

**Sullivan County Legislature
Regular Meeting
October 20, 2016 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:19PM by Chairman Alvarez with the Pledge of Allegiance.

Roll Call indicated Mrs. Rajsz, Mr. McCarthy, and Mr. Perrello absent.

The Clerk read the following communications:

1. Proclamation designating November 17, 2016 as World pancreatic Cancer Day
2. Proclamation designating November 2016 as epilepsy awareness month
3. Records destruction notification in accordance with Sara from the following departments:

Center for Workforce September 12, 2016
DFS Legal dated September 20, 2016
Center for Workforce dated September 26, 2016
Probation Department September 26, 2016
Center for Workforce 1 stop dated September 29, 2016
DFS Legal dated October 18, 2016

4. Report Of Available Revenues For Fiscal Year 2017 Filed By County Treasurer Nancy Buck

Presentation – Human Rights Director Lorraine Lopez presented awards to members of the Latino community.

Public Comment:

1. Barbara Durbak, Sullivan County Youth Board

Order of Business:

RESOLUTION 409-16 INTRODUCED BY PERSONNEL COMMITTEE TO RECLASSIFY POSITION NO. 2119 GRANTS ADMINISTRATION PROGRAM SPECIALIST TO THE POSITION OF GRANTS ADMINISTRATION SUPERVISORY ASSISTANT AND ABOLISH POSITION NO. 2887 GRANT WRITER AND CREATE A FINANCIAL ANALYST POSITION

WHEREAS, there is currently a need to reclassify Position No. 2119 designated as the Grants Administration Program Specialist; and

WHEREAS, the duties that will be assigned to this person are above the current title and a recommendation has been made to reclassify the title to Grants Administration Supervisory Assistant in the Grants Administration Department, which will encompass the duties and the needs of the department; and

WHEREAS, based on additional review and discussions of the needs of the Grants Administration Department there is a recommendation to abolish Position No. 2887 Grant Writer in the Grants Administration Department and create the position of Financial Analyst in the Office of Management and Budget housed in the Grants Administration Department; and

WHEREAS, the County Manager, Commissioner of Management and Budget and the Personnel Officer recommend that the title of Grants Administration Program Specialist be reclassified to Grants Administration Supervisory Assistant, and the Grant Writer position be abolished and the Financial Analyst position be created; and

WHEREAS, the Commissioner of Management and Budget has verified that the above changes will not have an impact on the 2016 budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the reclassification of position number 2119 in the Grants Administration Department to a Grants Administration Supervisory Assistant effective immediately, and position number 2887 Grant Writer is hereby abolished and a Financial Analyst position be created and salaries to be set as follows:

<u>Organization No.</u>	<u>Position Title</u>	<u>Salary</u>
A1341	Grants Administration Supervisory Assistant	Teamsters Salary Schedule VII
A1340	Financial Analyst	\$52,000

BE IT FURTHER RESOLVED, that the Commissioner of Management and Budget is hereby authorized to fill the Financial Analyst position immediately.

Moved by Mr. Sorensen, seconded by Mrs. Owens, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 410-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2016 COUNTY BUDGET

WHEREAS, the County of Sullivan Budget requires modification,

NOW, THEREFORE, BE IT RESOLVED, that the attached budgetary transfers for 2016 be authorized.

Moved by Mr. Sorensen, seconded by Mrs. Ward, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 411-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO DESIGNATE THE FUNDS RECEIVED FROM THE SULLIVAN COUNTY TOBACCO ASSET SECURITIZATION CORPORATION TO A BUILDING CONSTRUCTION FUND BALANCE ASSIGNMENT WITHIN THE GENERAL FUND AND DEBT RESERVE FUND BALANCE

WHEREAS, the Sullivan County Tobacco Asset Securitization Corporation (SCTASC) has made a one-time transfer of \$5,013,599.77 to the County of Sullivan for the purpose of funding capital projects and a one-time transfer of \$3,172,164.36 for the purpose of retiring existing debt, and

WHEREAS, the SCTASC funds have been established to satisfy certain debt service payments on bonds there were issued or re-issued at the time of the creation of the SCTASC, and

WHEREAS, the SCTASC has recommended that the County place the \$5,013,599.77 from the SCTASC into a Building Construction (2016 Tobacco Proceeds) Fund Balance Assignment within the General Fund, and the County Manager and the Commissioner of the Division of Management and Budget have concurred with the recommendation of the SCTASC; and

WHEREAS, it is in the County's best interest to designate the \$5,013,599.77 from the SCTASC to a Building Construction (2016 Tobacco Proceeds) Fund Balance Assignment within the General Fund to be appropriated in future fiscal years to fund various building construction projects; and

WHEREAS, the SCTASC has recommended that the County place the \$3,172,164.36 from the SCTASC into existing Debt Reserve accounts, and the County Manager and the Commissioner of the Division of Management and Budget have concurred with the recommendation of the SCTASC; and

WHEREAS, it is in the County's best interest to designate the \$3,172,164.36 from the SCTASC into existing Debt Reserve accounts, to be appropriated in 2017 to for the purpose of retiring existing short-term Bond Anticipation Notes; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby designates the \$5,013,599.77 received from the SCTASC to a Building Construction (2016 Tobacco Proceeds) Fund Balance Assignment within the General Fund to be appropriated in future fiscal years to fund various building construction projects; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby designates the \$3,172,164.36 received from the SCTASC into existing Debt Reserve accounts, to be appropriated in 2017 for the purpose of retiring existing short-term Bond Anticipation Notes.

Moved by Mrs. Owens, seconded by Mr. Sorensen, put to a vote with Mrs. Rajsasz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 412-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO CREATE AND FUND A CASINO MITIGATION ASSIGNED FUND BALANCE WITHIN THE GENERAL FUND

WHEREAS, Montreign Resort Casino was awarded a license to construct and operate a casino in Sullivan County, and

WHEREAS, the casino along with the Adelaar Entertainment and Lifestyle Complex will employ over a thousand people, resulting in numerous positive economic impacts for Sullivan County, and

WHEREAS, Sullivan County Government will see increased costs associated with the opening of the casino and entertainment complex and the resulting increase in visitors and permanent residents, and

WHEREAS, Sullivan County has received \$2,550,000 as part of the Montreign Resort Casino project license fee, and

WHEREAS, the Sullivan County Legislature feels it is prudent to utilize the \$2,550,000 license fee proceeds to mitigate any future county costs associated with the casino and entertainment complex project.

NOW, THEREFORE, BE IT RESOLVED, that Sullivan County Legislature hereby creates and funds a Casino Resort Mitigation Assigned Fund Balance in the general fund in the amount of \$2,550,000.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajsasz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 413-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO AUTHORIZE EXECUTION OF A CONTRACT EXTENSION WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES AND EXTENSIONS OF THE MODIFICATION AGREEMENTS WITH SULLIVAN LEGAL AID PANEL, INC. AND SULLIVAN COUNTY CONFLICT LEGAL AID SOCIETY

WHEREAS, pursuant to Resolution No. 158-16, adopted by the Sullivan County Legislature on April 21, 2016, the County entered into a contract with New York State Office of Indigent Legal Services ("NYSOILS"), and Modification Agreements with Sullivan Legal Aid Panel, Inc. and Sullivan County Conflict Legal Aid Society for funding through an Upstate Quality Improvement and Caseload Reduction grant, and

WHEREAS, the contract is for 2014-2016, expiring on December 31, 2016 and was not available from NYSOILS to be fully executed until 2016 and therefore does not allow for the appropriate amount of time to fulfill the agreement, and

WHEREAS, there is a need for an eighteen (18) month extension with NYSOILS and the Sullivan Legal Aid Panel, Inc. and Sullivan County Conflict Legal Aid Society.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a Contract Extension with NYSOILS and Modification Agreement Extensions with Sullivan Legal Aid Panel, Inc., and Sullivan County Conflict Legal Aid Society, for the term January 1, 2014 through June 30, 2018, said extensions to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 414-16 INTRODUCED BY PUBLIC SAFETY & LAW ENFORCEMENT COMMITTEE TO AUTHORIZE EXECUTION OF A MODIFICATION AGREEMENT WITH NYCOMCO

WHEREAS, pursuant to Resolution No. 323-15, adopted by the Sullivan County Legislature on August 20, 2016, extending the pending replacement of the current equipment and the Public Safety Communication Upgrade Project, and

WHEREAS, the extension of the current lease has been extended through May 31, 2017, for a monthly cost not to exceed, \$1,285.00, for a total cost not to exceed \$15,240.00, and

WHEREAS, the total cost not to exceed should read: "\$15,240.00/year".

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a Modification Agreement, modifying the lease of the equipment with NYCOMCO, for the term June 1, 2015 through May 31, 2017, at a cost not to exceed \$1,285.00/month, for a total not to exceed \$15,420.00/year, and in accordance with the written quote, dated June 1, 2015, Lease #19931SLE01, said modification to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 415-16 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE A MODIFICATION TO THE AGREEMENT FOR CONSTRUCTION INSPECTION SERVICES FOR THE REALIGNMENT OF COUNTY ROAD 173 AT THE INTERSECTION OF STATE ROUTE 17 EXIT 106 EAST BOUND RAMPS. (THE PROJECT).

WHEREAS, the developer Adelaar Developer, LLC, is building a destination resort community in the Town of Thompson, Sullivan County, N.Y. As a result, this developer has received a Highway Work Permit from the County of Sullivan to reconfigure the existing County infrastructure (County Road 173), in the area of the proposed resort, in order to accommodate the increased traffic volumes projected, once the resort is complete; and

WHEREAS, Resolution No. 210-15 authorized an agreement for McFarland Johnson, Inc. (the Consultant) to provide Construction Inspection Services during the construction phase of the reconfiguration of County Road 173; and

WHEREAS, additional Construction Inspection Services are required as the duration of the project is longer than that which was specified in the original agreement; and

WHEREAS, the same developer, now has an application for site plan approval before the Town of Thompson planning board, for the first of it's non-casino components (Waterpark and Resort Hotel) at the Adelaar project; and

WHEREAS, the developer has indicated that they are planning other, non-casino components in the future; and

WHEREAS, any or all of these proposed, additional projects will have some impact on the County's infrastructure, thereby necessitating technical review of same; and

WHEREAS, the Division of Public Works has reviewed the need for additional construction inspection services, along with technical review services and recommends the approval of a Modification Agreement for the additional work; and

WHEREAS, Adelaar Developer, LLC has previously entered into an Escrow Agreement with the County providing for the deposit of funds with the County to cover the costs associated with the Construction Inspection Services conducted by McFarland Johnson, Inc., in regard to the reconfiguration of County Road 173; and

WHEREAS, due to the additional services to be provided by McFarland Johnson, Inc. and the costs associated therewith the Escrow Agreement must be modified; and

WHEREAS, Adelaar Developer, LLC has agreed to deposit funds with the County sufficient to pay the costs associated with the additional services of McFarland Johnson, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute a Modification Agreement for additional services with, McFarland Johnson, Inc. at a cost not to exceed \$100,000, said Modification Agreement to be in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to execute a Modification Agreement to the Escrow Agreement with Adelaar Developer, LLC to provide for an additional deposit(s) of funds, not to exceed \$100,000, to cover the costs associated with the additional services to be provided by McFarland Johnson, Inc., said Modification Agreement to be in a form approved by the County Attorney's Office.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 416-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE AWARD AND EXECUTION OF A MODIFICATION AGREEMENT WITH JANE AXAMETHY D/B/A THE BAKE HOUSE AT THE SULLIVAN COUNTY INTERNATIONAL AIRPORT.

WHEREAS, this modification agreement shall modify the agreement between the parties dated August 27, 2013, ("original agreement"), and entered into pursuant to Resolution No. 212-13, adopted by Sullivan County Legislature on May 16, 2013 and Resolution No. 324-15, adopted by Sullivan County Legislature on August 20, 2015; and

WHEREAS, pursuant to Resolution No. 212-13 and 324-15, the contract period has been extended through August 27, 2017 at a monthly price of \$192.94; and

WHEREAS, all the other terms and conditions shall remain unchanged.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a Modification Agreement with Jane Axamethy d/b/a The Bake House, in accordance with the RFP, R-13-01, said contract to be in such from as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

MODIFICATION AGREEMENT

CAFÉ OPERATIONS AT SULLIVAN COUNTY INTERNATIONAL AIRPORT

THE BAKE HOUSE

This agreement is made as of _____, 2016, between the County of Sullivan (“County”), a municipal corporation with offices at the Sullivan County Government Center, 100 North Street, Monticello, New York 12701 and Jane Axamethy d/b/a The Bake House, 10 Horseshoe Lake Road, Kauneonga Lake, New York 12749, (“Contractor”).

1. This modification agreement shall modify the agreement between the parties dated _____ August 27, 2013, (“original agreement”), and entered into pursuant to Resolution No. _____ 212-13, adopted by Sullivan County Legislature on May 16, 2013 and Resolution No. _____ 324-15, adopted by Sullivan County Legislature on August 20, 2015.
2. Pursuant to Resolution No. 212-13 and 324-15, the contract period has been extended _____ through August 27, 2017 at a monthly price of \$192.94.
3. All other terms and conditions shall remain unchanged.

County of Sullivan
Joshua Potosek, County Manager:

Contractor
Jane Axamethy d/b/a The Bake House

Approved As To Form:
Assistant County Attorney:

RESOLUTION NO. 417-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE MODIFICATION OF THE CUSTODIAL CLEANING SERVICES CONTRACT TO INCLUDE THE SHARED CLINIC FACILITY

WHEREAS, an agreement was executed with Facilities Maintenance Corporation for Custodial Cleaning Services, dated September 23, 2015, pursuant to Resolution No. 365-15, adopted by the Sullivan County Legislature on September 17, 2015; and

WHEREAS, additional cleaning services are required for the Complete Cleaning of the Shared Clinic Facility, 50 Community Lane, Liberty, New York 12754, commencing November 1, 2016; and

WHEREAS, the Sullivan County Division of Public Works recommends that a modification agreement be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a modification agreement with Facilities Maintenance Corporation, for \$2,989.00/month, for a total annual cost of \$35,868.00, in accordance with the proposal dated September 20, 2016, for custodial cleaning services for the Shared Clinic Facility, and in accordance with the bid terms and conditions, B-15-42, said modification agreement be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 418-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE THE FILING OF AN APPLICATION FOR A STATE GRANT IN-AID FOR THE HOUSEHOLD HAZARDOUS WASTE STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the County of Sullivan herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; and

WHEREAS, the Sullivan County Legislature hereby authorizes the County Manager and / or the Chairman of the County Legislature to execute any and all necessary documents to accept the award, should one be granted, and enter into an award agreement or contract in order to administer the funding secured, in such form as the County Attorney shall approve.

