

**Sullivan County Legislature  
Regular Meeting  
August 17, 2017 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:07PM by Chairman Alvarez with the Pledge of Allegiance.

Roll Call indicated all legislators present.

**Communications:**

1. Letter received July 25, 2017 from Mrs. Perez of Callicoon, New York requesting that the Western Sullivan Transfer Station remain open
2. Annual Report of the Sullivan County Infrastructure Local Development Corporation filed by Jennifer Flad on July 28, 2017
3. Letter dated July 26<sup>th</sup> from June Lombardi complimenting the County of Sullivan on the recently Household Hazardous Waste Day and how well it was run
4. Chairman's appointment to the Sullivan County Youth Board August 10, 2017
5. Records Destruction Notification filed in accordance with SARA by the following departments:
  - Services FVRT dated August 10<sup>th</sup>
  - District Attorney dated July 27<sup>th</sup>
  - Data Entry/Records/Fraud dated August 8, 2017
  - DCAP dated August 9<sup>th</sup>
  - Community Services dated July 6<sup>th</sup>
6. Resolution No. 196 of 2017 adopted by the Elmira City Council and a resolution adopted by the Southern Tier Central both urging Government Cuomo and the NYS Legislature to advance funding and expedite completion of the Daniel Patrick Moynihan Interstate 86 Project
7. Resolution 48-17 filed by the Town of Highland on their position on a change in Sullivan county's government to an elected County Executive form of government and other related changes dated August 8, 2017

**Presentation:**

**Distinguished Citizen Award**

A Distinguished Citizen Award was presented to Brianna Roth and Morgan Van Keuren for the All-American Soap Box Derby World:

**2017 Sullivan County Pageant Winners**

Tiny Miss Sullivan County 2017 – Sophia Foley  
Little Miss Sullivan County 2017 -Miracle Marcus  
Young Miss Sullivan County 2017- Kylie Foulk  
Miss Pre-Teen Sullivan County 2017 – Molly Rampe  
Miss Teen Sullivan County 2017 – Amanda Rampe  
Miss Sullivan County 2017 – Taylor Welch  
Ms. Sullivan County 2017 – Tammy Brown  
Sullivan County People's Choice 2017 – Kelsey Shamro  
Miss Congeniality 2017 – Marie Smith  
Miss Congeniality 2017 - Kristal Warf

**Sullivan County Retiring Employee**

A certificate of Special Recognition was presented to Anne Mikulski congratulating her on 26 plus years of service to Sullivan County.

**Public Comment:**

1. Ken Walter
2. Chris Leser

**RESOLUTION NO. 336-17 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO ADOPT THE 2017-2018 SULLIVAN COUNTY COMMUNITY COLLEGE BUDGET**

**WHEREAS**, the Sullivan County Community College Board of Trustees has filed its 2017-2018 Operating Budget with the Sullivan County Legislature, and

**WHEREAS**, the proposed Budget for 2017-2018 has appropriations in the amount of \$18,380,096 with the County's share to be raised by tax revenue in the amount of \$4,250,000 for the purposes of the Operating Budget and \$50,000 for County Employee Tuition; and

**NOW THEREFORE BE IT RESOLVED**, that the 2017-2018 Operating Budget be approved in the amount of \$18,380,096 and the County's share to be levied and assessed against the taxable real property of Sullivan County on the 2018 tax rolls at \$4,250,000 for the purposes of the Operating Budget and \$50,000 for County Employee Tuition.

**Moved by** Mr. Samuelson, **seconded by** Mrs. Rajsz, put to a roll call vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 337-17 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2017 COUNTY BUDGET**

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

**NOW, THEREFORE, BE IT RESOLVED**, that the attached budgetary transfers for 2017 be authorized.

**Moved by** Mr. Samuelson, **seconded by** Mrs. Rajsz, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 338-17 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO APPORTION MORTGAGE TAX**

**WHEREAS**, Section 261 of the Tax Law of the State of New York requires apportionment of the mortgage tax, and

**WHEREAS**, the County Clerk and the County Treasurer have submitted a quarterly report, for the period of April 2017 to June 2017, to the Clerk of the Legislature, and

**WHEREAS**, The County Legislature has apportioned, among the various towns and incorporated villages of the County of Sullivan, the equitable share of the mortgage tax;

**NOW, THEREFORE, BE IT RESOLVED**, that the County Treasurer draw checks for each of the towns and villages the quarterly mortgage tax so apportioned, as follows:

<b>TOWNS</b>	
Bethel	26,229.92
Callicoon	20,446.58
Cochecton	4,639.64
Delaware	6,399.38
Fallsburg	43,725.60
Forestburgh	7,502.70
Fremont	9,656.02
Highland	12,104.38

Liberty	20,569.54
Lumberland	7,905.40
Mamakating	42,324.19
Neversink	16,187.55
Rockland	6,747.78
Thompson	35,989.67
Tusten	10,813.65

**VILLAGES**

Bloomington	1,106.93
Jeffersonville	1,301.02
Liberty	3,722.65
Monticello	4,096.69
Woodridge	1,525.63
Wurtsboro	1,766.83

