the Public Health Law mandates that two members of the Health Services Advisory Board (HSAB) be licensed physicians, with the remaining seven to be known as public members selected on the basis of their interest and knowledge regarding health needs, resources and facilities of the community, and

**WHEREAS**, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members shall have fixed terms of four years, which shall be deemed to run from the first day of the year in which the appointment was made, and

**WHEREAS**, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members may not serve for more than two terms consecutively.

**NOW, THEREFORE, BE IT RESOLVED**, that the individual listed below be *reappointed* to the Health Services Advisory Board for a second four-year term (1/1/16-12/31/19) per Public Health Law.

**Dr. Regina F Olasin**  
606 Old Route 17  
Monticello, NY 12701

Moved by Mrs. Owens, **seconded** by Mrs. Rajs, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION 25-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT A MEMBER TO THE SULLIVAN COUNTY PUBLIC HEALTH SERVICES' HEALTH SERVICES ADVISORY BOARD**

**WHEREAS**, Section 357 of the Public Health Law mandates that two members of the Health Services Advisory Board (HSAB) be licensed physicians, with the remaining seven to be known as public members selected on the basis of their interest and knowledge regarding health needs, resources and facilities of the community, and

**WHEREAS**, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members shall have fixed terms of four years, which shall be deemed to run from the first day of the year in which the appointment was made, and

**WHEREAS**, pursuant to Section 357 of the Public Health Law, Health Services Advisory Board members may not serve for more than two terms consecutively.

**NOW, THEREFORE, BE IT RESOLVED**, that the individual listed below be *appointed* to the Health Services Advisory Board for a second four-year term (1/1/16-12/31/19) per Public Health Law.

**Joan C. Patterson, RN, MSN**  
3 Willey Avenue  
Liberty, NY 12754

Moved by Mr. McCarthy, **seconded** by Mr. Perrello, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 26-16 INTRODUCED BY THE EXECUTIVE COMMITTEE AUTHORIZING THE CREATION OF "THE SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION", APPROVING THE FORM OF THE CERTIFICATE OF INCORPORATION, DESIGNATING THE CORPORATION AS ISSUER OF TAX-EXEMPT AND TAXABLE BONDS AND AUTHORIZING THE CORPORATION TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS INCLUDING ACTIVITIES ASSOCIATED WITH THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT AND JOB CREATION AND THE ISSUANCE OF BONDS ON ITS BEHALF SOLELY IN CONNECTION WITH THE ADELAAR RESORT PROJECT AND RELATED PROPERTIES INCLUDING, BUT NOT LIMITED TO, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF FACILITIES TO BE OPERATED BY THE ADELAAR RESORT LIGHTING DISTRICT, THE ADELAAR RESORT DRAINAGE DISTRICT, THE ADELAAR RESORT WATER DISTRICT, THE ADELAAR RESORT SEWER DISTRICT AND THE ADELAAR ROAD DISTRICT (COLLECTIVELY, THE "ADELAAR SPECIAL DISTRICTS") AND THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PROJECTS TO BE LOCATED WITHIN OR PROXIMATE TO THE ADELAAR SPECIAL DISTRICTS, INCLUDING, BUT NOT LIMITED TO, THE MONTREIGN RESORT CASINO, MONSTER GOLF COURSE, ADELAAR ENTERTAINMENT VILLAGE AND AN INDOOR WATERPARK LODGE TO BE DEVELOPED BY ADELAAR HWP, LLC**

**WHEREAS**, it the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, Sullivan County, New York (the "County") is tasked with the responsibility and burden to promote the health, safety and general welfare of the residents of the County by, among other, things preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, it is essential for the County to support job creation, private investment and economic growth for residents of the County: and

WHEREAS, in furtherance of the public purposes set forth above, the County wishes to form The Sullivan County Local Development Corporation (the "Corporation"), a local development corporation authorized under Section 1411 of the New York State Not For Profit Corporation Law (the "NFPCL"), and

WHEREAS, a proposed certificate of incorporation (the "Certificate of Incorporation") has been prepared for review by the County Legislature and a copy of such proposed Certificate of Incorporation is attached hereto as Schedule A; and

WHEREAS, in furtherance of the public purposes set forth above, a local development corporation formed under the NFPCL is empowered to take all actions authorized pursuant to the Certificate of Incorporation and the NFPCL, including, but not limited to, the following actions: (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, and to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the burdens related to same and to create and preserve employment opportunities for residents of the County, the County desires to task the Corporation with such burdens and responsibilities and authorize the Corporation to issue tax-exempt and taxable bonds on behalf of the County for such public purposes.