NOW, THEREFORE, BE IT RESOLVED BY the County of Sullivan Legislature

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That County Manager, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;

3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a complete application.
5. That this resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that should the NYS Department of Environmental Conservation's Household Hazardous Waste Program 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** Mr. Samuelson, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 419-16 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AMEND RESOLUTION NO. 394-16

WHEREAS, Resolution No. 394-16 states the contract period as "October 1, 2016 through September 30, 2016"; and

WHEREAS, the correct period should read "October 1, 2016 through September 30, 2017",

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 394-16 now does reflect the correct contract period of October 1, 2016 through September 30, 2017.

Moved by Mr. Sorensen, **seconded by** Mr. Samuelson, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 420-16 INTRODUCED BY THE HEALTH AND FAMILY SERVICES COMMITTEE RESOLUTION TO AUTHORIZE AGREEMENTS FOR HEAP APPLICATION ASSISTANCE

WHEREAS, a Request for Proposal, R-16-23, was issued for assistance with the County's HEAP application process, and

WHEREAS, the following proposals were received at the following application rates,

PROPOSER	FEES
1. Community Action Commission to Help the Economy	\$21.50/application
2. Action Toward Independence, Inc.	\$20.00/application
3. Independent Living, Inc.	\$20.00/application
4. Sullivan County Head Start, Inc.	\$25.00/application

WHEREAS, the Sullivan County Division of Family Services, has approved said fees and recommends that contracts be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute Agreements with the above proposers at the fees noted above, for the period of October 1, 2016 through September 30, 2017. This agreement may be extended on a yearly basis, for an additional three (3) years, under the same terms and conditions, upon mutual agreement; and

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

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajsasz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 421-16 INTRODUCED BY THE PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT WITH SULLIVAN COUNTY COMMUNITY COLLEGE (SCCC) TO PROVIDE PATROL SERVICES

WHEREAS, the Sullivan County Sheriff's Office has provided a Deputy Sheriff as additional police presence on the campus of the Sullivan County Community College (SCCC) since 2006; and

WHEREAS, due to the success of the program and due to the need for law enforcement on the campus of SCCC for the 2016-2017 school year the parties wish to continue the presence of a Deputy Sheriff on the campus of SCCC; and

WHEREAS, the Sullivan County Sheriff's Office desires to enter into an Agreement with SCCC to provide a Deputy Sheriff on the campus of SCCC for the 2016-2017 school year; and

WHEREAS, the Sullivan County Sheriff's Office desires to have the authority to extend the Agreement with SCCC to provide a Deputy Sheriff on the campus of SCCC for additional one-year terms upon mutual agreement of the parties; and

WHEREAS, SCCC will reimburse the County of Sullivan for the actual cost of the officer's salary and benefits adjusted for the actual number of days of service provided to SCCC in an amount determined by the County of Sullivan, and for the use of a marked Sheriff's patrol vehicle; and

WHEREAS, the Agreement will be for the period of August 29, 2016 to May 31, 2017, and may be extended for additional one year terms upon mutual agreement of the parties.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute an Agreement with Sullivan County Community College to provide a Deputy Sheriff, for the period of August 29, 2016 to May 31, 2017, and such Agreement may be extended for additional one year terms upon mutual agreement of the parties, in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajsasz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 422-16 INTRODUCED BY PLANNING AND ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE

CONTRACT WITH HAAS LANDSCAPE ARCHITECTS FOR PROFESSIONAL DESIGN SERVICES

WHEREAS, the Division of Planning and Environmental Management has grant funding to complete engineering for a river access in the Town of Highland, and

WHEREAS, a request for proposals was issued through the Department of Purchasing by the Division of Planning and Environmental Management, and

WHEREAS, proposals were received for Professional Design Services for Assistance on Design and Engineering for a River Access in the Town of Highland, along the Upper Delaware River, and

WHEREAS, the proposal from HAAS Landscape Architects, 9 South Washington Street, Binghamton, New York 13903, is the responsible proposer for this project, and

WHEREAS, the Division of Planning and Environmental Management recommends that an award be made.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with HAAS Landscape Architects, in an amount not to exceed \$25,000, in accordance with RFP-16-13, and said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 423-16 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE ROUND 3 CONTRACTS FOR THE 2016 PLANS AND PROGRESS SMALL GRANTS PROGRAM

WHEREAS, the Sullivan County Legislature allocated \$100,000 in the FY 2016 budget to be distributed to local communities, non-profits and civic-organizations through the Plans and Progress Small Grants program; and

WHEREAS, the program is designed to accept applications on a rolling basis with periodic reviews; and

WHEREAS, the program review committee assessed recent applications and presented its recommendations to the Sullivan County Legislature; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature approves the projects listed in the attached Schedule A and the disbursement of the associated funds, and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature authorizes the County Manager to enter into contracts with these award recipients for these projects upon meeting the guidelines of the Plans and Progress small grants program, said contracts to be in a form approved by the County Attorney.

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

Schedule A: Round 3 Plans & Progress Program Recommendation Awards

Applicant	Applicant Address	Applicant District	District(s) of Project Impact	Project	Award Recommendation
St. Peter's Church	PO Box 154, Swan Lake, NY 12783	6	6	"Chat Day 2017" and follow up initiatives on preventing drug abuse	\$2,000
Liberty Museum	46 S. Main St., Liberty NY 12754	6	6	Cultural Courtyard - Barn Bridge	\$4,450
Delaware Highlands Conservancy	PO Box 219, Narrowsburg , NY 12764	1	9	Interpretive trail educational materials and signage/Monticello	\$4,260
Town of Liberty	119 N. Main St., Liberty, NY 12754	6	6	ADA Interpretive Trail / Walnut Mountain Park	\$7,000
Town of Neversink	PO Box 307, Grahamsville , NY 12740	3	3	Fencing and ADA ramp for Route 42 Community Park	\$7,000
Woodridge	PO Box 655, Woodridge, NY 12789	7	7	Section of O&W Trail refurbishment and protection	\$7,050
Town of Fallsburg	PO Box 2019, South Fallsburg, NY 12779	7	7	Fish Stocking	\$1,000
Cochecton Center Community Center	PO Box 326, Lake Huntington, NY 12752	1	1	Exterior painting of building	\$3,600
Cornell Cooperative Extension	64 Ferndale- Loomis Rd., Liberty, NY 12754	6	Multiple	Design and install "Right to Farm Community" signs	\$9,000
Delaware Company	PO Box 88, Barryville, NY 12719	2	2 & 1	Design, fabricate, and install memorial at Minisink Battleground	\$5,000

RESOLUTION NO. 424-16 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE RESOLUTION TO AUTHORIZE COUNTY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE DEPARTMENT OF FAMILY SERVICES AND THE SULLIVAN COUNTY OFFICE FOR THE AGING FOR ASSISTANCE WITH THE HEAP PROGRAM

WHEREAS, the County of Sullivan, through the Department of Family Services requires a service agreement with a qualified provider to comply with Social Service Law of the State of New York and the rules and regulations of Title 18 NYCRR, part 393, specifically that the County of Sullivan shall provide for a comprehensive program of assistance and care to supply the basic needs of those eligible individuals living within the county who qualify for need assistance, and care; and

WHEREAS, a high volume of applications must be screened and processed for the County's Home Energy Assistance Program (HEAP) in order to provide services in a timely manner; and

WHEREAS, the Sullivan County Office for the Aging has qualified, available, and willing staff to provide the services for this purpose; and

WHEREAS, the Sullivan County Office for the Aging in consultation with the Sullivan County Department of Family Services has agreed to provide HEAP services for the period of October 1, 2016 through September 30, 2017; and

WHEREAS, the Sullivan County Office for the Aging has agreed to provide these services for \$15,000 for up to 600 complete applications and for a fee of \$25.00 per application for any application beyond the initial 600.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to execute an agreement between the Department of Family Services and the Sullivan County Office for the Aging to provide necessary HEAP services to those eligible individuals living within the county who qualify for need assistance and care related to HEAP; and

BE IT FURTHER RESOLVED, the agreement will be from October 1, 2016 through September 30, 2017 at a cost of \$15,000 for up to 600 complete applications and for a fee of \$25.00 per application for any application beyond the initial 600; and

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

Moved by Mr. Sorensen, seconded by Mr. Samuelson, put to a vote with Mrs. Rajasz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 425-17 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO SUPPORT THE CALLING OF A CONSTITUTIONAL CONVENTION IN NOVEMBER 2017

WHEREAS, the state constitution provides that every 20 years the people of New York must be given an opportunity to vote to call a constitutional convention, and

WHEREAS, the next constitutional convention referendum vote will be on the November 2017 statewide election ballot, and

WHEREAS, the people of New York have expressed support for holding a "People's Convention" to reform State government,

WHEREAS, members of the State Legislature have introduced "The People's Convention to Reform New York Act," which calls for the non-partisan election of delegates, restricts political parties, campaign committees and special interests' influence over delegates, and requires State or local elected officials and officers or party officials to vacate their post upon being elected delegate, and

WHEREAS, current home rule protections notwithstanding, local governments have extensive costs imposed by state government and insufficient resources to meet local needs, and

WHEREAS, all revisions or amendments to the constitution recommended by a Constitutional Convention must be ratified by the people, and to assure effective choice each, so far as practical, should be set forth as a distinct resolution to enable the people of the State of New York to determine each proposal on its own merits and not as part of a package,

NOW THEREFORE BE IT RESOLVED, that the Sullivan County Legislature encourages the voters in New York to vote in favor of the constitutional convention question which will be on statewide ballots in November 2017, to achieve widespread reform of New York State

government and in particular to permanently end unfunded State mandates on Counties and other local governments, and

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature shall forward copies of this Resolution to the New York State Governor, New York State Senate Majority Leader, Senate Minority Leader, Assembly Speaker, Assembly Majority Leader, Assembly Minority Leader, State Senators, State Assembly members, and the New York State Association of Counties.

Moved by Mrs. Owens, seconded by Mr. Samuelson, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 426-16 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTY ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2014 LIEN YEAR IN THE TOWN OF LIBERTY KNOWN AS LI35.D-2-9

WHEREAS, property located in the Town of Liberty designated on the Sullivan County Real Property Tax Map as Liberty 35.D-2-9, being .43 +/- acres, located on Loomis Rd., is owned by the County of Sullivan by virtue of an Article 11 foreclosure for 2014 taxes; and

WHEREAS, County Highway 30 Inc. has offered to purchase said property for the sum of TEN THOUSAND (10,000.00) DOLLARS, and

WHEREAS, it is in the best interest of the County of Sullivan to sell the parcel privately to County Highway 30 Inc. for the amount TEN THOUSAND (10,000.00) DOLLARS because this property was not sold at previous auctions, and

WHEREAS, the purchaser will also be responsible for the recording fees, plus Pro Rata 2016 County/Town taxes, and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges, if any, 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 County Highway 30 Inc. upon payment of \$10,000.00 to the County Treasurer, plus fees for the County Clerk, plus the Pro Rata 2016 County/Town taxes and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges, if any.

Moved by Mr. Samuelson, seconded by Mrs. Ward, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION 427-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE APPLICATION FOR FUNDING TO DEVELOP A TRAFFIC LIGHT AND SIDEWALK IMPROVEMENTS IN HURLEYVILLE.

WHEREAS, NYS DOT has confirmed the eligibility of, and provided technical assistance on, an application for funding the of O&W trail construction from Hurleyville to South Fallburg, including purchase and installation of a traffic light at the Route 42 trail crossing; and

WHEREAS, due to some late communication from DOT on issues with demonstrating the transportation use of the O&W Trail as well as winter maintenance requirements, Center for Discovery is asking to reshape the TAP grant application to cover the Hurleyville traffic light and ADA sidewalk improvements, and

WHEREAS, the Center for Discovery would implement the O&W section themselves, with some assistance from Fallsburg DPW.

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 submit an application for funding of up to \$600,000, with a commitment by the Center for Discovery of a 20% match of the project cost as required by the targeted funding source, and to execute any and all necessary documents 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 in the event of an executed funding contract, the Sullivan County Legislature hereby authorizes the payment for services and materials whose costs are reimbursable under the award;

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

Moved by Mr. Steingart, **seconded by** Mrs. Ward, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 428-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, bid proposals were received for the Construction of the New Sullivan County Jail Project, and

WHEREAS, The Pike Company, One Circle Street, Rochester, New York 14607, is the lowest responsible bidder for this work, and

WHEREAS, LaBella Associates and the Division of Public Works have approved said bid and recommend that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with The Pike Company, as follows:

.Base Bid & Alternate No. 1 (Construction of Sheriff's Administration and Road Patrol Building) = \$72,240,000.00

.Add Alternate No. 2 (Resinous Flooring at Housing Pods) = \$ 51,000.00

.Add Alternate No. 6 (Liability Insurance for Base Bid and Alternate No. 1) = \$ 286,000.00,

The Pike Company's Subcontractors, for Base Bid and Alternate No. 1 are as follows:

.Mechanical Work - JW Danforth = \$1,206,000.00

.Plumbing Work - JW Danforth = \$ 559,000.00

.Electrical Work - Matco = \$1,269,000.00

.Pre-Cast Cell Work - Olde Castle (Base Bid ONLY) =
\$5,550,000.00

(NOTE: The Subcontractor's pricing is included in the Base Bid & Alternate No. 1- total of \$72,240,000.00),
in accordance with Bid No. B-16-51, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

**RESOLUTION NO. 429-16 INTRODUCED BY EXECUTIVE COMMITTEE
RESOLUTION TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

WHEREAS, a proposals were received for Special Inspection Services for the Sullivan County Jail New Construction Project, and

WHEREAS, Special Inspection Services, required by New York State Building Codes, shall include: Soil, Concrete, Masonry, Structural Steel, Fireproofing, Geotechnical Engineering, Wood, Exterior Insulation Finish Systems and Structural Insulated Panel System, and

WHEREAS, Advanced Testing Company, Inc., is the qualified proposer 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 Advanced Testing Company Inc., in accordance with the Fee Proposal attached, for the contract period October 2016 through January 2019 and in accordance with RFP R-16-28, said contract to be in such form as the County Attorney shall approve.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

**RESOLUTION 430-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO
AUTHORIZE A MODIFICATION AGREEMENT TO THE CONTRACT WITH
LABELLA ASSOCIATES, D.P.C. FOR VARIOUS SERVICES**

WHEREAS, pursuant to Resolution No. 8-06 adopted by the Sullivan County Legislature on January 26, 2006 the County of Sullivan ("County") entered into a contract with LaBella Associates, D.P.C ("LaBella") dated March 27, 2007 ("Original Contract"), and

WHEREAS, the Original Contract provided for LaBella to perform professional services, including architectural and engineering services, to the County in regard to the proposed construction of a new County Jail, and

WHEREAS, additional services not included in the Original Contract have been and will continue to be requested by the County, said additional services are as follows:

1. Design and construction administration of the Sheriff's Administration
2. Conformed bidding and record drawings of the Jail and Sheriff's Administration
3. New York State Energy Conservation Construction Code Commissioning Services for Jail and Sheriff's Administration

4. Off-Site Utility Design and Contraction Administration Services for Jail and Sheriff's Administration and Resident Engineering Services

WHEREAS, in order to acquire the above mentioned services and authorize payment of the additional fees the County and LaBella can enter into a Modification Agreement.