**TOTAL** **284,761.75**

**Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 339-17 INTRODUCED BY PERSONNEL COMMITTEE TO RECLASSIFY A POSITION WITHIN THE SULLIVAN COUNTY ADULT CARE CENTER.**

**WHEREAS**, there is a need to reclassify a full time Registered Nurse position to an Adult Care Center Program Coordinator position to oversee infection control, employee health and in-service training within the Adult Care Center; and

**WHEREAS**, this full time position requires that the incumbent be a Registered Nurse with several years of relevant experience; and

**WHEREAS**, the Acting Administrator of the Adult Care Center has requested that a Registered Nurse position within the facility #2660 be reclassified of Adult Care Center Program Coordinator, and

**WHEREAS**, the Personnel Officer has determined that the new position complies with Civil Service rules and regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes reclassifying position number 2660 Registered Nurse to Adult Care Center Program Coordinator in the Sullivan County Adult Care Center.

**Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 340-17 INTRODUCED BY THE PERSONNEL COMMITTEE TO CREATE A NEW POSITION IN THE COUNTY CLERK'S OFFICE**

**WHEREAS**, the Sullivan County Clerk has reviewed the staffing needs of the County Clerk's Office and has requested the creation of an additional County Clerk Worker I position; and

**WHEREAS**, the creation of an additional County Clerk Worker I position will help ensure the continued service to the public in a timely manner and eliminate a need for excessive overtime.

**NOW THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby creates a new position of County Clerk Worker I in the County Clerk's Office.

**Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 341-17 INTRODUCED BY THE PERSONNEL COMMITTEE TO INCREASE THE SALARY OF AN ADDICTION SERVICES COUNSELOR III IN THE DEPARTMENT OF COMMUNITY SERVICES.**

**WHEREAS**, as a result of some programmatic and operation changes in the Department of Community Services, there is a need to update and upgrade the duties being performed by the Addiction Services Counselor III; and

**WHEREAS**, these additional duties and responsibilities require that the employee performing these functions be compensated by an increase in the salary of Addictions Services Counselor III in the Department of Community Services; and

**WHEREAS**, this matter has been discussed with the Business Agent for the Teamsters Local 445, International Brotherhood of Teamsters (hereinafter "Teamsters"); and

**WHEREAS**, the County and the Union have agreed that this position should be reallocated on the Teamsters' salary schedule from a Grade IX to a Grade X; and

**NOW, THEREFORE, BE IT RESOLVED**, the annual salary of an Addictions Services Counselor III be set as a Grade X on the Teamsters Salary Schedule and is effective June 1, 2017.

**Moved by Mrs. Ward, seconded by Mrs. Rajszyk, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 342-17 INTRODUCED BY THE PERSONNEL COMMITTEE TO RECLASSIFY A SENIOR ACCOUNT CLERK TO A SENIOR ACCOUNT CLERK/TYPIST IN THE DEPARTMENT OF FAMILY SERVICES**

**WHEREAS**, the Special Investigations Unit (SIU) of the Department of Family Services investigates suspected fraud and abuse of benefits by recipients as well as investigating internal affairs; and

**WHEREAS**, SIU is responsible for the preparation of Investigative Summaries and Dictations, Legal Forms for various matters and many other documents pertaining to their investigations; and

**WHEREAS**, due to the typing responsibilities increasing over the past several years as SIU's productivity has increased, there is a need for a Senior Account Clerk/Typist to prepare the above mentioned documents; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Senior Account Clerk, Budget Position #2492 will be reclassified to the title of Senior Account Clerk/Typist in the Department of Family Services.

**Moved by Mrs. Ward, seconded by Mrs. Rajszyk, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 343-17 INTRODUCED BY THE PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO ADJUST THE SALARIES OF EMPLOYEES OF THE OFFICE OF DISTRICT ATTORNEY**

**WHEREAS**, the Sullivan County District Attorney's Office encountered a number of vacancies in the previous years and two vacancies in 2017, specifically ADA 6 and ADA 7, and;

**WHEREAS**, the District Attorney has indicated that the work load and caseloads that the Assistant District Attorneys have been assigned is well in excess of the National Advisory Committee of Criminal Justice Standards and Goals and the recommendations by the American Bar Association and that the office is currently understaffed and that there is a critical need to hire experienced and trained Assistant District Attorneys; and,

**WHEREAS**, the District Attorney has indicated that the last 5 quarters have shown increases in caseload of 7%, 5%, 4%, 17% and 4%, respectively, and that the appellate case load in the office has also grown considerably and that more experienced prosecutors are needed to carry out the core mission of the District Attorney's Office; and,

**WHEREAS**, violent crime in Sullivan County increased 7.6% in 2015 and increased 17.6% in 2016 as reported by the Department of Criminal Justice Services and there is a critical need to hire and retain experienced Assistant District Attorneys to handle this increasing case load and increase in violent crime; and,