NOW, THEREFORE, BE IT RESOLVED, the County authorizes the creation of the Corporation and the County Legislature approves the form and substance of the Certificate of Incorporation presented at this meeting and attached hereto as Schedule A, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman (or Vice Chairman) and the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that the Corporation is hereby designated as an on behalf of issuer of the County for the purposes of issuing bonds with authority to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the County, which such powers shall include, but not be limited to, those powers described in NFPCL Section 1411 and the Corporation's Certificate of Incorporation, with the power to issue tax-exempt and taxable bonds, notes, or other obligations on behalf of the County in furtherance of its purposes, provided however that any obligations issued by the Corporation shall never be a debt of, nor guaranteed or supported by, the State of New York, the County or any political subdivision thereof (other than Corporation) and neither the State of New York, the County or any political subdivision thereof (other than Corporation) shall be liable thereon and provided further that the Corporation shall exercise its powers only in accordance with its Certificate of Incorporation and limited to the Adelaar Resort Project and related properties including, but not limited to, the acquisition, construction and

equipping of facilities to be operated by the Adelaar Special Districts and the acquisition, construction and equipping of projects to be located within or proximate to the Adelaar Special Districts, including, but not limited to, the Montreign Resort Casino, Monster Golf Course, Adelaar Entertainment Village and an Indoor Waterpark Lodge to be developed by Adelaar HWP, LLC; and

BE IT FURTHER RESOLVED, that the County Manager or his designated representative is hereby authorized and directed for and in the name and on behalf of the County to do all acts and things required of the County in connection with the issuance of tax-exempt and taxable bonds, and to execute and deliver all such additional certificates, instruments and documents, and to do all such further acts and things as may be necessary or, in the opinion of the County Manager or his designated representative, desirable and proper to effect the purposes of the foregoing resolutions; and be it

BE IT FURTHER RESOLVED, that these resolutions shall take effect immediately.

**Moved by Mrs. Ward, seconded by Mrs. Owens, put to a roll call vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

70251-025v11

#### SCHEDULE A

#### FORM OF CERTIFICATE OF INCORPORATION



CERTIFICATE OF INCORPORATION

OF

THE SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION

A Not-For-Profit Local Development Corporation  
under Section 1411 of the Not-For-Profit  
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, hereby certifies as follows:

FIRST: The name of the corporation shall be "THE SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION" (hereinafter referred to as the "Corporation").

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law of the State of New York and, as provided in Section 1411 of the Not-For-Profit Corporation Law, will be a charitable Corporation as defined in Section 201 of the Not-For-Profit Corporation Law. The Corporation shall serve as public instrumentality of, but operate separate and apart from, the County of Sullivan, New York (the "County").

THIRD: The purpose for which the Corporation is to be formed is to develop, own, construct (or cause to be constructed), maintain (or cause to be maintained) certain infrastructure and related improvements located on approximately 1,700 acres of land located in the Town of Thompson, Sullivan County, and will be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, improve and maintain job opportunities, and lessen the burden of government and act in the public interest. In furtherance of said purposes, the Corporation's powers shall include:

(a) To foster the creation, retention and expansion of jobs and economic opportunities for the benefit of the County, State and local economies;

(b) To construct, acquire, rehabilitate and improve for use by others, facilities in the territory in which its operations are principally to be conducted, to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain and/or lease such facilities on its behalf or for others in such territory; to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto;

(c) To acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein;