NOW, THEREFORE BE IT RESOLVED, that the County Manager is hereby authorized to execute a Modification Agreement with LaBella for the additional services not included in the Original Contract that are now being requested by the County, said additional services are as follows:

1. Design and construction administration of the Sheriff's Administration, at a cost not to exceed \$123,000, as detailed in schedule A
2. Conformed bidding and record drawings of the Jail and Sheriff's Administration, at a cost not to exceed \$20,000, as detailed in schedule B
3. New York State Energy Conservation Construction Code Commissioning Services for Jail and Sheriff's Administration, at a cost not to exceed \$125,000, as detailed in schedule C
4. Off-Site Utility Design and Contraction Administration Services for Jail and Sheriff's Administration and Resident Engineering Services, at a cost not to exceed \$460,867 and \$100,000, respectively, as detailed in schedule D

Moved by Mr. Steingart, **seconded by** Mrs. Ward, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 431-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO EXEMPT THE JAIL AND SHERIFF'S ADMINISTRATION PROJECT FROM THE CHANGE ORDER POLICY AS DEFINED IN RESOLUTION NO 44-07 AND SET A NEW POLICY SPECIFIC FOR THE PROJECT

WHEREAS, Sullivan County ("County") enters into numerous agreements, including, but not limited to, engineering and construction contracts, that require change orders from time to time, and

WHEREAS, resolution 44-07 as adopted by the Sullivan County Legislature on February 15, 2007 amended resolution 655-99 set a policy for Contract Change Orders ("Policy") for the County, and

WHEREAS, the existing Policy allows the County Manager to authorize one or more change orders for a contract provided that the change order(s) do not exceed, in the aggregate, the lesser of 10% of the original contract price or \$100,000, and

WHEREAS, the existing Policy requires that in the event of any change order by itself or together with other change orders(s) exceeds, in the aggregate, the lesser of 10% of the original contract price or \$100,000 said change order(s) must be approved by resolution of the County Legislature, and

WHEREAS, the County Manager and Commissioner of Public Works recommend that the existing Policy remain in place for all projects except for the Jail and Sheriff's Administration Project ("Project"), and

WHEREAS, the Project is estimated to take two years to complete and have construction costs of approximately \$73,000,000 with a \$1,000,000 construction contingency built into the contract, and

WHEREAS, a maximum change order amount of \$100,000 is unrealistic for a project of this magnitude and will result in costly delays.

NOW, THEREFORE BE IT RESOLVED, that the Project is exempt from the Policy as defined in resolution 44-07, and

BE IT FURTHER RESOLVED, that the following policy is hereby adopted to govern change orders for the Project:

1. The general construction contract executed for the Project may be amended by one or more change orders if signed by the Commissioner of Public Works, Commissioner of Management and Budget, and the County Manager provided that the change order does not exceed \$25,000 individually and that the change orders do not exceed in the aggregate \$1,000,000.
2. In the event that any individual change order exceeds \$25,000 or if change orders in the aggregate exceeds \$1,000,000 said change order(s) must be approved by resolution of the County Legislature.
3. The County Manager is required to submit a report of all changes orders authorized for the Project to the County Legislature on monthly basis.

Moved by Mr. Steingart, **seconded by** Mrs. Ward, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION 432-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO APPROVE RETROACTIVE PAY FOR TWO EMPLOYEES PURSUANT TO GRIEVANCES FILED BY LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 17

WHEREAS, the Local No. 17, Laborers' International Union of North America ("Local 17") filed two separate Grievances on behalf of their members Robert Drobysh and Benedict Bierstine requesting they both be promoted to the positions of Construction Equipment Operator I ("CEO I") and receive retroactive pay; and

WHEREAS, pursuant to Section 1802 of the Collective Bargaining Agreement, the parties have met and the County Manager subsequently granted the portion of the grievances and authorized the promotions of Mr. Drobysh and Mr. Bierstine to the positions of CEO I, and

WHEREAS, the County Manager requests authorization from the County Legislature to settle the portion of the above grievances requesting the retroactive pay.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to approve retroactive pay for Robert Drobysh and Benedict Bierstine at the rate of a Construction Equipment Operator I effective May 31, 2016.

Moved by Mr. Steingart, **seconded by** Mrs. Ward, put to a vote with Mrs. Rajszyk, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 433-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE THE EXECUTION OF A LICENSE AGREEMENT WITH MONOLITH PICTURES

WHEREAS, Monolith Pictures is a production company with offices in New York City and Toronto and seeks to utilize certain County property, to wit, the interior of the Sheriff's Patrol Division and two patrol vehicles for the filming of scenes in a movie with the working title of the Awakening, and

WHEREAS, the Sullivan County Legislature desires to authorize Monolith Pictures to use the aforesaid County sites for such filming.

NOW, THEREFORE BE IT RESOLVED, the Sullivan County Legislature authorizes the Chairman to execute a License Agreement with Monolith Pictures in a form approved by the County Attorney.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 434-16 INTRODUCED BY EXECUTIVE COMMITTEE TO REAPPOINT CORA EDWARDS AS COMMISSIONER OF ELECTIONS

WHEREAS, the Sullivan County Democratic Committee has certified to the County Legislature that Cora Edwards is a fit and proper person to be reappointed as Commissioner of Elections representing the Democrat Party.

NOW, THEREFORE, BE IT RESOLVED, that Cora Edwards be and hereby is reappointed as Commissioner of Elections for a period of four years commencing January 1, 2017 through December 31, 2020.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 435-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT ONE MEMBER TO THE RSVP ADVISORY COMMITTEE

WHEREAS, it is the desire to appoint Minnette B. Kramer to the RSVP Advisory Committee, and

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

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

RSVP REAPPOINTMENT:	TERM:
Minnette B. Kramer 153 Foxcroft Village Loch Sheldrake NY 12759	9/30/2019

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 436-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE AWARD AND EXECUTION OF CONTRACT WITH, M&T BANK.

WHEREAS, Request for Proposals were received for Credit Card Processing Services (Merchant Services) for various offices within Sullivan County for the contract period November 1, 2016 through October 31, 2021, and

WHEREAS, M&T Bank, 1769 Route 52, Fishkill, NY 12524, is the responsible proposer and best meets the needs of the County, for this project, and

WHEREAS, the Sullivan County Treasurer's Office has approved said proposal and recommends that an agreement be executed, and

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute a contract with M&T Bank, at no cost to the County, in accordance with RFP No.

R-16-20, for Credit Card Processing Services (Merchant Services), said agreement to be in such form as the Sullivan County Attorney shall approve.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

RESOLUTION NO. 437-16 INTRODUCED BY EXECUTIVE COMMITTEE TO SET STIPEND FOR COORDINATION OF DUTIES FOR THE ELECTRICAL LICENSING BOARD

WHEREAS, the Sullivan County Electrical Licensing Board has regularly scheduled meetings; and

WHEREAS, at the September 27, 2016 Electrical Licensing Board meeting, the board requested that the secretary receive a stipend, and

WHEREAS, the Sullivan County Electrical Licensing Board consist of volunteers from the community who are unable to handle the day to day matters that arise; and

WHEREAS, the need exist for an individual to coordinate scheduling of meetings and handling of the daily matters; and

WHEREAS, these duties have been assumed by the legislative secretary, and

WHEREAS, a stipend be set for the legislative secretary to perform these additional duties of the Electrical Licensing Board.

NOW, THEREFORE, BE IT RESOLVED, that the stipend be set at \$5,000 effective January 1, 2017.

BE IT FURTHER RESOLVED, that the \$5,000 come out of Electrical Licensing Personal Services Account 3620-10-1011.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

RESOLUTION NO. 438-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT TRUSTEE TO THE SULLIVAN COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES

WHEREAS, there is a vacancy on the Board of Trustees for the Sullivan County Community College which was held by Russell Heyman, and

WHEREAS, the Sullivan County Legislature wishes to appoint Dr. Nancy Hackett for the term ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, that Dr. Nancy Hackett , is hereby appointed as a Trustee to the Sullivan County Community College Board of Trustees effective October 21, 2016 with a term ending on June 30, 2023.

Moved by Mr. Steingart, seconded by Mrs. Ward, put to a vote with Mrs. Rajs, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

Mrs. Owens moved to table the following resolution, seconded by Mrs. Ward, put to a vote and carried 6-0.

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO
ENACT LOCAL LAW ___ OF 2016 WHICH AMENDS THE 2013 ETHICS LAW.

WHEREAS, proposed Local Law to revise the Sullivan County Ethics Law was presented to the Sullivan County Legislature at a meeting held on October 20, 2016 at the County Government Center, Monticello, New York, to consider said proposed Local Law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard, and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt this Local Law to revise the 2013 Ethics Law, County of Sullivan, State of New York, which Local Law is annexed hereto and made a part hereof.

Moved by _____,

Seconded by _____,

and adopted on motion _____, 2016.

Chapter A. ADMINISTRATIVE CODE

ARTICLE VIII.A. Ethics

PART A. Conduct

§ A8A-1. Definitions.

Unless otherwise indicated, the following terms shall be defined as such for purposes of this article:

AGENCY

The Sullivan County Industrial Development Agency ("IDA"), the Sullivan County Funding Corp., ECCEDC, and any nongovernment organization or entity that performs or is organized to perform County-related functions. An initial list of agencies that are subject to this Ethics Law shall be created by resolution^{D3} of the County Legislature within 60 days of adoption of this article.

APPROPRIATE BODY

Pursuant to Article 18 of General Municipal Law, the Board of Ethics of the County of Sullivan.

CHILD

Any son, daughter, stepson or stepdaughter of a County official, employee or County elected or appointed official.

CONTRACT

An agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

COUNTY

The County of Sullivan or any department, board, division, institution, office, branch, bureau, commission, or agency thereof.

COUNTY OFFICIAL

- A. Local officers or employees:
- (1) The heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies, ~~and~~ assistants and volunteers, whether paid or not;
 - (2) Other employees or volunteers, of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not.
 - (3) The term "local officer or employee" shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.
- B. County elected officials: County Legislators, Clerk, Treasurer, Sheriff, Coroners and District Attorney;
- C. Other employees: other employees of the County whose duties involve the negotiation, authorization or approval of:
- (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in § 73 of the Public Officers Law;
 - (2) The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
 - (3) The obtaining of grants of money or loans; or
 - (4) The adoption or repeal of any rule or regulation having the force and effect of law.
- D. "Specific Listing," not in limitation of the positions, titles or entities covered by Subsections **A**, **B** and **C**, above, the County Legislature shall, within 60 days of the adoption of this article, by resolution, ^[2] set forth a specific list of the positions, titles and entities which shall be particularly covered by this article, and such resolution shall remain in full force and effect unless and until modified in a subsequent resolution by a majority of the County Legislature.

DEPENDENT

Any person, related or unrelated, living in the same household with a County official or employee and claimed as a dependent for income tax purposes by said County official.

EMPLOYEE

Any employee or official of the County of Sullivan, other than those designated as County officials herein.

INTEREST

- A. A direct or indirect financial or material benefit accruing to a County official, employee, his or her relative or dependent, whether as a result of a contract with the County or otherwise. A benefit shall include, but not be limited to, employment, a gift, service, payment, permit, approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of the foregoing. A County official shall be deemed to have an interest in a contract of:
 - (i) His or her dependent or relative, except a contract of employment with the County;
 - (2) A firm, partnership or association of which such County official or his or her dependent or relative is a member or employee;
 - (3) A corporation of which such County official or his or her dependent or relative is an officer or director; or
 - (4) A corporation, at least 10% of the outstanding capital stock of which is owned by a County official or his or her dependent or relative.
- B. A financial or material benefit shall not include a campaign contribution authorized by law.
- C. An "interest" shall not include the setting of County official and employee salaries and benefits, or an action statutorily mandated upon a County official when there is no other County official authorized to undertake such statutorily mandated action. In that event, the statutorily mandated action shall not be undertaken until the County official delivers written disclosure of the interest to the Clerk of the Legislature.

JURISDICTION

Having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County or agency.

LEGISLATION

A matter which has been placed upon the calendar or agenda of the Legislature of Sullivan County or a committee thereof, upon which official action has been or may be taken, and shall include adopted acts, local laws, ordinances or resolutions.

RELATIVE

A spouse, child, grandchild, sibling, child of a sibling or parent of a County official.

SIBLING

A brother or sister, half-brother or half-sister, stepbrother or stepsister of a County official.

SPOUSE

A husband, wife, or domestic partner, whether of the same sex or the opposite sex, of a County official, unless legally separated from the County official.

[1]: *Editor's Note: Said resolution is on file in the County offices.*

[2]: *Editor's Note: Said resolution is on file in the County offices.*

§ A8A-2. Code of Ethics.