**WHEREAS**, the District Attorney has saved the taxpayers of this county approximately \$130,000 in salary and \$50,000 in benefits by not filling ADA 4 for over two years resulting in a substantial cost saving; and,

**WHEREAS**, the District Attorney has indicated a critical need to fill the vacant ADA 4 position and a critical need to hire experienced prosecutors to fill one of the other vacancies and to compensate them according to their experience and up to the salaries as set forth below, and;

**WHEREAS**, the District Attorney has indicated that without these proposed salary increases he will not be able to properly staff the District Attorney's Office to properly serve the needs of the public in ensuring justice in our criminal courts, and,

**WHEREAS**, the District Attorney has decreased the salary lines of ADA 3, ADA 4, ADA 5 and ADA 6 in the aggregate amount of \$51,374.00 since 2010, when hiring less experienced Assistant District Attorneys, to ensure that their compensation reflected their experience levels and, now, there is a need to increase the salary lines back to the approximate aggregate level of 2010 to ensure that the compensation properly reflects the employee's prosecutorial experience levels and the need to fill these positions with experienced personnel; and,

**WHEREAS**, the District Attorney has indicated that he will move the employees currently filling ADA 3 and ADA 5 positions into the positions of ADA 5 and ADA 6, respectively, and that the salaries for these current employees would remain the same in the new positions; and,

**WHEREAS**, the Sullivan County District Attorney has reviewed the personal services compensation structure and determined that compensation should be modified to reflect the additional work load, and experience level for the positions currently budgeted and the Assistant District Attorneys listed below, as follows:

<b>Position</b>	<b>Current</b>	<b>New</b>	<b>Increase/Decrease</b>
ADA 3 - 7145	\$75,283	up to \$95,000	Increase \$19,717 (experienced hire)
ADA 4 - 748 (vacant)	\$64,187	up to \$78,000	Increase \$13,813 (experienced hire)
ADA 5 - 587	\$59,613	\$75,283	Increase \$15,670 (ADA 3 moved to ADA 5)
ADA 6 - 770 (vacant)	\$56,085	\$59,613	Increase \$ 3,528 (ADA 5 moved to ADA 6)
ADA 7 - 885 (vacant)	\$53,433	\$55,000	Increase \$ 1,567
ADA 8 - 2970	\$55,000	\$53,433	Decrease\$-1,567

**WHEREAS**, the proposed salaries as set forth above will increase the personnel services budget line in the total amount of \$52,728.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the salaries as set forth above be adjusted as of August 17, 2017, and further that the District Attorney is authorized to fill the positions of ADA 4, ADA 6 and ADA 7.

**Moved by Mrs. Rajsz, seconded by Mrs. Owens**, put to a vote with Mr. Samuelson, Mr. McCarthy, Mr. Alvarez and Mr. Perrello opposed, resolution carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 344-17 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO ADOPT AMENDMENTS AND REVISIONS TO THE SULLIVAN COUNTY INVESTMENT POLICY**

**WHEREAS**, that pursuant to Resolution No. 180-2013 the County of Sullivan adopted its Investment Policy dated February 1, 2013; and

**WHEREAS**, the County Treasurer has determined that Exhibit "A" of Section IV – Designation of Depositories of said Investment Policy, should be amended to add the language underlined below:

Section 212 (3) of the County Law provides that the County Legislature shall designate one or more depositories within the County or in another county within the State, for the deposit of all monies received by the County Treasurer, and specify the maximum dollar limit which may be kept on deposit at any one time in each depository. Said maximum dollar limits shall be exceeded solely for the purpose of unique capital projects; and

**WHEREAS**, the County Treasurer has also determined that Exhibit "A" of Section IV – Designation of Depositories of said Investment Policy, should be further revised to remove "First Niagara Bank" from the list of depositories as First Niagara Bank was acquired by and merged with Key Bank. First Niagara Bank should be replaced with "Wayne Bank", as Wayne Bank now has branches located in Sullivan County. The maximum dollar limit shall remain the same at \$25,000,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the proposed amendments and revisions to the County's Investment Policy be and the same are hereby adopted.

**Moved by Mrs. Ward, seconded by Mrs. Rajsz**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

## **I - PURPOSE**

The purpose of establishing an investment policy is to develop operating principles { which govern investment activity} within the guidelines of current legislation. The investment policy will enable the County to work within these guidelines to formulate investment objectives. The County Treasurer will be guided by the investment policy in managing the short and long term investments of the County's available cash.

## **OBJECTIVES**

The County's three primary objectives are the primary objectives are the preservation of principal (**safety**), the timely maturity of investments [and earnings] (**liquidity**) and competitive interest rates on investments (**yield**). In order of priority, the investment objectives as previously mentioned are as follows:

**SAFETY:** Investing in money market instruments is generally considered to be extremely safe, whether it is short term or long term in nature. Nonetheless, there are differences in safety associated with various securities. Therefore, consideration must be given to safeguard the investment of available funds. Such considerations would include:

1. FDIC coverage

2. Written third party collateral agreements with local Banking Depositories and Primary Dealers
3. Statutory guidelines which govern the types of investments allowed by local municipalities

**LIQUIDITY:** A major concern to the County Treasure is the ability to convert securities into cash to meet all operating requirements that may be reasonably anticipated. Cash flow projections developed for both capital and operational commitments is a basic tool used in the planning and timing of maturing investments to meet anticipated demands.