(d) To apply for loans and borrow money without limit as to amount; to make, draw, accept, endorse, execute and issue negotiable bonds, debentures, notes and other obligations therefor, including, without limitation, to issue negotiable bonds, notes or other obligations on behalf of the County in support of economic and community development activities thereby lessening the burdens of the County; provided, however, that in no event shall any such bonds, notes or other obligation be the direct or indirect obligation of the County, nor shall any be guaranteed or supported by the County;

(e) To sell, lease, mortgage or otherwise dispose of or encumber any such facilities or any of its real or personal property or any interest therein upon such terms as it may determine;

(f) To enter into covenants and agreements and to comply with all the terms, conditions and provisions thereof, and otherwise to carry out its corporate purposes and to foster and encourage the location or expansion of facilities and related businesses in the territory in which the operations of the Corporation are principally to be conducted;

(g) To apply for and make grants and loans and to execute any and all documents necessary in connection therewith;

(h) To do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors, officers or any private person; and

(i) In general, to perform any and all acts and things, and exercise any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation; provided, however, that the foregoing purposes shall be exercised solely in connection with the Adelaar Resort Project and related properties including, but not limited to, the acquisition, construction and equipping of facilities to be operated by the Adelaar Resort Lighting District, the Adelaar Resort Drainage District, the Adelaar Resort Water District, the Adelaar Resort Sewer District and the Adelaar Road District (collectively, the “Adelaar Special Districts”) and the acquisition, construction and equipping of projects to be located within or proximate to the Adelaar Special Districts, including, but not limited to, the

Montreign Resort Casino, Monster Golf Course, Adelaar Entertainment Village and an Indoor Waterpark Lodge to be developed by Adelaar HWP, LLC.

FOURTH: The Corporation's mission and public objective, which the Corporation's purposes will achieve, include, but are not limited to, the lessening of the burdens of government by undertaking and promoting economic development initiatives in the County that will include real estate leasing, acquisition, development and management, real estate project finance, and other community-based economic development activities permissible under the Not-For-Profit Corporation Law.

FIFTH: The operations of the Corporation will be principally conducted within the County.

SIXTH: Pursuant to the requirements of Section 1411(e) of the Not-For-Profit Corporation Law:

(a) All income and earnings of the Corporation shall be used exclusively for its corporate purposes with the intent being that all income and earnings will be expended or deposited in appropriate reserves for corporate purposes; to the extent not so used, the income and earnings will accrue and be paid to the Job Development Authority to the extent required by Section 1411 of the Not-for-Profit Corporation Law.

(b) The property of the Corporation is irrevocably dedicated to charitable purposes. No part of the income or earnings of the Corporation shall inure to the benefit or profit of, nor shall any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, the Corporation shall be dissolved in accordance with the provisions of paragraph (g) of Section 1411 of the Not-For-Profit Corporation Law upon the repayment or other discharge in full by the Corporation of all such loans.

SEVENTH: (a) The Corporation shall not attempt to influence legislation by propaganda or otherwise, or participate in or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation shall not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

(c) Nothing in this Certificate of Incorporation shall authorize this Corporation, directly or indirectly, to engage in or include among its purposes any of the activities mentioned in Section 404(a)-(w) of the Not-for-Profit Corporation Law, and, therefore, the Corporation is not formed to engage in any activity or for any purpose requiring consent or approval of any state official, department, board, agency or other body and no such consent or approval is required.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors shall, after paying or making provision for the payment of all debts and liabilities of the Corporation of whatsoever kind or nature, distribute all of the remaining assets and property of the Corporation to the County in furtherance of the purposes set forth in Section 1411 of the Not-for-Profit Corporation Law. Any of such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York pursuant to Section 1008 of the Not-For-Profit Corporation Law.

NINTH: The office of the Corporation shall be located in Sullivan County, New York.