A. Every County official and employee shall be subject to and abide by standards of conduct. These standards of conduct are in addition to those which apply to County employees as set forth in the Sullivan County Employee Handbook distributed to each employee at his/her orientation session.

B. Prohibited activities.

(1) No County official or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally or is provided as a condition of County employment or is set as a matter of County policy.

(2) Certain County officials are precluded from taking part in the purchase of real or personal property owned by the County of Sullivan. The titles and positions of those County officials who may not bid for, or acquire or purchase real or personal property, in any manner, offered for sale by the County of Sullivan as a result of the tax delinquency of such parcel or parcels or otherwise, shall be separately identified by resolution ^[1] of the County Legislature within 60 days of adoption of this article. Exempt from this provision are Agency Board members, unless the individual is subject to this prohibition by another law. This includes a prohibition against bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including, but not limited to, a relative. It shall be presumptive proof of a violation of this article if such County official shall have acquired any interest in the property whatsoever, including, but not limited to, the holding of a mortgage, lien or other financial interest, no matter how acquired, either directly or through any third parties, within two years of the date upon which such property was sold or conveyed by the County of Sullivan.

[1]: *Editor's Note: Said resolution is on file in the County offices.*

(3) A County official or employee shall take no action on a matter before the County or agency, including, but not limited to, official acts and legislation, when he or she has an interest in such matter, as defined herein, which, to his or her knowledge, would conflict with or impair the proper discharge of his or her official duties. The County official or employee shall disclose such interest, in writing, to the County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the County Legislature.

(4) A County official or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee. This preclusion does not include circumstances when the Legislature declares there to be an urgent need for the specific services so long as any conflict of interest is disclosed in writing and prior to a vote of the Legislature regarding same.

(5) A County official may not receive or enter into any agreement, expressed or implied, for compensation for

services to be rendered in relation to any agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter.

- (6) A County official or employee shall not vote on, or administer, a matter in which he or she has a direct financial interest.
- (7) A County official shall not knowingly invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict of interest with his or her official duties. The County official shall disclose the conflict within 10 business days of attaining knowledge of same, and shall immediately undertake efforts either to divest himself or herself of the investment or resign his or her position. The conflict must be resolved within a reasonable time, but no later than 60 days from the date the County official first learned of it. During the period of time the conflict of interest exists, the County official shall not have direct oversight of the underlying matter and shall recuse himself or herself from any involvement in, discussion of, or vote upon, the matter.
- (8) A County official shall not engage in, solicit, negotiate for, or promise to accept, private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties.
- (9) A County official shall not, for one year after the termination of service or employment, appear before his or her own board, agency or division of the County of Sullivan in relation to any case, proceeding or application in which he/she personally participated or over which he or she had jurisdiction during the period of his/her service or employment. An Elected Official shall not seek or accept employment that requires direct approval or confirmation of appointment by the County Legislature for two years after the expiration or termination of his or her term of office. Nothing herein shall preclude a person from employment as a result of competitive testing or having been elected.
- (10) No County official shall use or attempt to use his/her official position to advance or obtain any unwarranted privilege, exemption or advantage for himself, herself or others, not generally available to County citizens.
- (11) No County official shall directly or indirectly solicit or accept gifts, whether in the form of money, services, loan, travel, entertainment, hospitality, item or promise, or otherwise under circumstances in which it reasonably could be perceived to influence the performance of official duties or was intended as a reward for any official action. In addition to, and notwithstanding the foregoing, in no event shall a County official accept any gift or benefit which alone or in the aggregate exceeds \$75 in any given twelve-month period, from any person or firm that he or she knows or should know, does or intends to do, business with the County of Sullivan. Nothing contained herein shall prohibit a County official from accepting a gift from a family member or personal friend which is customary on family and social occasions. A County official should seek an advisory opinion from the Board of Ethics prior to accepting a gift from such a person or firm in the event the County official believes that acceptance of the gift may create a conflict of

interest. Violation of this Subsection B (11) shall constitute a conflict of interest.

- (12) No County elected official shall use his or her official position or office, or take or fail to take any action, in a matter in which he or she knows or has reason to know may result in a benefit to a person or entity from whom the County elected official has received election campaign contributions of more than \$250 in the aggregate during the 12 months prior to taking or failing to take such action. The County elected official shall disclose his or her perceived conflict of interest and thereafter shall abstain on any vote involving the person or entity. The abstention shall not be counted as a vote in favor of the matter before the County elected official.
- (13) No County official or County elected official shall engage in bid-rigging or any coercive conduct, such as: influence peddling, threats, fear of retribution, loss of job, intimidation, bullying, or loss of business, for the sake of personal gain or benefit.

C. Confidential information.

- (1) No County official or County employee subject to the provisions of this article shall disclose confidential information or use such information to further a personal interest.
- (2) The Public Officers Law of New York State requires counties to make certain records available for public inspection and copying. Permissible exceptions to this requirement are listed in § 87, Subdivision 2 of that law. Information defined by this Code of Ethics as either disclosable or confidential are intended to be consistent with the provisions of that law.
- (3) For the purposes of this article, all information falls into one of three categories: the class of information which is never confidential; the class of information which is always confidential; and the class of information which may be confidential.
 - (a) Never confidential:
 - [1] Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, these include information that is:
 - [a] The result of an external audit; or
 - [b] Statistical data; or
 - [c] An instruction to staff that affects the public; or
 - [d] A final policy or determination made by the county or one of its departments.

[2] Disclosure or use of such information is not restricted by this article.

(b) Always confidential:

- [1] Information is always confidential when its disclosure would:
 - [a] Impair current or imminent contract awards or collective bargaining negotiations; or
 - [b] Interfere with law enforcement investigations or judicial proceedings; or

- [c] Deprive a person of his or her right to a fair trial or impartial adjudication; or
- [d] Constitute an unwarranted invasion of privacy; or
- [e] Endanger the life or safety of any person.

[2] Information that is always confidential includes:

- [a] Civil service examination questions or answers prior to the administration of the exam; or
- [b] Computer access codes; or
- [c] Information that is specified as nondisclosable by federal or state law.

[3] No County official may disclose such information, unless pursuant to court order, and may never use such information to further a personal interest.

(c) May be confidential: Information which does not clearly fall into one of the above categories may still be confidential. In those instances, where a request has not been filed pursuant to § 87 of the Public Officers Law (F.O.11.), and a County official or employee is uncertain as to whether information may be disclosed or used, prior to any determination being made with regard to disclosure or personal use, all County officials and employees must submit a written request to the County Attorney as to whether a given piece of information is confidential or not. The County Attorney shall advise whether the County official or employee is at that time legally obligated to deem the information confidential. The County Attorney shall make every best effort to provide the requesting party with a written determination within three business days.

(4) The restrictions on disclosure and use of confidential information apply without regard to the circumstances in which the information was sought or acquired.

D. Failure to comply with this Section may result in the imposition of any appropriate penalty set forth in **§ A8A-5** hereof.

§ A8A-3. Board of Ethics.

A. Membership and eligibility. There shall be a County Board of Ethics, the members of which shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Board of Ethics shall consist of no more than five members, only one of whom may shall be a County official or employee.

Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members. Members of the Board of Ethics shall be provided with training to enable them to carry out their responsibilities as set forth in this law. To the extent available, training shall be provided by the State of New York; otherwise the County shall seek appropriate training for Board members, at County expense. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no

expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Sullivan.

- B. Term. Each member of the Board of Ethics shall serve a term of three years and may be reappointed for one additional consecutive term. Each member shall serve until his or her successor has been appointed, except that of the five members first appointed, one shall serve for one year; two shall serve for two years; and two shall serve for three years. No member shall serve for more than nine years.
- C. Quorum. Three members shall constitute a quorum.
- D. Meetings
 - (1) Annual meeting. The Board of Ethics shall have an annual organizational meeting within 45 days of January 1 set by the chairperson from the previous year, at which time Board members will elect a chairperson. ~~Such meeting shall serve as an orientation for any new members.~~ The initial meeting of the Board of Ethics shall occur within 60 days of the effective date of this Ethics Law. At the meeting, the Board shall review its activities of the previous year, discuss and address modifications to procedure or the law, review the list of positions subject to annual disclosure statement filing, requirements, and any other business that may come before it.
 - (2) Regular meetings. The Board of Ethics may hold additional meetings throughout the year as shall be called by the Chair or any two members, provided a meeting of the Board of Ethics shall be held within fifteen (15) business days after the filing of a complaint alleging a violation of this article, at which meeting such complaint shall be considered by the Board in the manner set forth in **§ A8A-4** hereof.
- E. Vacancies and removals.
 - (1) In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than ~~30~~ 60 days after the vacancy occurs.
 - (2) A member may be removed for cause by motion of any member of the County Legislature. Removal shall require approval by at least six affirmative votes cast by members of the Legislature.
 - (a) Grounds for removal are: substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.
 - (b) The provisions of **§ A8A-4** shall control and be applied to removals sought pursuant to this section.
- F. Powers and duties of the Board of Ethics.
 - (1) The Board of Ethics shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this article;
 - (b) To review the list of Sullivan County officials and employees required to file financial disclosure statements;

- (c) Subject to the provisions of Part B of this article, to review financial disclosure statements that are the subject of a written inquiry or complaint. Upon review of a financial or transactional statement, if it is determined to be deficient or reveals a potential violation of this article, the Board shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with this article. A copy of such notice shall be provided to the County Manager and County Attorney. The notice shall be confidential and shall not be subject to disclosure unless required in an employee disciplinary or removal proceeding or by order of court;
 - (d) To investigate any alleged impropriety and recommend or undertake appropriate actions and proceedings, as required. To do so, the Board shall have the power to, among other things, administer oaths, affirmations, subpoena witnesses, compel their attendance, and require the production of relevant or material books and records; [Amended 9-19-2013 by L.L. No. 4-2013]
 - (e) To review the filing of waivers or extensions of time to file financial disclosure statements as set forth in detail in Part B of this article;
 - (f) To render, index and maintain on file advisory opinions;
 - (f) To prepare an annual report by April 1 that summarizes the activities of the previous year and recommends any changes to the Ethics Law, including provision of definitions, disclosure forms and instructions for filling them out and filing procedures;
 - (g) To maintain records of its reports, proceedings and recommendations for a period of seven years. Records deemed "confidential" shall be segregated from all other records to maintain their confidentiality until they are destroyed.
- (2) Meetings and proceedings of the Board concerning an alleged violation of this article shall not be open to the public except upon the request of the accused County official or employee or as required by law.
 - (3) The Board of Ethics may act only with respect to Sullivan County officials and employees; however, the resignation or termination of a County official or employee from a County office or from employment subsequent to the filing of a complaint, shall not affect the jurisdiction of the Board.
 - (4) The following records of the Board of Ethics shall be available for public inspection:
 - (a) The information set forth in the annual statement of financial disclosure filed pursuant to Part B of this article, except the categories of value or amount and personal information, which shall remain confidential.
 - (b) Notices of civil assessments imposed under this article.
 - (c) Documents required to be disclosed by Public Officers Law, § 87, Subdivision 2; however, at no time shall a document produced or made available as part of a confidential investigation be released or made available for inspection.

(d) Documents mandated to be disclosed by court order.

§ A8A-4. Investigation of alleged violations; advisory opinions.

A. Complaints. Upon receipt of a sworn complaint of a person alleging a violation of this article, or upon determining on its own initiative that a violation of this article may exist, the Board of Ethics shall have the power and duty to undertake an investigation to determine whether a violation has occurred.

~~(0) A proceeding may be commenced by the filing of a sworn complaint,^[1] or by the Board of Ethics' own written determination to investigate.~~

(a) ~~In the event a proceeding is commenced by sworn complaint, the Board shall, within sixty (60) business days, the Board shall review the allegations and supporting documentation to and determine whether or not a violation of this article has been alleged. the complaint falls within the prohibitions of this Article. The (60)business days may be extended by agreement between the Board of Ethics and the complainant. To the extent circumstances require an expedited review of a complaint, the Board shall endeavor to provide its initial determination to the complainant within a reasonable, expedited timeframe. The Board shall render its initial determination, by majority vote, within three business days. In the event the Board determines that the complaint does not allege a violation of this Article, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant. and the subject of the complaint. The complaint and the determination shall be sealed and not available to any person not a member of the Board of Ethics The complaint and Ethics Board determination is Confidential and shall not be shared by the complainant with any person not a member of the Board of Ethics.~~

(b) ~~In the event a member of the Board of Ethics raises the possibility of a violation by a County official, the Board shall first determine, by majority vote, whether the alleged conduct, if undertaken, would constitute a violation of this article. In the event the Board determines that the conduct would not constitute a violation of this article, it shall render a written determination. The complaint, preliminary investigation and determination shall be sealed and not available to any person not a member of the Board of Ethics.~~

[1]: *Editor's Note: Copies of complaint and related forms are on file in the County offices.*

- (2) Upon the review set forth in section A(1)(a) above, in the event the Board determines that an allegation any element of the complaint, if true, would constitute a violation of this Article, it shall, provide written notification to the subject of the complaint within five business days, mail written notification to the accused individual. ~~The Board's notification shall identify the complainant, describe the alleged violation and provide a fifteen-day~~ fifteen (15) business days' period in which the accused individual subject of the complaint may submit a sworn, written response setting forth information and/or documentation sufficient to address the alleged violation. ~~relating to the alleged violation.~~ The Board's notification shall also inform the accused individual of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual.