**YIELD:** Selecting investments that will return to the County the highest possible yield (interest rate) while conforming to the requirements of safety and yield.

## II – SCOPE

The Investment Policy encompasses all moneys that become available for investment and or deposit by the County. The sources of available funds include proceeds from local tax receipts, revenues from State and Federal agencies, sales tax receipts, proceeds from certain bond and note issues, revenues from fiduciary accounts (trust and agency), and other miscellaneous revenues.

## DELEGATION OF AUTORITY

The authority to manage the investment program is granted to the County Treasurer who is the Chief Fiscal Officer of the County; as provided in the Sullivan County Charter. The County Treasurer shall carry out the established written procedures and controls for the operation of the investment program consistent with the County Investment Policy. No person shall engage in an investment transaction except as provided under the terms and conditions of this policy and the procedures established by the Chief Fiscal Officer. The Chief Fiscal Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

## III STANDARDS OF CARE! PRUDENCE & ETHICS

**Prudence:** in the investment process the Chief Fiscal Officer shall act as a responsible custodian of the public trust and shall avoid any transaction that might impair public confidence to govern effectively. The Chief Fiscal Officer shall act in accordance with written procedures as outlined in the County Investment Policy and exercise due diligence as an investment official. Investments shall be made with judgment and care, under prevailing circumstances, considering the probable safety of County revenues as well as the anticipated income to be derived from investments.

**Ethics:** The Chief Fiscal Officer shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions.

## INTERNAL CONTROLS

The County Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with appropriate discretion and recorded properly, and are managed in compliance with applicable laws and regulations governing public funds.

### IV – DESIGNATION OF DEPOSITORIES

**Authorized Financial Dealer and Institution:** Section 10 of New York State General Municipal Law requires the Sullivan County Legislature to designate one or more banks to secure the deposits of County funds and investments.

#### Exhibit A

Section 212 (3) of the County Law provides that the County Legislature shall designate one or more depositories within the County or in another county within the State, for the deposit of all monies received by the County Treasurer, and specify the maximum dollar limit which may be kept on deposit at any one time in each depository. Said maximum dollar limits shall be exceeded solely for the purpose of unique capital projects.

DEPOSITORY NAME	MAXIMUM
Provident Bank	\$25,000,000.
First National Bank of Jeffersonville	25,000,000.
Key Bank	50,000,000.
<u>Wayne Bank</u>	25,000,000.
Catskill Hudson Bank	25,000,000.
M&T Bank	50,000,000.
TD Bank	25,000,000.
Chase Bank	50,000,000.
Citizens Bank	25,000,000.

### V- COLLATERALIZING DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of Sullivan County including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by the following alternatives:

1. By a pledge of “eligible securities” with an aggregate “market value”, equal to the aggregate amount of deposits from the categories designated to the policy.



2. An irrevocable **letter of credit** issued in favor of the County for a term not to exceed ninety days by a bank (other than the bank with which the money is being deposited or invested) whose commercial paper and other unsecured short-term debt obligations ( or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding company) by at least one nationally recognized statistical rating organization or by a bank (other than the bank with which the money is being deposited or invested) that is in compliance with applicable federal minimum risk-based capital requirements. A letter of credit must be 102% of deposit plus interest.
3. A **Surety Bond** payable to the County for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest category by at least two nationally recognized statistical rating organizations.

## VI – PERMITTED INVESTMENTS

Section 11 of General Municipal Law expressly authorizes the Chief Fiscal Officer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow requirements in the following types of investments:

1. Special time deposit accounts in an authorized banking depository or trust company secured in the same manner prescribed by General Municipal Law, Section 10.
2. Obligations of the United States of America
3. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
4. Obligations of the State of New York
5. Obligations issued pursuant to Local Finance Law Section 24 or 25 (RANS & TANS) of other municipalities, school districts or district corporation other than the County of Sullivan (with approval of the State Comptrollers Office).
6. Obligations of public benefit corporations; public housing authorities, urban renewal agencies and industrial development agencies.
7. Certificates of Deposit.

Two other types of investments are also permitted:

1. **Repurchase Agreements** are authorized subject to the following restrictions:
  - A. Repurchase Agreements must be entered into subject to a master repurchase agreement. (aka – PSA agreement)
  - B. No substitution of securities will be allowed
  - C. Securities owned by the County must be held by a 3<sup>rd</sup> party bank or trust company, acting as a custodian for the securities.

- D. The custodian shall be a party other than the trading partner.
- E. Obligations shall be limited to obligations of the USA and obligations guaranteed by agencies of the United States of America.

2. **Cooperative investments (CLASS and Public Financial Management/NYLAF** , subject to a written agreement

All investment obligations shall be redeemable on respective maturity dates as determined by the County Treasurer to meet expenditures for purposes for which the moneys were provided.