TENTH: The offices of the Corporation shall be functionally separate from those of the County. The Corporation at all times shall:

(a) maintain separate accounting records and other corporate records from those of the County and its affiliated entities (hereafter collectively referred to as the "County Entities);

(b) not divert the Corporation's funds to any other person or for other than the use of the Corporation and not commingle any of the Corporation's assets with those of the County Entities;

(c) pay any employee, consultant or agent of the Corporation, or any other operating expense incurred by the Corporation, from the assets of the Corporation and not from the assets of any of the County Entities;

(d) maintain its own deposit account or accounts, separate from those of the County Entities, with commercial banking institutions and/or trust companies;

(e) to the extent that the Corporation contracts or does business with vendors or service providers where the goods and services provided are partially for the benefit of any other person, the costs incurred in so doing shall be fairly allocated to or among the Corporation and such persons for whose benefit the goods and services are provided, and the Corporation and each such person shall bear its fair share of such costs;

(f) conduct its business in its own name and conduct all material transactions between the Corporation and the County Entities only on an arm's-length basis;

(g) observe all necessary, appropriate and customary corporate formalities, including, but not limited to, holding all regular and special members' and directors' meetings appropriate to authorize all corporate action, keeping separate and accurate minutes of such meetings, passing all resolutions or consents necessary to authorize actions taken or to be taken, and maintaining accurate and separate books, records, and accounts, including, but not limited to, intercompany transaction accounts. regular members' and directors' meetings shall be held at least annually;

(h) ensure that decisions with respect to its business and daily operations shall be independently made by the Corporation (although the officer making any particular decision also may be an employee, officer or director of the County Entities);

(i) act solely in its own corporate name and through its own authorized officers and agents, and use its own stationery;

(j) other than as expressly provided herein, pay all expenses, indebtedness and other obligations incurred by it;

(k) not enter into any guaranty, or otherwise become liable, with respect to any obligation of the County Entities;

(l) cause any financial reports required of the Corporation to be prepared in accordance with generally accepted accounting principles and be audited annually and be issued separately from, although they may be consolidated with, any reports prepared for any member of the County Entities; and

(m) ensure that at all times it is adequately capitalized to engage in the transactions contemplated herein.

ELEVENTH: The types or classes of Membership in the Corporation and the number of Members of the Corporation shall be described in the Corporation's By-laws. The initial Member of the Corporation shall be the County acting by and through the County Manager on an ex-officio basis.

TWELFTH: The Corporation shall be managed by a Board of Directors consisting of nine Directors. Any subsequent increase or decrease in the size of the Board of Directors will require the unanimous approval of the Members and the affirmative vote of a majority of the Directors.

THIRTEENTH: The names and addresses of the initial Directors of the Corporation and the expiration of the term for each initial Director shall be as follows:

<u>Name</u>	<u>Address</u>	<u>Initial Term Expiration</u>
Ira Steingart	5211 Main Street, P.O. Box 460 South Fallsburg, New York 12779	12/31/2018
Edward Sykes	692 River Road Callicoon, New York 12723	12/31/2016
Charlie Barbuti	74 Dwyer Avenue Liberty, New York 12754	12/31/2017
Suzanne Loughlin	492 Old Sackett Road Rock Hill, New York 12775	12/31/2016
Sean Rieber	P.O. Box 1084 Rock Hill, New York 12775	12/31/2018
Carol Roig	7 Harder Road Barryville, New York 12729	12/31/2017
Howard Siegel	25 Lake Louise Marie Road, P.O. Box 309 Rock Hill, New York 12775	12/31/2016
Paul Guenther	146 Central Park West New York, New York 10023	12/31/2018
Scott Smith	22 Summitt Drive Yulan, New York 12792	12/31/2017

FOURTEENTH: The duration of the Corporation shall be perpetual.

FIFTEENTH: The Corporation shall indemnify each Member, each Director, each officer, and, to the extent authorized by the Board of Directors, each other person authorized to act for the Corporation or on its behalf, to the full extent to which indemnification is permitted under the Not-For-Profit Corporation Law.

SIXTEENTH: The Secretary of State of the State of New York State is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him is as follows: THE SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION, 1 Cablevision Center, Ferndale, New York 12734.

SEVENTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the Directors of the Corporation.