In the event the Board of Ethics determines at any stage of the proceeding that the proof presented does not demonstrate that a violation has occurred, or that there is no violation or that any potential conflict of interest or violation has been rectified, it shall, within fifteen (15) business days, provide written notice to the subject if the complaint accused individual and the complainant. ~~if any.~~ The foregoing notice of determination shall be kept confidential, except the subject of the complaint may, in defense of any claim made against him/her, disclose the facts ~~alleged and~~ determination of the Board

- (a) ~~In the event the Board of Ethics determines there is reasonable cause to believe a violation has occurred, it shall, within 20 days, provide written notice of reasonable cause: to the accused individual; to the complainant, if any; in the case of a County official or employee, to the appointing authority for such person; and, in the case of a County elected official, to the Chair of the County Legislature. In the event of a conflict with the Chair, then to the Vice Chair. Such determination of reasonable cause shall be confidential and shall not be made public or disclosed unless required by Public Officers Law or required for use in a disciplinary proceeding or proceeding under this article involving the subject individual, complainant, or another County official. Upon review of the complaint and of any information or documentation provided by the subject of the complaint, a further investigation to determine whether reasonable cause exists to believe a violation has occurred, shall be commenced and completed within thirty (30) days, unless circumstances require a shorter or longer period of time. In the event the Board requires more than thirty (30) days to complete its investigation, it shall provide notice of same to the complainant and the subject of the complaint~~
- (b) In the event the Board determines there is reasonable cause to believe a violation has occurred, it shall provide written notice of reasonable cause to the subject of the complaint and to the complainant. In the case of a County official or employee, the Board shall also provide written notice to the appointing authority for such person, and, in the case of a County elected official, written notice to the Chair of the County Legislature. In the event of a conflict with the

Chair, then notice shall be given to the Vice Chair. Such determination of reasonable cause shall not be disclosed or made public unless required by Public Officers Law or for use in a disciplinary proceeding or a proceeding under this Article involving the subject of the complaint, or another County official.

- (c) Once reasonable cause has been established, the Board of Ethics shall schedule a formal hearing, to be held within sixty (60) days, at which the subject of the complaint is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision containing specific findings, within thirty (30) days of the completion of the hearing. A copy of the decision shall be served by certified mail on the subject of the complaint or his or her legal representative, the complainant, and the Clerk of the Legislature. The decision of the Board of Ethics shall not be confidential.
- (3) Dispositions. The Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. The report shall be made in accordance with ~~SAS 3F (1)-(9)~~ subject to the confidentiality requirements set forth herein.
- (4) Advisory opinions.
- (a) A County official or employee may request an advisory opinion from the Board of Ethics prior to that County official or employee engaging in any behavior which he or she reasonably believes may cause a violation of this article. The request for an advisory opinion shall be written and sworn to, and shall contain sufficient facts to permit the Board to make its determination. An individual requesting the opinion is obligated to be forthcoming and cooperative throughout the process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to provide written notice of its determination within ten (10) business days. The County official or employee who requested the opinion shall be notified of the Board's determination within 48 hours of the determination.
 - (b) Advisory opinions shall be filed with the Clerk of the Legislature; however, the Board of Ethics shall first redact all names, identifying features, and any other information which would tend to identify the complainant and the subject of the request for the advisory opinion.
 - (c) In the event a complaint is subsequently filed against a County official or employee in which a violation of this code is alleged based upon the facts which formed the basis of the request for the advisory opinion, it shall be a complete defense to the alleged violation that the County official or employee acted consistent with, and in reliance upon, said advisory opinion. An unredacted advisory opinion shall be available to the County official who sought or needs it to defend himself or herself.
- (5) Complaints against the Board of Ethics. The Board of Ethics shall not conduct an investigation of itself or any

of its members or staff. In the event the Board of Ethics receives a sworn complaint in which it is alleged that the Board or any of its members or staff has violated any provision of this article or any other law, it shall transmit a copy of the complaint to the Chair of the Legislature and the County Attorney within 48 hours of receipt of same. The Chair of the Legislature shall, within five (5) business days, create a three-person subcommittee of Legislators, at least one of whom is a member of a minority party, to address the complaint, and provide the complainant with written notice of the subcommittee members. The subcommittee shall thereafter conduct whatever investigation or hearing necessary in the same manner and with the same authority as provided generally in this section. A copy of the subcommittee's decision shall be distributed to all members of the Legislature. Further action, if any, shall comply with the provisions of this article.

- (6) False complaints. Any person who knowingly files a false complaint may be subject to disciplinary action, civil liability, or criminal prosecution.

§ A8A-5. Penalties for offenses.

- A. Any person who willfully and knowingly violates this article shall be subject to a civil action, civil penalty, disciplinary action or relevant criminal prosecution. Penalties are not exclusive.
- B. In addition to the foregoing, a person who knowingly and intentionally violates the provisions of this article may be fined up to \$10,000 per occurrence, unless the violator is subject to the protections and limitations set forth in the Civil Service Law. A County official or County employee may also be reprimanded, suspended, or removed from office or employment, subject to the provisions of the Civil Service Law or any collective bargaining agreement.

§ A8A-6. Voidable contracts.

Any contract knowingly entered into in violation of this article shall be voidable at the discretion of the County Legislature.

§ A8A-7. Suits Against County.

Nothing set forth herein shall be deemed to bar or prevent the filing of a lawsuit or claim for or against the County of Sullivan under any other provision of law.

§ A8A-8. Testimony.

No County officer or employee shall decline or refuse to answer any question specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed to bar any Sullivan County officer or employee from exercising his constitutional privileges against self-incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall constitute grounds for dismissal or removal, subject to any other provision of law.

§ A8A-9. Conflict with other provisions.

In the event two or more provisions of this article are in conflict with one another, the more restrictive provision shall apply.

§ A8A-10. Distribution of Code of Ethics.

The Chair of the Sullivan County Legislature shall cause a copy of this Ethics Law to be distributed to every County official, ~~and employee, and volunteers,~~ electronically or otherwise, and posted on the County website, within 30 days of its effective date. Each County official, elected or appointed, and each employee thereafter, shall be furnished with a copy of this article, electronically or otherwise, before entering upon the duties of his office or employment. Acknowledgement of receipt of this article shall be by regular (or inter-office) mail and must be provided by each County official or employee who is subject to its terms. Receipt of the acknowledgement shall be required in order to commence employment or volunteer work.

Acknowledgement of receipt of this article shall be required by current County officials within 30 days after its effective date. Failure of the County to comply with the provisions of this section or failure of any County Official to receive a copy of this Law shall have no effect on the duty of compliance with this Law or on the enforcement of its provisions.

§ A8A-11. Effective date.

This article shall take effect 60 days after adoption, upon filing with the New York State Secretary of State, subject to all applicable provisions of law.

PART B. Financial Disclosure

§ A8A-12. Definitions.

In addition to the definitions set forth in Part A of this article, the following terms shall have the meanings described below:

ANNUAL FINANCIAL DISCLOSURE STATEMENT

A form adopted by the Legislature of the County of Sullivan which requires the identification of certain personal and business assets of a required filer.

REPORTING CATEGORY

For the purpose of completing annual financial disclosure statements, the category of interest,

income, value or worth of reported items. All amounts are to be indicated using the following categories only:

- A. Under \$5,000.
- B. Five thousand dollars to under \$20,000.
- C. Twenty thousand dollars to under \$60,000.
- D. Sixty thousand dollars to under \$100,000.
- E. One hundred thousand dollars to under \$250,000.
- F. Two hundred fifty thousand dollars or over.

REQUIRED FILER

A County elected official, County official, or other employee and any other individual whose position within or with the government of the County of Sullivan requires him or her to file an annual financial disclosure statement.

- A. On or before the 1st of April of each year, the County Legislature, by resolution, ^[1] shall identify those positions which require the filing of annual financial disclosure statements.
- B. On or before March 1 of each year, the Board of Ethics may recommend to the County

Legislature modifications to the positions listed in the annual resolution ^[2] identifying "required filers"; however, no recommendation shall be acted upon unless adopted by resolution of the County Legislature.

[1]: *Editor's Note: Said resolution is on file in the County offices.*

[2]: *Editor's Note: Said resolution is on file in the County offices.*

§ A8A-13. Annual financial disclosure statements.

- A. Time period. On or before the 15th day of May of each year, required filers shall complete and file their annual financial disclosure statements. An individual who accepts a position or is appointed to a position listed on Appendix A^[1] after May 1 of any year shall file an annual financial disclosure statement for the year within 30 days of accepting the position.

[1]: *Editor's Note: Said appendix is on file in the County offices.*

- B. Place to file. A required filer shall submit to the Clerk of the County Legislature a completed annual financial disclosure statement on the form prescribed by the Sullivan County Legislature.
- C. Request for extension of time. On or before May 1 of each year, a required filer may request an extension of time to file his or her annual financial disclosure statement for a period not to exceed 30 days. Such request shall be made in writing to the Clerk of the Legislature. The request shall be approved only upon a showing of justifiable cause or undue hardship. The Clerk shall provide the required filer with written notice of his or her determination within five (5) business days of receipt of such request.

§ A8A-14. Responsibilities of Clerk of Legislature.

- A. The Clerk of the Legislature shall be the official repository of all annual financial disclosure statements

and shall not release for observation or otherwise any such statement unless authorized to do so by this or other law.

- B. Upon written request and as required by the Freedom of Information Law, the Clerk of the Legislature shall make an annual financial disclosure statement available, but shall withhold from inspection personal information such as social security numbers, home address, and other personal information, as permitted by law. All written requests for access to annual financial disclosure statements shall be kept on file by the Clerk of the Legislature.
- C. The Clerk of the Legislature shall receive and catalog all annual financial disclosure statements to determine whether a required filer has filed his or her financial disclosure statement. In the event a required filer has failed to file an annual financial disclosure statement, the Clerk shall provide written notice of the violation and 10 days to correct it. In the event the violation is not cured within 10 days, the Clerk shall report it to the Board of Ethics. In the event the required filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

§ A8A-15. Violations.

- A. A required filer who violates this article may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this article or in any other related provision of law.
- B. In the event of a violation of this article, or in the event the Board of Ethics receives a sworn complaint alleging a violation, or in the event the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall provide written notice to the required filer, in which the alleged violation is set forth in detail. The Board of Ethics shall provide a ten-day period in which the required filer shall submit a detailed written response.
 - (i) In the event the Board of Ethics determines further inquiry is justified, it shall provide the required filer with an opportunity to be heard.
 - (2) The Board of Ethics shall inform the required filer of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available as set forth in Part A, § **A8A-4**, hereof.
 - (3) In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that a violation has been cured, it shall so advise the required filer and the complainant, if any. All of the foregoing proceedings shall be confidential.
- C. In the event the Board of Ethics determines there is reasonable cause to believe that a violation exists, it shall send a notice of reasonable cause to: the required filer; the complainant, if any; and, in the case of a County official, his or her appointing authority.
 - (1) The Board's determination of reasonable cause shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law, Article 6) or required for use in a disciplinary proceeding or proceeding involving the required filer.
 - (2) Any further proceedings shall adhere to the procedural requirements set forth in Part A, § **A8A-4**, of this article.
 - (3) In the event the Board of Ethics determines that a violation of this article has occurred, it shall provide a copy of its determination to the required filer's appointing authority or, in the event the required filer is a County elected official or member of the Board of Ethics, to the County Legislature, for further action. The determination of the Board of Ethics shall include a

RESOLUTION NO. 439-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE TO EXECUTE A LICENSE AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES.

WHEREAS, the County of Sullivan ("County") required a site to conduct motor vehicle testing, including testing for commercial driver's licenses, and

WHEREAS, the County Clerk in conjunction with the Commissioner of Public Works have chosen the paved roadway at the Sullivan County Landfill property located at 91 Landfill Drive, Monticello, New York (“Landfill Site”) as an appropriate venue to conduct Driver License Skills Testing, and

WHEREAS, the New York State Department of Motor Vehicles (“DMV”) has approved of the use of the Landfill Site for Driver License Skills Testing, and

WHEREAS, in order to use the Landfill Site for Driver License Skills Testing it is necessary for the County to enter into a License Agreement with the DMV.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the Chairman of the Legislature to execute a License Agreement with the DMV to allow the Landfill Site to be utilized for Driver License Skills Testing, and

BE IT FURTHER RESOLVED that the License Agreement shall be in a form approved by the County Attorney.

Moved by Mr. Samuelson, seconded by Mrs. Owens, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and **declared duly adopted on motion** October 20, 2016.

RESOLUTION NO. 440-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE TO EXECUTE A SECOND SUPPLEMENTAL AGREEMENT FOR THE WEST OF THE HUDSON WATERSHED STAKEHOLDERS.

WHEREAS, the County of Sullivan (“County”) entered into the Watershed Memorandum of Agreement dated January 21, 1997 (“MOA”), and

WHEREAS, the parties to the MOA include the City of New York (“NYC”), the Coalition of Watershed Towns, five (5) Counties and seven (7) not-for-profit corporations (collectively the, “Stakeholders”), and

WHEREAS, over the last twenty (20) years various Stakeholders, including the Town of Neversink and the County, through the Sullivan County Soil and Water Conservation District, have been able to acquire funding from NYC for various projects conducted within the Watershed, and

WHEREAS, the County has been approached by NYC seeking to amend the MOA to allow for additional projects and funding, including but not limited to, permitting NYC to take title to parcels of real property acquired pursuant to flood remediation program administered and funded by NYC, and

WHEREAS, the Sullivan County Soil and Water Conservation District believes that it is in the County’s best interest to amend the MOA to allow for the additional funding opportunities currently precluded by the MOA.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the Chairman of the Legislature to execute a Second Supplemental Agreement to the MOA with the Stakeholders to allow for additional funding to be made available and additional projects to be conducted within the Watershed, and

BE IT FURTHER RESOLVED that the Second Supplemental Agreement shall be in a form approved by the County Attorney.

Moved by Mr. Samuelson, seconded by Mr. Sorensen, put to a vote with Mrs. Rajsz, Mr. McCarthy and Mr. Perrello absent, unanimously carried and declared duly adopted on motion October 20, 2016.

Recognition of Legislators

1. Alan Sorensen
2. Terri Ward
3. Luis Alvarez

There being no further business, Mr. Samuelson moved to adjourn, seconded by Mrs. Ward subject to the call of the Chairman. The full board meeting was adjourned at 2:36PM.