## **VII – SAFEKEEPING AND COLLATERALIZATION**

General Municipal Law, Section 10, requires that all securities pledged to secure deposits be held by a Third Party Bank or Trust Company and be held pursuant to a written Custodial Agreement. The custodial agreement must acknowledge all the necessary provisions in order to provide the County with a perfected security interest, which includes the following:

1. The custodial agreement shall contain a security provision, which would provide that the collateral is being pledged by the bank or trust company as security for the public deposits. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events that will enable the local government to exercise its rights against the pledged securities.
2. The securities held by the authorized bank or trust company as agent of and custodian for the County, will be placed separate and apart from the general assets of the custodial bank or trust company, and will not, in any circumstances, be commingled with or become part of the security for any other deposits or obligations.
3. The custodian shall confirm the receipt, substitution or release of the securities held on behalf of the County.
4. The types of collateral used to secure County deposits must be in accordance with the most current legislation authorizing various types of collateral, and approved by the County
5. The County requires a margin of maintenance of 102% of the uninsured portion of deposits collateralized.
6. The County prefers written consent on part of the County Treasurer for release and substitution of securities affecting the County's custodial account.
7. The County requires a monthly update on third party collateral security.
8. The County requires that there be no sub-custodian.
9. The Custodian Bank must be a member of the Federal Reserve Bank.

### **RESOLUTION NO. 345-17 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AMEND THE SOLID WASTE MANAGEMENT RULES TO CHANGE THE FEE PER BAG AND METHOD OF PAYMENT**

**WHEREAS**, the Sullivan County Solid Waste Management Rules (hereinafter the Rules) were adopted by the County Legislature in accordance with Section 171-24 of the Sullivan County Code; and

**WHEREAS**, it has, from time to time, been necessary to modify and amend the Rules; and

**WHEREAS**, the Commissioner of the Division of Public Works has recommended, and the County Manager has concurred with the Commissioner's recommendation, the adoption of the revised Sullivan County Solid Waste Management Rules, attached hereto as Schedule "A"; and

**NOW, THEREFORE, BE IT RESOLVED**, Section 620.1 Disposal Fees be amended to read as contained in the attached schedule "A"; and

**BE IT FURTHER RESOLVED**, that this amendment shall take effect September 1, 2017.

Moved by Mr. Perrello, seconded by Mr. McCarthy, put to a vote with Mr. Sorensen opposed resolution carried as amended and **declared duly adopted on motion** August 17, 2017.

**SULLIVAN COUNTY  
SOLID WASTE MANAGEMENT RULES**

**LUIS ALVAREZ**  
*Chairman of the Sullivan County Legislature*

**JOSHUA A. POTOSEK**  
*County Manager*

**EDWARD McANDREW, P.E.**  
*Commissioner of Public Works/Solid Waste Management*

**CHERYL Mc CAUSLAND**  
*County Attorney*

Amendments to Rules effective September 1, 2017

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## HISTORY

Adopted by Resolution 299 of 1983 effective September 12, 1983; and amended by:

Resolution 423/83; adopted 12/28/83; Sections 610-632

Resolution 289/84; adopted 11/13/84; Sections 605, 620, 624, 632

Resolution 211/85; adopted 6/10/85; Sections 632

Resolution 46/88; adopted 2/8/88; Section 632

Resolution 47/88; 2/8/88; Section 320

Resolution 285/88; adopted 7/11/88; Section 620

Resolution 224/89; adopted 6/12/89; Sections 504, 611

Resolution 225/89; adopted 6/12/89; Sections 620, 650

Resolution 304/89; adopted 7/10/89; Section 602, 642

Resolution 479/89; adopted 12/13/89; Section 620

Resolution 416/90; adopted 11/13/90; Section 624

Resolution 362/90; adopted 9/19/90; Section 620

Resolution 448/91; adopted 10/10/91; Section 602, 632

Resolution 156/92; adopted 4/9/92; Section 620

Resolution 292/92; adopted 6/11/92; all sections were revised to be in conformance with Local Law No. 1 of 1992 entitled *AA Local Law Entitled Sullivan County Solid Waste Management Law of 1992* adopted by Resolution 217/92 by the Sullivan County Board of Supervisors.

Resolution 312/92; adopted 7/9/92; Section 620.2; repeal Title VI, Section 620.2b and change 620.2 effective Jan. 1, 1993.

Resolution 599/92; repeal credits and postpone recycling processing fees until 4/1/93.