EIGHTEENTH: The Corporation will not do any of the following:

(a) Without the affirmative vote of all Members of the Corporation and the affirmative vote of a majority of the Directors, increase or decrease the number of Members of the Corporation or increase or decrease the number of Directors of the Corporation.

(b) Without the affirmative vote of a majority of the Directors of the Corporation and all of the Corporation's Members, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consenting to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit of creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph.

(c) Without the affirmative vote of all of the Directors of the Corporation and all of the Corporation's Members, merge or consolidate with any other corporation, company or entity or, except to the extent contemplated by paragraph THIRD hereof, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

IN WITNESS WHEREOF, this Certificate of Incorporation has been subscribed this 28<sup>th</sup> day of January, 2016.

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Joshua Potosek, County Manager  
Sullivan County Government Center  
100 North Street  
Monticello, New York 12701

CERTIFICATE OF INCORPORATION

OF

THE SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION

(Under Section 1411 of the Not-For-Profit Corporation Law of the State of New York)

Filed by: GARIGLIANO LAW OFFICES, LLP  
449 Broadway, P.O. Drawer 1069  
Monticello, New York 12701

**RESOLUTION NO. 27-16 INTRODUCED BY EXECUTIVE COMMITTEE TO  
DESIGNATE THE COUNTY LEGISLATURE AS THE COUNTY'S TRAFFIC  
SAFETY BOARD**

**WHEREAS**, neither the Sullivan County Charter nor Administrative Code designates the Legislature as the County's Traffic Safety Board, and

**WHEREAS**, the County will be eligible for New York State Traffic Safety Partnership Grants, and other State Grants only if the County Legislature is designated as a Traffic Safety Board, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby designates itself as the County's Traffic Safety Board for a period 1/1/2016-12/31/2019, and

**BE IT FURTHER RESOLVED**, that the County Manager be and he hereby is authorized to execute any and all necessary documents and papers in connection with the County's Traffic Safety Board, in such form as the County Attorney shall approve.



**Moved by Mr. Perrello, seconded by Mrs. Rajsz, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

**RESOLUTION 28-16 INTRODUCED BY THE EXECUTIVE COMMITTEE AUTHORIZING APPROVAL OF THE BOARD OF DIRECTORS FOR THE SULLIVAN COUNTY VISITORS ASSOCIATION FOR YEARS 2014-2016, 2015-2017 and 2016-2018**

**WHEREAS**, the Sullivan County Legislature contracts with the Sullivan County Visitors Association to promote tourism in Sullivan County; and

**WHEREAS**, the By-laws of the Sullivan County Visitors Association requires approval by the Sullivan County Legislature; and

**WHEREAS**, the County Manager and the Chairman of the Community and Economic Development Committee met with the nominating committee to review Sullivan County Visitors Association's recommendation; and

**WHEREAS**, the Sullivan County Visitors Association seeks approval of its appointees for Directors over the next 3 years as follows as well as the Officers and Executive Board for 2016:

2014-2016

Paul Carlucci	Villa Roma Resort & Conference Center.
Sonja Hedlund	Apple Pond Farm
Alan Rosenblatt	ECCE Bed & Breakfast
Scott Conley	Roscoe Campsite Park
Franklin Trapp	Forestburgh Playhouse
Steve Vegliante	Town of Fallsburg

2015-2017

Stacy Cohen	Dancing Cat Saloon
Darlene Fedun	Bethel Woods
Elaine Fettig	Roscoe Rockland Chamber
Jennifer Grimes	Red Cottage Inc.

2016-2018 – NEWLY ELECTED

Elaine Giguere	Delaware Valley Arts Alliance
Rick Lander	Lander's River Trips
Richard Glisson	Monticello Casino & Raceway
Danielle Gaebel	Natural Contents Kitchen
Sims Foster	The Arnold House & North Branch Inn

2016 Officers and Executive Board

Paul Carlucci	Co-Chairman
Elaine Fettig	Co-Chairman
Rick Lander	Vice Chairman
Richard Glisson	Treasurer
Elaine Giguere	Secretary
Bill Sipos	Immediate Past Chairman
Darlene Fedun	General Board Member

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature approves the full slate of Board of Directors to the Sullivan County Visitors Association for years 2014-2016, 2015-2017 and 2016-2018 and the slate of officers and Executive Board for 2016.