ANNMARIE MARTIN, CLERK
Sullivan County Legislature

**October 2016 Budget Modifications (Resolution)
Modifications to the 2016 Sullivan County Budget**

G/L Account	Revenue		Appropriation	
	Increase	Decrease	Increase	Decrease
A-1330-204-40-4003 - CONTRACT AUCTION SERVICES			132,142	
A-1330-204-R1232-R272 - TAX COLLECTR FEE PUBLIC AUCTN BUYER PREM	132,142			
A-1420-40-4008 - CONTRACT LEGAL SERVICES			100,000	
A-1420-47-4705 - DEPT COUNSEL/WITNESS EXPENSE			150	
A-1620-21-40-4015 - CONTRACT PROPERTY MAINTENANCE			37,550	
A-1620-22-40-4015 - CONTRACT PROPERTY MAINTENANCE			5,995	
A-1620-23-46-4604 - MISC SERV/EXP REAL ESTATE TAXES			14,708	
A-1620-25-47-4717 - DEPT BLDG/PROP/EQUIP REPAIRS&MAINTNCE			14,230	
A-1680-43-4301 - COMPUTER SUPPLIES			1,324	
A-1680-43-4303 - COMPUTER SOFTWARE PURCHASE/LEASE			4,185	
A-1680-43-4304 - COMPUTER MAINTENANCE/SERVICE FEES			2,976	
A-1680-43-4304 - COMPUTER MAINTENANCE/SERVICE FEES			11,200	
A-1680-R1289-R247 - GEN GOV DEPT INCOME MISC FEE/REIMBURSMNT	4,300			
A-1680-R1289-R247 - GEN GOV DEPT INCOME MISC FEE/REIMBURSMNT	15,385			
A-1989-99-47-4734 - DEPT BOND/NOTE EXPENSE			37,700	
A-1989-99-47-4736 - DEPT CONTINGENT				37,700
A-1989-99-47-4736 - DEPT CONTINGENT				72,483
A-1989-99-47-4736 - DEPT CONTINGENT				100,150
A-3150-45-4508 - SPEC DEPT SUPPLY PRISONER RELATED			3,000	
A-3150-46-4603 - MISC SERV/EXP EMPL UNIFORM ALLOWANCE				3,000
A-3410-44-4406 - UTILITY WIRELESS COMMUNICATIONS			4,200	
A-3410-R3389-R201 - ST AID PUBLIC SAFETY FIRE GRANT	4,200			
A-7310-47-4794 - DEPT YTH DEVL MNT PROGRAM FUNDING			1,991	
A-7310-R3820-R337 - ST AID YOUTH PROGRAM YOUTH BUREAU	1,991			
A-7610-87-40-4013 - CONTRACT CONTRACT OTHER			125,873	
A-7610-87-41-4102 - AUTO/TRAVEL LODGING			2,000	
A-7610-87-41-4103 - AUTO/TRAVEL MEALS			120	
A-7610-87-41-4105 - AUTO/TRAVEL REGISTRATION FEES			50	
A-7610-87-41-4109 - AUTO/TRAVEL CO FLEET CHARGEBACK			1,775	

**October 2016 Budget Modifications (Resolution)
Modifications to the 2016 Sullivan County Budget**

G/L Account	Revenue		Appropriation	
	Increase	Decrease	Increase	Decrease
A-7610-87-42-4201 - OFFICE ADVERTISING			32,663	
A-7610-87-42-4203 - OFFICE OFFICE SUPPLIES			6,378	
A-7610-87-42-4204 - OFFICE POSTAGE			1,035	
A-7610-87-42-4205 - OFFICE PRINTING			10,317	
A-7610-87-43-4308 - COMPUTER MIS CHARGEBACKS			5,389	
A-7610-87-44-4405 - UTILITY PHONE LAND LINES			360	
A-7610-87-47-4707 - DEPT MAINTENANCE IN LIEU OF RENT			2,410	
A-7610-87-R4772-R392 - FED AID AGING PROGRAM NYCONNECTS	188,370			
General Fund Total	346,388	-	559,721	213,333
D-5110-45-45-4518 - SPEC DEPT SUPPLY ROAD SURFACE TREATMENT			203,506	
D-5110-46-40-4038 - CONTRACT CONSTRUCTION			1,624	
D-5110-47-40-4038 - CONTRACT CONSTRUCTION			157,537	
D-5110-47-45-4518 - SPEC DEPT SUPPLY ROAD SURFACE TREATMENT			70,600	
D-9998-R3501-R120 - ST AID CONSOLIDTD HGHWY CAPITAL	361,043			
D-9998-R3501-R120 - ST AID CONSOLIDTD HGHWY CAPITAL	70,600			
D-9998-R3589-R243 - ST AID OTHR TRANSPRT MARCHISELLI - ROAD/BRIDGE	257			
D-9998-R4589-R340 - FED AID OTHR TRANSPRT ROAD/BRIDGE	1,367			
County Road Fund Total	433,267	-	433,267	-
H68-5197-40-4037 - CONTRACT PAVING			910,191	
H68-5197-47-4720 - DEPT LABORATORY/XRAY EXPENSE			4,790	
H68-5197-R5710-R338 - SERIAL BONDS OTHER	914,981			
Capital Fund Total	914,981	-	914,981	-

July 11, 2016

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

Re: Architectural/Engineering & Construction Management Additional Services
Off-Site Utility Design and Construction Administration Services
LaBella Project #206049

Dear Mr. Potosek:

As requested, LaBella Associates, D.P.C. along with our sub-consultants, Shumaker Consulting Engineering and Landscaping, and LeChase Construction Services, is pleased to submit this proposal for additional off-site utility design services for the Sullivan County Jail project.

For this proposal it is LaBella's understanding that Sullivan County has decided on constructing a municipal water and sanitary sewer service that will be provided to the selected jail site based on the routes selected by the county from the engineering reports prepared by Shumaker Consulting Engineers in 2009 and 2015. The selected option for the water system is Route Alternative 3, crossing New York State Route 17/I87, with a ground reservoir water tank located at the jail site. Facilities for water main connections, pipeline route, highway crossing, a ground level water storage tank, and an off-site booster pumping station will be included in the preparation of final bidding documents. The selected option for the sanitary sewer service is Route Alternative 3, crossing New York State Route 17/I87, with an on-site sanitary pumping station and force main.

Together with Shumaker Consulting Engineering and Landscaping and LeChase Construction Services, this proposal includes the necessary engineering services for the water supply mains, booster pumps, ground level storage tank, sanitary force main, and sanitary pump station. This proposal also includes the required services for survey, construction administration, construction management, geotechnical services and on-site observations during construction.

SCOPE OF SERVICES

For the detailed scope of services to be provided, please see attached proposal from Shumaker Consulting Engineering and Landscaping, dated July 7, 2016. Where noted throughout this proposal, LaBella Associates will be providing supporting architectural, structural, plumbing, and electrical engineering services for the off-site booster pump station, the ground mounted water storage tank, the water pump house, on-site sanitary pumping station, and the emergency generator design. During the construction phase, LeChase Construction Services will be providing the necessary construction management services as part of this proposal.

Note: This proposal does not include any work associated with the necessary site acquisition of property necessary for the off-site booster pumping station for the water system. If needed, this service can be added as an additional scope of work item.

ADDITIONAL SERVICES FEE SUMMARY

For the design and construction management of the sewer and water services for the Sullivan County Jail project, please note the summary of the proposed project fees by phase as listed below. As requested, the resident engineering services will be invoiced on an hourly basis with a not-to-exceed fee as listed below. Also, as per our contract, the geotechnical services will be provided at cost with no markup.

Reimbursable Expenses

The lump sum fees listed below also include miscellaneous expenses related to travel expenses (lodging, mileage, meals, etc.). As applicable, all other expenses not mentioned here will be invoiced to the county at our cost. The hourly not-to-exceed fee listed below will invoice reimbursable expenses at cost.

	Lump Sum Fee
Survey	\$32,491
Design Phase – Shumaker	\$252,544
Design Phase – LaBella	\$31,750
Geotechnical Services	\$59,935
Bidding Phase – Shumaker	\$9,803
Construction Administration - Shumaker	\$62,364
Construction Administration – LaBella	\$11,980
Additional Professional Fees for Design/CA/CM	\$460,867
Resident Engineer - Shumaker	\$388,320 (Hourly NTE)
Additional Professional Fees for the Project	\$849,187

It is proposed that these Professional Services will be an amendment to our current Agreement, dated March 27, 2007. All other terms and conditions remain in full effect. If this amendment is acceptable, please execute by signing two (2) copies of the Acceptance listed below and return one (1) signed copy to our office. This will serve as our agreement for the proposed additional services.

After you review this information, please do not hesitate to call me with any questions or comments as we work towards this amendment to our contract with Sullivan County.

Respectfully submitted,

LABELLA ASSOCIATES, P.C.



Mark E. Kukuvka, AIA
Client Manager

- cc: Edward McAndrew, PE, Commissioner of Public Works
- Sheriff Michael Schiff
- James Cummings, PE, Shumaker Consulting Engineering & Land Surveying, DPC
- Robert Healy, President, LaBella Associates, DPC

Sullivan County Acceptance:

Signature: _____

Title: _____

Dated: _____

LaBella Associates, D. P.C.

Signature: _____

Title: _____

Dated: _____

July 7, 2016

Mr. Mark E. Kukuvka, A.I.A.
LaBella Associates, PC
300 State Street
Rochester, NY 14614

Re: Sullivan County Jail - Site Design Additional Services
Off-Site Utilities
Sullivan County, New York

Dear Mr. Kukuvka:

Shumaker Consulting Engineering & Land Surveying, D.P.C. (SCE) is pleased to submit this proposal for Additional Site Design tasks for the referenced project. The following are the SCE Project Understanding, Scope of Services and Compensation with Terms and Conditions.

I. PROJECT UNDERSTANDING

Sullivan County proposes to construct a new jail facility located on a parcel of land near the Village of Monticello, north of NYS Route 17/I 86. Municipal water and sanitary sewer service will be provided to the site based on the routes selected by the county from the Engineering Reports prepared by SCE in 2009 and 2015. The selected option for the water system is Route Alternative 3 (across NYS Route 17/I86) with ground reservoir water tank. Facilities for water main connections, pipeline route, highway crossings, a ground level water storage tank, and an off-site booster pumping station will be included in the preparation of final bid documents. The Selected Option for the sanitary sewer service is Route Alternative 3 (across NYS Route 17/I86), with an on-site sanitary pump station and force main.

LaBella has requested that SCE provide a proposal to provide the necessary engineering services for the water supply mains, booster pumps, and ground level storage tank, sanitary force main and sanitary pump station. The proposal includes those services additionally it includes survey, construction administration and observation and geotechnical services.

This agreement will cover scope and fee providing the design of the water and sewer connections. SCE understands that Labella has entered into a contract with Sullivan County (County) and SCE will be bound by the terms of that prime contract.

II. SCOPE OF SERVICES

A. Land Survey

1. Topographic Survey

SCE will provide terrain data required for design by means of a topographic field survey. The mapping limits will include the area as depicted on the attached survey limits map.

BINGHAMTON, NY
143 Court Street
Binghamton, NY 13901
607-798-8081 • Fax 798-8186

UTICA, NY
430 Court Street, Suite 101
Utica, NY 13502
315-724-0100 • Fax 724-3715

ALBANY, NY
1510 Central Avenue, Suite 330
Albany, NY 12205
518-452-5730 • Fax 452-9230

MONTROSE, PA
16501 State Route 706, Suite 4
Montrose, PA 18801
570-432-0024 • Fax 432-0024

shumaker@shumakerengineering.com

www.shumakerengineering.com

WBE Certified

The field survey shall include the collection of planimetric and topographic features for the development of 2D and 3D mapping. Critical terrain features will be surveyed for the development of a digital terrain model (DTM) to generate contour lines at 1-foot intervals. Critical terrain features will be located at a 50-foot topographic survey interval. DTM shots/data may be collected with conventional total station measurements and/or RTK GPS. RTK GPS locations will be limited to soft surfaces.

Horizontal coordinate values will be based on the New York State Plane Coordinate System Eastern 1 Zone, North American Datum of 1983 (NAD 83). Vertical coordinate (elevations) values will be referenced to the North American Vertical Datum of 1988 (NAVD 88). For estimating purposes, it has been assumed that horizontal coordinates will be established on eight (8) additional baseline stations and vertical coordinates will be established on four (4) additional benchmarks at the site. RTK GPS methodology will be used to establish horizontal control coordinates on survey control stations. Differential leveling procedures will be used to establish vertical control/benchmark elevations.

SCE will provide base mapping developed at a 1"=50' horizontal scale with 1-foot contour intervals. Site mapping deliverables shall consist of hard copy and digital files of the base mapping. Digital files will be in AutoCAD Civil 3D file format. Units of measurement and mapping will be US Customary (feet).

2. Utility Survey

Utilities within the survey limits will be included in the survey and mapping effort. Utility mapping will be prepared to the American Society of Civil Engineers (ASCE) Utility Quality Level (QL) C.

Field survey will be conducted to identify and locate overhead and underground utilities. Surface evidence of underground utility systems including valves, meters, release valves, manholes, and shutoffs will be located. Overhead utility lines and connections will be obtained.

Surface evidence and features of storm and sanitary sewer drainage systems will be located. Invert elevations of underground pipes and structures will be required. It has been assumed that fifteen (15) structures existing within project limits that will require rim and invert elevations. Structure information will be ascertained from above ground only. No attempt will be made to enter any structure.

Utility owners will be contacted to procure pertinent record plans and information to assist in placing approximate utility locations. A review and comparison of utility records and field locations will be performed to map utility line locations throughout the survey limits.

NOTE: Utility mapping will depict surface evidence of utilities and underground utility mapping prepared to ASCE QL C. Subsurface delineation of utilities has not been included as part of this proposal.

NOTE: No construction stakeout survey has been included in this proposal.

3. Right of Way Survey

The existing road(s) Right-of-Way (ROW) and approximate property lines will be placed within the mapping limits (See attached survey limits map). Records research will be conducted to obtain record documents (deeds, maps, record plans, etc.). It is assumed that research will be performed to obtain local town, village and county records. Field survey will be conducted to locate ROW and property line evidence.

ROW and approximate adjacent property linework and annotations will be included in the digital design mapping deliverables. A separate boundary map will not be required.

NOTE: It is understood and assumed that land surveying support and/or services will not be required for the annexation of property.

4. Deliverables

Project deliverables shall include hard copy plots of prepared mapping and digital CADD files in AutoCAD Civil 3D file format.