Resolution 23/93; adopted 1/10/93; amend Section 650

Resolution 266/93; adopted 5/13/93; repeal Title VI, Section 620.2 immediately

Resolution 267/93; adopted 5/13/93; amend Section 632(c)

Resolution 360/93; adopted 7/8/93; amend Section 620.1(f)(4)

Resolution 490/93; adopted 10/10/93; waiver of the prohibition of Section 401 (expiration date 12/31/97)

Resolution 489/93; adopted 10/14/93; amend Section 620.1(a)(b)

Resolution 260/94; adopted 6/13/94; amend Section 201(s), add Section 201(jj), add Section 417, 504 and Section 620.1(f)(5)

Resolution 396/94; adopted 10/13/94; amended Resolution 490/93 (Section 401)

Resolution 395/94; adopted 10/13/94; amended Section 620.1 (a)(b)(c)(d)(e)(f)(g)

Resolution 454/94; adopted 11/4/94; amended Section 620.1(a)(b)

Resolution 159/95; adopted 5/11/95; amended Section 620.1(e)

Resolution 160/96; adopted 6/17/96; added Section 620.1(h)

Resolution 407/97; adopted 9/18/97; deleted Sections 401, 402

Resolution 456/02; adopted 9/19/02; amended Section 620.1 (a)(b)

Resolution 280/04; adopted 8/19/04; amended Section 620.1 (a)-(i)

Resolution 115/06; adopted 3/16/06; amended Section 620.1 (c)-(f)(j)(k)

Resolution 418-06; adopted 11/16/06; amended Section 620.1 (e)(3-5)(j)

Resolution 143-07; adopted 4/26/07; amended Section 204 (r)(mm) and Section 620.1 (l)(m)

Resolution 334-09; adopted 8/20/09; amended Section 620.1 (d) (1 and 3)

Resolution 114-10; adopted 2/18/10; amended Section 605

Resolution 167-11; adopted 4/21/11; amended Section 171-24

Resolution 324-11; adopted 7/21/11; amended Section 201, 302, 303, 501, 502, 620.1 (a)(b)(d)(g)(n)

Resolution 416-13; adopted 11/21/13; amended Section 632 (a)(b)(c)(d) and Section 302 (a)

Resolution 440-13; adopted 12/19/13; amended Section 620.1 (a)(b)(d)(l)(m)

Resolution 351-16; adopted 8/18/16; amended Section 602, 620.1, and section 632

Resolution 445-16 adopted 11/17/2016 amended solid waste fee schedule for 2017

Resolution 251-17 adopted 6/15/17 amended section 620.1 quantities for C&D

## TITLE I

### GENERAL PROVISIONS

101. **Title:** These Rules shall be known as the Sullivan County Solid Waste Management Rules
102. **Authority:** These Rules are adopted pursuant to the provisions of Sections 215 and 226-b of the County Law, notwithstanding any other provision of the law and pursuant to the Sullivan County Solid Waste Management Law, Local law No. 1 of 1992.
103. **Applicability:** These Rules supersede any and all other Rules heretofore adopted pursuant to law.

## TITLE II

### DEFINITIONS

201. As used in these Rules, the following terms shall mean:

- Account Customer: Any commercial enterprise, industry, institution, municipality and permitted solid waste collector or hauler, utilizing County solid waste management facilities, paying fees on a scheduled basis as established in these Rules.
- Program: Adopt-A-Road  
Municipally-designated program which permits individuals to deposit roadside litter for no-cost disposal at Sullivan County Solid Waste Management Facilities.
- Alternate Daily Cover: Substitute material(s) used in place of six inches of natural soils. Use must be approved by the Department.
- Bulky Scrap Metal: Any large major appliance (such as a refrigerator, washer, dryer, stove, etc., also known as "white goods").
- Commercial User: All other persons not defined in section 201 as a Solid Waste Collector Hauler or a Residential User in these Rules who transport solid waste to a County solid waste management facility for disposal.
- Commissioner: Commissioner of the Division or his designee.
- Components: Paper, glass, metals, plastics, garden and yard wastes and may include other elements of solid waste as may be defined by law or the Rules.
- Construction and Demolition Debris: Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads; and uncontaminated solid waste consisting of vegetation resulting from land clearing and



grubbing, utility line maintenance and seasonal and storm related cleanup. Such waste includes, but is not limited to, brick, concrete, construction and other masonry materials, soil, rock, wood, wall covering, plaster, drywall, plumbing fixtures, non-asbestos roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no hazardous liquids, and metals that are incidental to any of the above. Solid waste that is not construction and demolition debris (even if resulting from the construction, remodeling, repair and demolition of structures, roads and land clearing) includes, but is not limited to, asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids (such as fluorescent light ballasts or transformers), carpeting, furniture, appliances, tires, drums and containers, and fuel tanks.

County: County of Sullivan

County Landfill: The Sullivan County Sanitary Landfill located in the Village of Monticello, New York, stopped accepting waste 12/31/09.

County Solid Waste Management Facility:

A solid waste management facility operated by or under the supervision of the County.

Disposal: The deposit at a solid waste management facility of any permitted or authorized solid waste.

Division: Sullivan County Division of Public Works.

been  
other

Electronic waste: "e-waste" electronic equipment or components that have discarded or are no longer wanted by the owner or for any reason enters the waste collection, recovery, treatment, processing, or recycling system.

Export Facility: Facility that accepts Municipal Solid Waste and Single Stream Recyclables for exportation to disposal or recovery markets.

Food Waste: Food that is discarded, lost or uneaten.