**Moved by Mr. Perrello, seconded by Mr. McCarthy, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

**RESOLUTION NO. 29-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO APPOINT NADIA RAJSZ AND MARK MCCARTHY AS LEGISLATIVE REPRESENTATIVES AND GENE BENSON AS GRANGE MEMBER TO THE SULLIVAN COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, it is the desire of the Legislature to appoint Nadia Rajsz and Mark McCarthy as legislative representatives and Gene Benson as Grange Member to the Sullivan County Soil and Water Conservation District Board of Directors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby appoints Nadia Rajsz and Mark McCarthy as legislative representatives and Gene Benson as Grange Member to the Sullivan County Soil and Water Conservation Board of Directors with the term to expire on December 31, 2017.

**Moved by Mrs. Owens, seconded by Mr. Sorensen**, put to a vote with Mrs. Rajsz and Mr. McCarthy abstaining and Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 30-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT/REAPPOINT MEMBERS TO THE SULLIVAN COUNTY ELECTRICAL LICENSING BOARD**

**WHEREAS**, Local Law No. 2 of 2014 was adopted by the Sullivan County Legislature on August 21, 2014 amending the Electrical Licensing Law, and

**WHEREAS**, Article II. Board of Electrical Licenses Section 103-3 Membership of the Local Law states that voting and nonvoting members need to be appointed by Legislature, and

**WHEREAS**, one of the Master Electrician slots expired on December 15, 2015 and the Individual representing the Legislature slot is vacant, and

**WHEREAS**, it is the desire of the Electrical Licensing Board to appoint Terri Ward, District 5 Legislator and Per Resolution No. 407-11, Mr. Karl Kerber was the only letter of interest received.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to §103-3 of the Sullivan County Code, the following persons are appointed to the Sullivan County Board of Electrical Licensing for the term ending listed next to their name:

**Voting Member Appointee**

Individual representing the County Legislature (Terri Ward)

**Voting Member Reappointee**

Master Electrician (Karl Kerber)

**BE IT FURTHER RESOLVED**, that Mr. Karl Kerber be reappointed one year (1/1/16-12/31/16) and Mrs. Terri Ward be appointed as the "Individual representing the County Legislature for her term 1/1/16-12/31/19.

**Moved by Mrs. Rajsz, seconded by Mr. Perrello**, put to a vote with Mrs. Ward abstaining and Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 31-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND RESOLUTION NO. 485-15 TO AMEND THE 2015-2020 CAPITAL PLAN FOR THE PURCHASE OF TWO ROAD PATROL VEHICLES FOR THE SHERIFF'S OFFICE**

**WHEREAS**, Resolution No. 485-15 was adopted by the Sullivan County Legislature on December 17, 2015, and

**WHEREAS**, the aforesaid resolution amended the 2015-2020 Capital Plan for the purpose of purchasing two road patrol vehicles for the Sheriff Road Patrol in an amount not to exceed \$52,257, and

**WHEREAS**, the cost of purchasing said vehicles is greater than previously authorized.

**NOW, THEREFORE, BE IT RESOLVED**, that the Legislature of the County of Sullivan hereby amends Resolution No. 485-15 to amend the adopted Capital Plan in accordance with Section C2.02 (N) of the Sullivan County Charter, upon a two thirds vote of the membership for the purpose of purchasing two road patrol vehicles for the Sheriff's Road Patrol in the amount not to exceed \$60,000.

**Moved by** Mr. McCarthy, **seconded by** Mr. Steingart, put to a roll call vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 32-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF DELAWARE FOR TAX MAP #10.-1-3.1**

**WHEREAS**, an application dated January 20, 2016 having been filed by Eileen A Hermann with respect to property assessed to said applicant on the 2016 tax roll of the Town of Delaware Tax Map #10.-1-3.1 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on the taxable portion of the tax roll due to the failure of the assessed value on said tax roll to reflect the aged exemption to which the property owner was entitled; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 26, 2016 recommending the Sullivan County Legislature approve said application; and

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

- (a) That the application be approved because of a clerical error.