B. Civil Design

1. General

a. Water System

Sullivan County has opted to obtain water service from the Village of Monticello with a connection to an 8" main on Raceway Road near Jefferson Street.

b. Water Main

Approximately 2500 lf of 8" pipe will be needed between the connection at the Village main and the proposed on-site water tank. The routing of the new main will require crossing CR 174, NYS Routes 17/186 and 17B, and Jefferson Street. It is anticipated that the highway crossings will be accomplished using either horizontal directional drilling or conventional auger boring techniques. If allowed by the Village, the crossing of Jefferson Street will be installed by open cut; otherwise it will be auger bored.

c. Off-Site Booster Station

Ten States Standards Section 8.2.1 requires a minimum of 20 psi at ground level at all points in the distribution system under all flow conditions. The existing residual pressure at the proposed connection point is reported by the Village to be 36 psi. Hydraulic modelling indicates that the available residual pressure will be

about 20 psi after the new resort casino is connected to the system.

Approximately 26 psi will be required to fill the on-site tank to the proposed high-water level. Since the available residual pressure is insufficient to fill the proposed tank and maintain the required 20 psi residual pressure a booster station will be needed to fill the tank.

d. On-Site Water Storage

A 320,000 gallon ground reservoir will be required to provide storage for fire-fighting and potable water.

e. On-Site Pumping Facilities

An on-site pump house will be required for domestic water booster pumps & controls, a fire service pump & controls, re-chlorination system, and backflow prevention devices.

f. Sanitary Sewer

Sullivan County has opted to connect to the Village of Monticello sanitary sewer system. An on-site pump station will convey sewage to an existing 8" gravity sewer on Jefferson Street near Raceway Road.

g. Sanitary Pump Station

A duplex pump station with each pump capable of handling the peak hourly flow rate of 250 gallons per minute is required.

h. Forcemain

Approximately 2500 lf of 4" or 6" forcemain will be required to connect the pump station to the Village gravity sewer system on Jefferson Street. The routing of the forcemain will roughly parallel that of the water main and will require similar roadway crossings.

2. Scope of Work – Design

a. Water System

Design Criteria:

i. Title 10 Health (A) NYCRR (Codes, Rules and Regulations of the State of New York), Chapter 1 (State Sanitary Code), Part 5, Drinking Water Supplies.

ii. Recommended Standards for Water Works, 2012 Edition, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (Ten States Standards).

iii. American Water Works Association (AWWA) Standards.

b. Water Main

i. SCE will prepare schematic level (35%) plans and profiles for the water main from the Village distribution system connection point to the on-site tank and submit them to Sullivan County for review.

ii. SCE will address any review comments and revise the plans for resubmission to the County.

iii. Upon County approval of the schematic level plans SCE will begin coordination with NYSDOT Region 9 for work within the NYSDOT right-of-way. It is anticipated that a NYSDOT Highway Work Permit will be required.

iv. SCE will prepare work zone traffic control plans for work in and along NYS Rte. 17B, Jefferson Street and Raceway Road.

v. SCE will prepare work zone traffic control plans for shoulder closures anticipated to be required for pipe boring operations at CR 174 and NYS Rte. 17.

vi. SCE will address DOT review comments and will progress the plans to preliminary level (65%) and submit them to the County, DOT and DOH for review.

vii. SCE will address review comments and prepare final design plans, profiles, details, and specifications.

c. Off-Site Booster Station

The County will need to acquire a site for the booster station between the connection point on Raceway Road and south of NYS Rte. 17. The site may be in an existing right-of-way or on private property purchased by the County. The booster station can be either above ground or below ground keeping in mind that cost and maintenance factors strongly favor an above ground installation. SCE has not included any work for site acquisition support in this proposal. If needed, SCE will provide support for an additional fee.

i. SCE will coordinate allowable pumping rates and tank filling schedule with the Village of Monticello Water Department.

ii. SCE assumes that the Village of Monticello will provide up to date flow test data for a hydrant near the proposed connection point.

Furthermore SCE assumes that the Village will make any relevant hydraulic modeling data available.

iii. SCE will perform final hydraulic calculations for the system using data provided by the Village of Monticello.

iv. SCE anticipates that the pumps will operate on a timer system during off-peak hours and will communicate with a tank level transducer via radio telemetry to turn the pumps off upon receiving a high water level signal.

v. SCE will prepare schematic level (35%) plans for a packaged booster station and submit them to Sullivan County for review.

vi. SCE will address any review comments and progress the plans to preliminary level (65%) and submit them to DOH for review.

vii. SCE will address DOH review comments and prepare final design plans, details, and specifications.

viii. SCE assumes that Labella will provide a foundation design, electrical design and radio telemetry design for the booster station with input from SCE.

ix. A standby generator will be required – SCE will include it in the site plan and assumes that Labella will provide technical specifications and electrical design.

x. No sanitary or storm water sewer system design is anticipated to be required for the booster station and none is included in this proposal.

d. On-Site Water Storage

i. SCE will provide specifications and site/civil design including site plan, final grading plan, and erosion and sedimentation control plan for the installation of the ground storage reservoir. Tank specifications will be based on AWWA D103, Factory-Coated Bolted Carbon Steel Tanks.

ii. SCE will provide plans and specifications for a tank mixer to prevent stagnation and thermal stratification, a tank level sensor/transducer, and a valve vault for inlet pressure-sustaining/check valve and outlet isolation and drain valves.

iii. It is assumed that the tank supplier will design the foundation using recommendations from the geotechnical engineering report.

iv. It is assumed that Labella will provide structural review of the foundation design, electrical design for the mixer and level transducer, and radio telemetry design for communication with the off-site booster station.

v. SCE will coordinate metering requirements with the Village of Monticello Water Department. SCE anticipates that a meter vault with bypass will be required at the tank inlet and has included the preparation of plans and specifications herein.

vi. Plans will be progressed from schematic phase to preliminary to final construction documents with submittal to the County for review at each step and submittal to DOH at the preliminary phase and for final approval.

e. On-Site Pumping Facilities

i. SCE will prepare preliminary plans, details and specifications for the installation of a packaged diesel fire pump, a packaged triplex domestic water booster station, and a storage tank re-chlorination system.

ii. Plans will include all necessary piping and accessories between the storage tank, pump house, and site piping connection points.

iii. Design of building sanitary sewer and house water piping will be included along with an emergency shower/eyewash station with point of use water heater and tempering valve. (Sanitary sewer is for chlorine analyzer sample waste stream and shower / eyewash drain – no restroom facilities are anticipated or included.)

iv. SCE anticipates the use of two (2) 4-inch reduced pressure zone backflow prevention assemblies for domestic water service. This will allow one device to be taken off-line for annual certification testing while maintaining constant flow to the jail.

v. SCE anticipates that the fire protection system will be AWWA Class 3 requiring the use of a double check valve assembly for backflow prevention.

vi. SCE will prepare the required backflow prevention plans, engineering report, and application (DOH form 347) and submit four (4) copies to the Village of Monticello Water Department / DOH for approval.

vii. SCE assumes the re-chlorination station will use either sodium hypochlorite (liquid bleach) or calcium hypochlorite (granules or tablets) as a disinfectant and no work associated with a gaseous chlorine feed system is included. The system will be used to maintain the required free chlorine residual in the storage tank and will operate on a feedback control system using a chlorine residual analyzer and chemical metering pumps. Design and specifications for the re-chlorination system will be by SCE.

viii. SCE assumes that Labella will provide architectural, structural, electrical, and HVAC design for the pump house with input from SCE on size and arrangement of equipment. The building will contain a diesel engine for the fire pump and will require automatic louvers for combustion and cooling air interlocked to the pump controls. It is assumed that Labella will incorporate the louvers into their building design with input from SCE.

ix. SCE anticipates that the fire pump will include a skid-mounted day tank for fuel storage and that no auxiliary fuel storage design will be required.

x. SCE assumes that LaBella will provide final design point (required pressure and flow rate) at the Jail connection point for specification of the fire pump.

xi. Plans will be progressed from schematic phase to preliminary to final construction documents with submittal to the County for review at each step and submittal to DOH at the preliminary phase and for final approval.

f. Sanitary Sewer

Design Criteria

i. Recommended Standards for Wastewater facilities, 2014 Edition, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (Ten States Standards).

g. Pump Station

i. SCE will perform final hydraulic analysis for sizing the pump station.

ii. SCE anticipates the use of an above ground pump station with self-priming pumps for ease of maintenance and to reduce the need for confined space entry.

iii. SCE will prepare plans, details, and specifications for a packaged duplex sewage pump station.

iv. Plans will be progressed from schematic phase to preliminary to final construction documents with submittal to the County for review at each step and submittal to DEC Region 3 Water Quality Division in New Paltz at the preliminary phase and for final approval.

v. SCE assumes that Labella will provide a foundation design and electrical design for the pump station with input from SCE.

vi. SCE assumes the pump station will be connected to the site standby generator for emergency power.

h. Forcemain

i. SCE will prepare plans, profiles, details and specifications for the forcemain from the pump station discharge to the connection point with the Village of Monticello 8" gravity sewer on Jefferson Street.

ii. Plans will be progressed from schematic phase to preliminary to final construction documents with submittal to the County for review at each step and submittal to DEC and DOT at the preliminary phase and for final approval.

iii. SCE assumes that meetings with DOT Region 9 regarding the forcemain highway crossings will be done concurrently with the water main crossings.

3. Meetings

a. SCE will attend up to four meetings in Sullivan County for project coordination and review.

b. SCE assumes two meetings will be held with DOT at Region 9 headquarters in Binghamton.

4. Specifications and Contract Documents

a. Specifications will be in CSI Master Spec format.

b. Front end documents (bidding and contractual) will be prepared by LaBella.

5. Geotechnical Investigation and Report
 - a. SCE will subcontract with QA QC Labs to provide geotechnical soil borings and geotechnical engineering report which will be used for design of the utility crossings and other features.
6. NYSDOT Highway Work Permit
 - a. SCE will complete a NYSDOT Highway Work Permit For Utility Work (form PERM 32) on behalf of Sullivan County.
 - b. SEQRA has been approved by the County. It is assumed SCE will be provided a copy of the SERA Negative Declaration.
 - c. SCE will provide Work Zone traffic control details and notes for work along NYS Route 17.
 - d. SCE will coordinate the work permit with NYSDOT Region 9 to ensure all requirements are met.
 - e. SCE will make edits to the design plans and details as required by NYSDOT comments.
 - f. SCE assumes the County or selected contractor will provide all bonds and insurance required by the permit.
 - g. SCE assumes the County will pay all permit fees if required.

C. Bid Phase Services

SCE will assist the County in advertising the project for competitive bid. Services will include:

1. Provide a master set of water and sanitary sewer plans and technical specifications to LaBella for printing and distribution. It is assumed that the water supply and sanitary sewer conveyance work will be bundled into a single utility bid package.
2. SCE will attend, with LaBella, one (1) pre-bid meeting relative to the water supply and sanitary sewer conveyance bid package.
3. SCE will address water supply and wastewater conveyance questions raised by the prospective bidders.
4. SCE will prepare addenda information for LaBella, if necessary.
5. SCE will assist LaBella with the review of the water supply and sanitary sewer conveyance bids received.

D. Construction Phase Services

1. SCE will attend, with LaBella, a pre-construction meeting relative to the water supply and sanitary sewer conveyance work.
2. SCE will review shop drawings and submittals for work related to the water supply and sanitary sewer conveyance contract.
3. SCE will address technical questions relative to the water supply and sanitary sewer conveyance contract raised by the Contractor and/or County.
4. SCE assumes that SCE project manager will attend up to 8 bi-weekly job meetings in Sullivan County. A representative from SCE's design team will conduct eight (8) interim site visits in order to provide assistance of the water supply and sanitary sewer conveyance work, including pressure testing and disinfection of the water main.
 - a. In addition, additional site visits are planned for the following major items:
 - i. Highway borings.
 - ii. Water tank disinfection and filling.
 - iii. Jail pump house startup.
 - iv. Off-site booster pump station startup.
 - v. Sewage pump station start up.
5. SCE will prepare record drawings at the completion of the water supply and sanitary sewer conveyance construction. If SCE assumes it will provide record plans for the sheets that it originally developed and LaBella will provide the record drawings for their sheets.
6. Shumaker Consulting Engineering & Land Surveying, D.P.C. (SCE) will provide a Resident Engineer to provide full-time construction observation services with the following scope and assumptions:
 - a. SCE will provide a Resident Engineer, NICET IV or equivalent.
 - b. SCE assumes construction will start in 2017.
 - c. SCE assumes construction duration of twelve (12) months.
 - d. SCE has included 10 hours per week for 50 weeks (500 hours) of overtime for the Resident Engineer.
 - e. SCE assumes that materials testing will be by others.
 - f. SCE assumes that a field office fully equipped will be provided.

E. Others

1. AUTOCAD 2014 format files will be used.

III. PROJECT SCHEDULE

The above Scope of Services will be completed within a mutually acceptable period of time.

IV. COMPENSATION

- a. SCE's compensation to provide the professional engineering services outlined in Scope of Services Section II.A is a lump sum fee of \$32,491.00.
- b. SCE's compensation to provide the professional engineering services outlined in Scope of Services Section II.B is a lump sum fee of \$252,544.00.
- c. QCQA Laboratories compensation to provide the professional services outlined in Scope of Services Section II.B.6 is a lump sum fee of \$59,935.00.
- d. SCE's compensation to provide the professional engineering services outlined in Scope of Services Section II. C is a lump sum fee of \$9,803.00.
- e. SCE's compensation to provide the professional engineering services outlined in Scope of Services Section II.C.1.-5 is a lump sum fee of \$62,364.00.
- f. SCE's compensation to provide the professional engineering services outlined in Scope of Services Section II.C.6 is a not-to-exceed fee of \$388,320.00.
- g. Payment for the work will be due monthly on the basis of statements submitted by the Engineer for the work performed during that period.
- h. Additional services or visits beyond the Scope of Services will be considered extra work and will necessitate additional compensation.

V. TERMS AND CONDITIONS

Terms and Conditions of the Prime and Subconsultant Agreement shall be enforced.

If this proposal is satisfactory to you, please sign two (2) copies of this letter in the space provided and return one (1) copy to this office, which will be our authorization to proceed.

Thank you for the opportunity to submit our proposal. We are available, at your convenience, to discuss any questions you may have.

Very truly yours,

SHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, D.P.C.