Hazardous Waste: All materials, substances and chemicals as defined by Federal and State law and the regulations of the United States Environmental Protection Administrations and the New York Department of Environmental Conservation, which are either dangerous, poisonous, acidic, explosive, flammable, pathological, infectious or radioactive.

Household Hazardous

Waste (HHW): Post-consumer waste which may qualify as hazardous waste when discarded improperly. It includes household chemicals and other substances for which the owner no longer has a use, such as consumer products sold for home care, personal care, automotive care, pest management and other purposes. Examples include oil-based paint, solvents, drain cleaners, antifreeze, spent fuels, poisons, weed killers, pesticides and cleaning products.

Infectious Waste: All medical and laboratory wastes including, but not limited to, surgical, obstetrical, pathological, and biological wastes as defined in 6 NYCRR Part 360.

Junk Motor  
Vehicles:

Any inoperable motorized vehicle previously used for transportation of passengers or cargo.

Debris:

Land Clearing

Vegetative matter, soil and rock resulting from activities such as land clearing and grubbing, utility line maintenance or seasonal or storm related clean up such as trees, stumps, brush and leaves and including wood chips generated from these materials. Land clearing debris does not include yard waste which has been collected at the curbside.

Large Dead  
Animals:

Any dead wild or domestic animal over 25 pounds.

Litter Pluck

Program: A community-wide volunteer roadside cleanup program designed to remove unsightly trash from roadsides throughout Sullivan County. Registered groups may dispose of Litter Pluck refuse at no charge at Sullivan County Solid Waste Management Facilities.

Materials Recovery Facility:

The Sullivan County Materials Recovery Facility at which source separated or permitted single stream recyclable components of the solid waste stream are deposited and processed for the purposes of recovering raw materials.

Materials

Management: An approach to planning, organizing, and controlling activities associated with the flow of solid waste, recyclables, compostable and reusable materials in a sustainable manner.

Municipal Cleanup

Program: A Spring and Fall trash cleanup program sponsored by the Sullivan County Legislature and implemented by Towns and Villages.

Organics: The portion of the materials management program that contains material such as food, garden and lawn clippings. It can also include animal and plant based material and degradable carbon such as paper, cardboard and timber.

Person: Individual, partnership, group, association, corporation, estate, trust and municipal corporation.

Pharmaceutical

Waste: Unwanted prescription and non-prescription medications intended for proper disposal.

Recyclables: Solid waste that may be recycled or reused and can be recovered from the overall waste stream or as may be designated for source separation by the Rules.

Regulated Waste: Oil contaminated debris and soils and asbestos authorized for landfill disposal by the NYSDEC.

Residential User: Any individual who transports, without fee, solid waste, generated at a private residential location, to a County solid waste management facility for disposal and such transport does not exceed any one time two (2) cubic yards or 2,000 pounds.

Roadside Cleanup

Program: Acceptance of properly identified municipally-collected roadside cleanup materials at no charge at County Solid Waste Management Facilities.

Rubble/Aggregates: Uncontaminated brick, non-reinforced concrete, cement cinder block, ceramic tile, stone and soils.

Rules: Sullivan County Solid Waste Management Rules

Salvaging: Authorized picking, sorting and removal of reusable or reclaimable solid waste from a solid waste management facility.

Scavenging: The unauthorized picking, sorting and removal of reusable or reclaimable solid waste from a solid waste facility.

Select Building Demolition Debris: Uncontaminated construction debris free Bulky Debris and other wastes defined herein, from the demolition of buildings municipal within Sullivan County pre-approved by the local building inspector.

Sharps: Medical needles and lancets that have been in contact with intended blood or bodily fluids from humans or animals and Article for proper collection and disposal by NYS-designated 28 Healthcare Facilities.

waste  
sale or

Single Stream

Comingled recyclable materials removed from the solid stream at the point of generation for separate collection, other authorized disposition as provided in the Rules.

**Solid Waste:** All materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to, garbage, refuse, industrial and commercial waste, sludges from air and water pollution control facilities or water supply treatment facilities, rubbish, contained gaseous material, demolition and construction debris and offal, but not including sewage and other highly diluted water carried materials or substances, those in gaseous form.

Single Stream

**Recycling (SSR):** Clean, comingled metal cans, plastic containers (5 gallons in size or smaller) coded #1 - #7, glass bottles, newsprint, cardboard and mixed paper accepted for recycling together as one classification of material.

Solid Waste  
Collector Hauler:

Any person who is engaged in the business of collecting, sorting, storing, hauling or otherwise disposing of solid waste

Solid Waste  
Management  
Facility:

Any facility employed beyond the initial solid waste collection process, including, but not limited to, recycling centers, transfer stations, processing systems, including materials recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, and other landfills, plants, facilities for compacting, composting or pyrolozation of solid wastes, and other solid waste disposal, reduction or conversion facilities.

Solid Waste  
Management Plan:

The Solid Waste Management Plan adopted, or to be adopted, as it may be amended from time to time, by Sullivan County pursuant to Title I of Article 27 of the Environmental Conservation Law.