**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 levied school tax, the Treasurer shall charge back such amount in accordance with law.

**Moved by** Mrs. Owens, **seconded by** Mrs. Rajszy, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 33-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF THOMPSON FOR TAX MAP #107.-1-7**

**WHEREAS**, an application dated January 19, 2016 having been filed by Saumik C Patel with respect to property assessed to said applicant on the 2016 tax roll of the

Town of Thompson Tax Map #107.-1-7 pursuant to Section 554 of the Real Property Tax Law, to correct an unlawful entry on the taxable portion of the tax roll due to an incorrect entry of the assessed valuation of an improvement to real property which was present on a different parcel; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 25, 2016 recommending the Sullivan County Legislature approve said application; and

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

- (a) That the application be approved because of a unlawful entry.

**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** Mrs. Owens, **seconded by** Mrs. Rajsz, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 34-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #53.-4-18**

**WHEREAS**, an application dated January 20, 2016 having been filed by Shafia Meer with respect to property assessed to said applicant on the 2016 tax roll of the Town of Fallsburg Tax Map #53.-4-18 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on the taxable portion of the tax roll due to an incorrect entry of assessed valuation on the assessment roll which does not conform to the entry for the same parcel which appears on the property ownership card; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 22, 2016 recommending the Sullivan County Legislature approve said application; and

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

- (a) That the application be approved because of a clerical error.

**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** Mrs. Owens, **seconded by** Mrs. Rajsz, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 35-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF LIBERTY FOR TAX MAP #104.-6-14**

**WHEREAS**, an application dated January 15, 2016 having been filed by William & Joan Stoddard with respect to property assessed to said applicant on the 2016 tax roll of the Town of Liberty Tax Map #104.-6-14 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on the taxable portion of the tax roll due to the failure to enter the Basic STAR exemption to which the property owner was entitled. School tax is unpaid and relieved on the 2016 town and county tax roll; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 21, 2016 recommending the Sullivan County Legislature approve said application; and

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

- (a) That the application be approved because of a clerical error.

**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** Mrs. Owens, **seconded by** Mrs. Rajsz, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 36-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #21.-1-1.3/25**

**WHEREAS**, an application dated January 14, 2016 having been filed by Geraldine Ragusa with respect to property assessed to said applicant on the 2016 tax roll of the Town of Mamakating Tax Map #21.-1-1.3/25 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on the taxable portion of the tax roll due to an entry on the tax roll which is incorrect by reason of a mistake in the determination of a special assessment; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 21, 2016 recommending the Sullivan County Legislature approve said application; and

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

- (a) That the application be approved because of a clerical error.

**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 Mrs. Owens, seconded by Mrs. Rajszyk, put to a vote with Mr. Samuelson absent, unanimously carried and declared duly adopted on motion January 28, 2016.**

**RESOLUTION NO. 37-16 INTRODUCED BY EXECUTIVE COMMITTEE TO CORRECT THE 2016 TAX ROLL OF THE TOWN OF MAMAKATING FOR TAX MAP #107.-2-1.2**

**WHEREAS**, an application dated January 13, 2016 having been filed by Mamakating First Aid Squad, Inc. with respect to property assessed to said applicant on the 2016 tax roll of the Town of Mamakating Tax Map #107.-2-1.2 pursuant to Section 554 of the Real Property Tax Law, to correct a clerical error on the taxable portion of the tax roll due to an entry on the tax roll which is incorrect by reason of a mistake in the determination of a special assessment; and

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed his report dated January 21, 2016 recommending the Sullivan County Legislature approve said application; and

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

(a) That the application be approved because of a clerical error.