James M. Cummings, P.E.
Senior Project Engineer

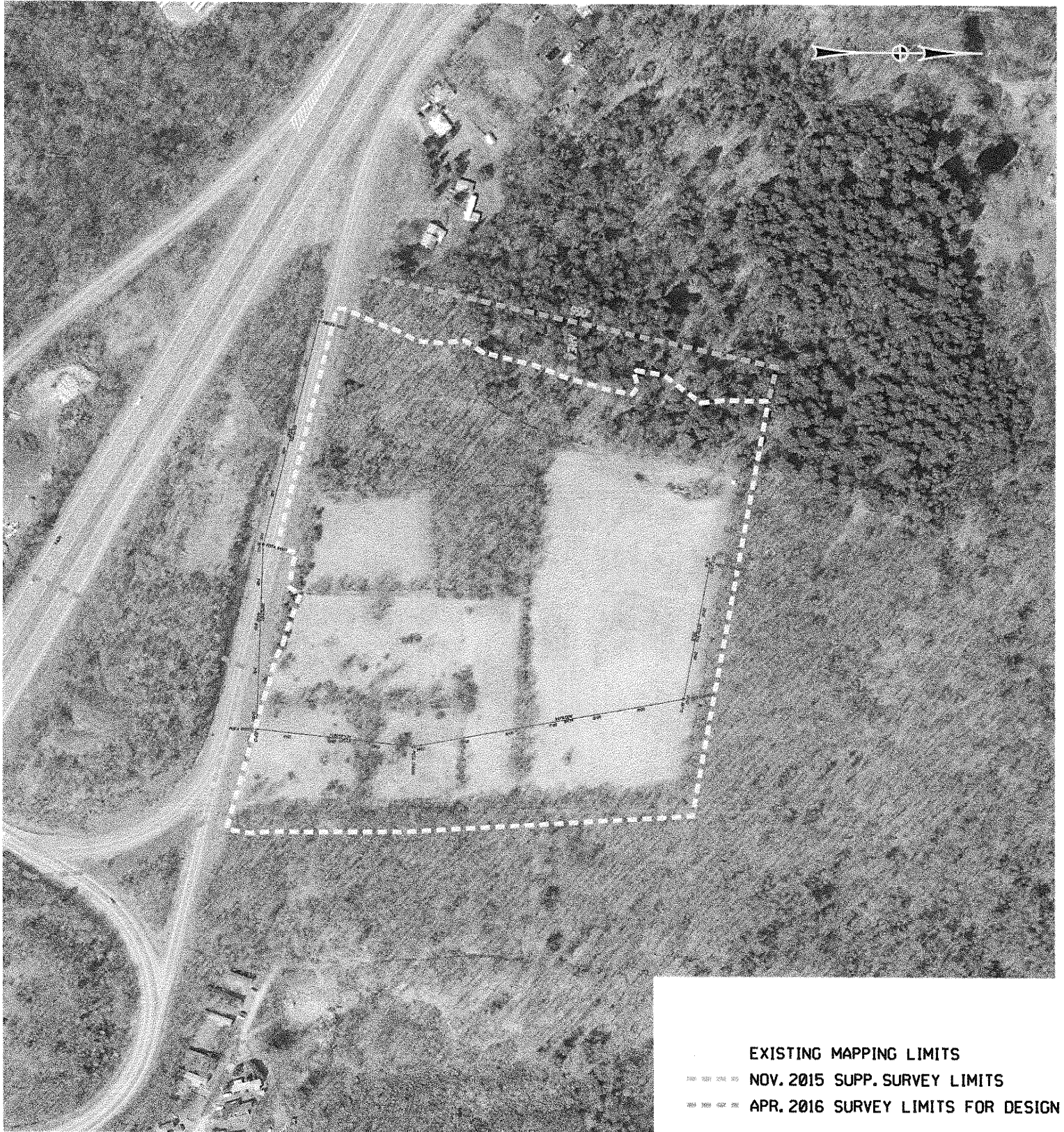
Enclosure

ACCEPTED AND APPROVED

By: _____

Title: _____

Date: _____



EXISTING MAPPING LIMITS

NOV. 2015 SUPP. SURVEY LIMITS

APR. 2016 SURVEY LIMITS FOR DESIGN

Y LIMITS MAP

ITY JAIL OFF SITE UTILITIES
HOMPSON, NEW YORK

SHUMAKER

Consulting Engineering
and Land Surveying, D.P.C.
143 Court Street
Binghamton, NY 13901

July 11, 2016

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

Re: Architectural/Engineering Construction Administration & Construction Management
Additional Services
1) New Sullivan County Sheriff Administration & Road Patrol Addition – Bid Alternate Services
2) Conformed Bidding Documents for Construction & Final Record Drawings
LaBella Project #206049

Dear Mr. Potosek:

As requested, these fees are for bidding, construction administration, and construction management phases only. Under a previous proposal, the LaBella team has already completed the schematic, design development, and construction document design services for this bid alternate.

This proposal is based on construction of the jail and this bid alternate all being completed at the same time to maximize efficiency of joint construction meetings, on-site visits, and completing all necessary shop drawings and submittal reviews. If the county chooses to postpone this effort until after the jail construction is complete, then some additional fees will be necessary because the team would have to re-mobilize and staff the construction phase of services as a standalone project.

Also as part of this proposal, Sullivan County has asked the LaBella team to provide record drawings of the as-built condition following the completion of construction. This will be based on red lines provided by the contractors during the course of the project. The final deliverable will be CAD drawings and a PDF copy of all construction drawings; specifications will be excluded.

To assist the contractors at the beginning of the project, this effort will also include a conformed set of drawings and specifications that include all addendum items that have been issued during the bidding phase. This set of documents will be turned over to the county and to all contractors prior to the start of construction.

BASIC SERVICES

LaBella assembled its scope of services based on the efforts that were completed with the Sheriff's Office to establish the basic programmatic requirements for this alternate. In general, these include the following professional scope of services for a +/- 22,000 SF new Sheriff's Administration & Road Patrol Addition (as a design bid-alternate) with a construction cost in the range of \$8 to \$9 million dollars.

a) Schematic Design Phase
Completed.

b) Design Development Phase
Completed.

c) Construction Documents Phase
Completed.

d) Bidding Phase, A/E and CM

Based on our prime agreement, the Architect shall, for this bid alternate following the Owner's approval of the Construction Documents and of the latest estimate of Construction Cost, assist the Owner in obtaining bids and assist in preparing contracts for construction. The Architect shall assist in issuing bidding documents to bidders and conducting pre-bid conferences with prospective bidders. The Architect shall respond to questions from bidders and shall issue necessary addenda.

e) Construction Administration Phase, A/E and CM

Based on our prime agreement, the Architect shall, for this bid alternate, be a representative of and advise and consult with the Owner during construction until final payment to the contractors is due. The Architect shall visit the alternate portion of the site at intervals appropriate to the stage of construction or as otherwise agreed by the Owner and Architect in writing to become generally familiar with the progress and quality of the Work completed and to determine if the Work is being performed in a manner indicating that the Work when completed will be in accordance with the Contract Documents.

Similar to the base project, for this bid alternate, the Architect shall not have control over or charge of, and shall not be responsible for construction means, methods, techniques, sequences or procedures, or safety precautions and programs in connection with the Work, since these are the contractors' responsibility under the Contracts for Construction.

Based on the Architect's observations and evaluations of each Contractor's Application for Payment, the Architect shall review and certify the amounts due the respective contractors. The Architect shall review and approve or take other appropriate action upon contractors' submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The Architect shall review and sign or take other appropriate action on Change Orders and Construction Change

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Directives prepared by the Construction Manager for the Owner's approval and execution in accordance with the Contract Documents.

OTHER PROFESSIONAL SERVICES

f) Furniture, Fixtures & Equipment and Signage Coordination in the Bidding and Construction Administration Phase of Services

Following up on the design services that will be completed in 2017, this effort will include working with the county on preparing the necessary bid package or purchase order for the loose furniture as part of the bid alternate. This effort also includes typical construction administration phase services of answering requests for information, the shop drawing process, field reviews, and final punch list of all of the installed furniture.

CONFORMED BIDDING DOCUMENTS FOR CONSTRUCTION & FINAL RECORD DRAWINGS

1. From a quality control perspective to ensure that all of the contractors have all of the bidding information along with all addendum information at the beginning of the construction phase project, LaBella to provide a conformed set of drawings and specifications that includes all addendum items that have been issued during the bidding phase. This set of documents, in PDF form, will be turned over to the county and to all contractors prior to the start of construction.
2. Final "as-built" record drawings drawn from contractor supplied redlines. Deliverable would include (1) set of paper drawings and (1) set of electronic drawing files on compact disk. The electronic files shall be in an Auto Cad format mutually agreed upon between LaBella and the county. The file format shall contain separate layers, appropriate to the Project.

ADDITIONAL SERVICES FEE SUMMARY

Professional services to provide CA and CM services for this bid alternate will be an additional Fixed Fee to the project based on the scope of work as outlined above. As noted, these services are for Bid, CA and Construction Management services only. The total fixed fee to provide this service is: **\$123,000.**

Professional services to provide conformed bidding documents for construction & final record drawings of the as-built conditions as outlined above. This scope of work is for both the base bid documents and the bid alternate documents. The total fixed fee to provide this service is **\$20,000.**

Reimbursable Expenses

This fixed fee also includes miscellaneous expenses related to travel expenses (lodging, mileage, meals, etc.). As applicable, all other expenses not mentioned here will be invoiced to the county at our cost.

	Lump Sum Fee
Bidding and Construction Administration Phase	\$123,000
Conformed Bidding & Record Drawings	\$20,000
Additional Professional Fee for the Project	\$143,000

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It is proposed that these Professional Services will be an amendment to our current Agreement, dated March 27, 2007. All other terms and conditions remain in full effect. If this amendment is acceptable, please execute by signing two (2) copies of the Acceptance listed below and return one (1) signed copy to our office. This will serve as our agreement for the proposed additional services.

After you review this information, please do not hesitate to call me with any questions or comments as we work towards this amendment to our contract with Sullivan County.

Respectfully submitted,

LABELLA ASSOCIATES, D.P.C.



Mark E. Kukuvka, AIA
Client Manager

cc: Edward McAndrew, PE, Commissioner of Public Works
Sheriff Michael Schiff
Robert Healy, President, LaBella Associates

Sullivan County Acceptance:

Signature: _____

Title: _____

Dated: _____

LaBella Associates, D. P.C.

Signature: _____

Title: _____

Dated: _____

300 State Street, Suite 201 | Rochester, NY 14614 | p 585.454.6110 | f 585.454.3066 | www.labellapc.com

May 4, 2016

Joshua A. Potosek, County Manager
Sullivan County Office Building
100 North St.
Monticello, NY 12701

RE: Sullivan County Jail – Code Required Commissioning Services

Dear Josh:

LaBella Associates, D.P.C. is pleased to submit the following proposal to Sullivan County to provide commissioning services required by the New York State Energy Conservation Construction Code adopted on January 1, 2015. LaBella is confident that we will develop a product that will be of value to Sullivan County. This proposal outlines our understanding of the commissioning scope and associated fees.

SCOPE OF SERVICES

The scope of Commissioning (Cx) services will be provided at a level required to comply with the State Energy Conservation Construction Code. Commissioning is required to be completed on mechanical HVAC systems (including smoke control system) and lighting control systems. The scope includes completion of the following items:

Commissioning Plan: Provide a description of activities to be performed, identify responsibilities of Cx team members, list equipment and systems to be commissioned, describe testing to be completed, identify functions to be tested, and provide measurable performance criteria.

Pre-Functional Testing: This phase will confirm installation and readiness for the functional testing phase. Contractors will complete pre-functional checklists provided by the commissioning authority. This process involves confirmation by the commissioning authority that occurs both during construction and prior to Functional Performance Testing. Equipment start-ups and Testing, Adjusting, and Balancing (TAB) should be completed during the Pre-Functional Testing phase.

Functional Performance Testing: Functional testing involves confirmation of all modes of system operation, verifies back-up systems, alarms are operational, and is primarily focused on confirmation that systems are controlled in accordance with the designed sequences of operation.

Preliminary and Final Commissioning Reporting: Reporting must be provided that itemize testing deficiencies, discuss the testing results, and summarize testing procedures.

Review of Completed Construction Documentation: As-Built drawings, Operation and Maintenance Manuals, Building Management System Controls information, and completed Testing and Balancing Reports are all items that will be reviewed and verified to have been provided prior to completion of construction. A systems manual

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will be created as part of the commissioning process providing a narrative of intended system operation and recommended set points.

Smoke Control System Commissioning: Testing of smoke control system will include pre-functional and functional performance testing on components of the system as well as the system as a whole. A specific report documenting testing of the smoke control system will be provided separately from the commissioning report.

The following services will also be provided in order to satisfy the above code required commissioning items:

- Conduct a commissioning kick-off meeting at the start of construction and periodic commissioning meetings throughout construction. Six (6) commissioning meetings are included in this proposal.
- Field visits will be completed periodically throughout construction. Twenty (20) field visits are included in this proposal.

ASSUMPTIONS AND EXCLUSIONS

- Building envelope commissioning is not included in this scope of services.
- Only HVAC systems and any lighting control systems will be commissioned no other equipment or systems will be commissioned.
- Commissioning services will be completed in conformance with design document specifications and code requirements.
- Smoke control system testing will be completed with assistance from test and balance company contracted by mechanical contractor and fire alarm installer.

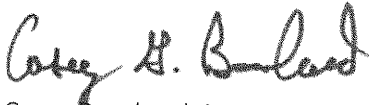
FEE

LaBella Associates, D.P.C. will provide professional commissioning services as outlined in the "Scope of Work" for a **LUMP SUM FEE of \$125,000**. This fee includes all expenses such as travel and printing. If the Sheriffs Administration Building Alternate is not accepted \$15,000 can be deducted resulting in a **LUMP SUM FEE of \$110,000**.

If you have questions, please contact me directly at (585) 295-6209 or cbernhard@labellapc.com. Thank you for this opportunity and we look forward to working with Sullivan County toward the successful completion of the commissioning process.

Sincerely,

LABELLA ASSOCIATES, D.P.C.



Casey Bernhard, PE, LEED AP
Mechanical Discipline Leader

Cc: M. Kukuvka, AIA – Client Manager
L. Erskine – Commissioning Agent