**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 Mrs. Owens, seconded by Mrs. Rajsz**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 38-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY ATTORNEY TO ENTER INTO A CONSENT DECREE IN A FEDERAL LAWSUIT INVOLVING THE BOARD OF ELECTIONS, COMMISSIONER GAEBEL AND COMMISSIONER PRUSINSKI**

**WHEREAS**, a number of Plaintiffs brought a federal Civil Rights action against the Sullivan County Board of Elections and the two Commissioners of Elections with regard to actions taken by the Board concerning certain challenges to voter registrations during the last Bloomingburg election and the special Bloomingburg election, and

**WHEREAS**, the Defendants denied having done anything improper, and

**WHEREAS**, it became apparent that an amicable resolution would be preferable to the continued expense of the lawsuit and could put mechanisms in place which would avoid future litigation, and

**WHEREAS**, the Parties have now entered into a mutually acceptable consent decree, and

**WHEREAS**, the compensatory damage and legal fees and costs payments called for in the consent decree are covered by the County's insurance and will be reimbursed to the County by its carrier,

**NOW THEREFORE BE IT RESOLVED THAT**: the County Attorney is authorized to execute the Consent Decree and the County Manager is authorized to make the compensatory damage and legal fees and costs payments called for in said decree and to obtain reimbursement of said amounts from the County's insurance carrier.

**Moved by Mr. McCarthy, seconded by Mr. Perrello**, put to a vote with Mrs. Owens opposed and Mr. Samuelson absent, resolution carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 39-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXCEED THE RETAINER AMOUNT FOR THE LAW FIRM OF LEWIS JOHS AVALLONE AVILES, LLP**

**WHEREAS**, the County Attorney and County Manager entered into a retainer agreement with Lewis Johs Avallone Aviles, LLP (hereinafter, "the Firm"), and

**WHEREAS**, the Firm is assisting outside legal counsel with electronically stored information in a federal case against the Sullivan County Board of Elections, Ann Prusinski and Rodney Gaebel, and

**WHEREAS**, Resolution No. 480-15 authorized the County Attorney and County Manager to exceed the retainer with the Firm in an amount not to exceed \$75,000.00, and

**WHEREAS**, the Firm has advised that it has exceeded the \$75,000.00 amount based on present invoices, and it will be necessary to compensate them for the work performed for the County.

**IT IS THEREFORE RESOLVED**, that the County Manager and County Attorney are hereby authorized to compensate the Firm for the work performed for the County, but in no event shall the expenses exceed an additional \$25,000.00 over the present invoices.

**Moved by Mr. Sorensen, seconded by Mrs. Owens**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

**RESOLUTION NO. 40-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY ATTORNEY TO EXECUTE RETAINER AGREEMENT(S) WITH OUTSIDE COUNSEL IN RELATION TO THE DEFENSE OF FEDERAL LITIGATIONS.**

**WHEREAS**, over the past years, the County Attorney's Office has represented the County in a growing number of federal litigations, and

**WHEREAS**, the rigors of, and responsibilities inherent in, federal litigation may require special expertise or conflict with the day-to-day obligations of the Office of the County Attorney, and

**WHEREAS**, it is in the best interest of the County to authorize the County Attorney to hire outside counsel from time to time to represent the best interests of the County in federal litigations, at an hourly rate not to exceed \$175.00.

**BE IT THEREFORE RESOLVED**, that the County Attorney is authorized to execute Retainer Agreement(s) with outside counsel, on a case-by-case basis, to represent the County in federal litigations at an hourly rate not to exceed \$175.00.

**Moved by Mr. Perrello, seconded by Mrs. Owens**, put to a vote with Mr. Samuelson absent, unanimously carried and **declared duly adopted on motion** January 28, 2016.

Chairman Alvarez then thanked Samuel Yasgur, County Attorney for his years of service with Sullivan County and wished Mr. Yasgur the best in his retirement.

County Treasurer Nancy Buck announced that a Certificate of Achievement for Excellence in Financial Reporting has been awarded to the County of Sullivan.

**Recognition of Legislators:**

None

There being no further business, Mrs. Rajsz moved to adjourn, seconded by Mr. Steingart subject to the call of the Chairman. The full board meeting was adjourned at 2:31PM.

ANNMARIE MARTIN, CLERK  
Sullivan County Legislature