Solid Waste

Transfer Station: Any facility at which permitted or authorized solid waste is deposited for pick up, haul and deposit in the County Landfill or any other legal landfill.

Solid Waste / Recycling Fee :  
An annual fee determined in accordance with the provisions of Local Law No. 1 of 1992 Article VIII and which fee is to be billed to and paid by the owners of the real property within the County on which Solid Waste and/or Recyclables may be generated.

Source Separation: Segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other authorized disposition as provided in the Rules.

Special Bulky Waste: Solid waste including large household furnishings such as bed springs, mattresses, furniture, rugs and other similar objects.

Unauthorized Waste: Those wastes prohibited from landfill disposal; i.e., tires, yard wastes, appliances containing refrigerants, hazardous waste, and infectious waste.

Waste Flow Control: A means of directing the flow of solid waste and recyclables to one or more facilities consistent with the Solid Waste Management Plan.

Waste Generator: Any person whose act or process produces a solid waste.

Waste Tires: Tires and their casings from cars, buses, trucks and other vehicles.

Yard Waste: Leaves, grass clippings, garden debris, tree branches, limbs and other similar wood materials.

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## TITLE III

### ADMINISTRATION

**301. ADMINISTRATION:**

The Commissioner shall administer and enforce these Rules.

**302. POWERS AND DUTIES:**

The Commissioner or such persons as may be designated by him shall:

- a) administer the solid waste disposal facilities operated by the County, including days and hours of operation, and supervise personnel;
  - 1) Hours of Operation: County solid waste management facilities shall be open for the deposit of solid waste on days of the year as established by the Commissioner with consideration given to the recommendation of the host community.
- b) administer the issuance, renewal, suspension and revocation of licenses, permits and passes to all solid waste collectors and haulers for use at any County solid waste management facility or any other solid waste management facility;
- c) adopt, modify and amend rules and regulations in accordance with the law, for the operation and maintenance of County Solid Waste Management Facilities; for licensing and regulating solid waste collectors or haulers, and commercial users for implementation of the County recycling program pursuant to law; and the implementation of the local law, including methods of payment and deferral of payment of fees due the County;
- d) propose for approval by the Sullivan County Legislature, rates and fees for use of solid waste management facilities of the County;
- e) investigate violations of local law and applicable rules and institute appropriate administrative or judicial proceedings with full subpoena power in connection therewith;
- f) conduct studies and report the results thereof to the Sullivan County Legislature;
- g) take such other actions as the Sullivan County Legislature may deem necessary and shall direct.



**303.** All solid waste management facilities shall:

- a) be operated pursuant to Article 27, Title 6 of Environmental Conservation Law to the extent applicable;
- b) control access to the operation of motor vehicles thereon;
- c) unload solid waste so as to minimize odor and litter outside the disposal area;
- d) control unauthorized salvage and scavenger activities;
- e) maintain accurate daily records of deposits of solid waste and of fees collected;
- f) as a condition for acceptance of solid waste, require the separation of recyclables and unauthorized waste from all other solid waste set at curbside or otherwise for collection by municipal or private carriers, or directly at solid waste facilities. Designated items requiring separation are as follows:

- 1) Newspaper
- 2) Old corrugated cardboard
- 3) Multi-grade office paper
- 4) Magazines and junk mail
- 5) Glass food and beverage containers
- 6) Steel containers
- 7) Plastic containers
- 8) Aluminum containers
- 9) Bulky scrap metals (incl. Refrigeration units)
- 10) Used motor oil
- 11) Tires
- 12) Yard waste
- 13) Electronic waste (e-waste)
- 14) Fluorescent bulbs

This list may be amended by the Commissioner from time to time.

**304.** Title to any solid waste deposited at the County owned or authorized solid waste management facility shall vest in the County which may sell and dispose of same on such terms as may be appropriate.

**305.** Title to any designated recyclables, source separated apart from the solid waste stream by residential users, shall vest in the County which may sell and dispose of same on such terms as may be appropriate.

306. a) Vehicles used to deposit solid waste at a solid waste management facility shall be metal or other impervious material, constructed and maintained so as to be capable of being completely emptied. Vehicles shall be free from leaks and fully enclosed to prevent odor or litter. Any solid wastes may be hauled in open body vehicles provided same are equipped with covers and tie downs to prevent litter. All vehicles used to haul solid waste shall be subject to inspection by the Commissioner who may bar use of such vehicles until it shall be in compliance with these Rules.
- b) All commercial user vehicles and roll-off (detachable) containers shall prominently display the permit holder's name and identification number. Such information shall be clearly visible to the scalehouse attendant upon entry weigh-in at a solid waste management facility.
- c) All vehicles transporting solid waste in bulk (either compacted or loose) for a fee shall have a valid license.
307. a) Charging of fees to an account other than that of the permit or license holder making delivery of solid waste shall be prohibited unless approved by the Commissioner. Any permitted delivery shall be accompanied by a County waste manifest form.
- b) A fee of \$20.00 shall be charged for the return of checks due to insufficient funds.
- c) There shall be no exemption from special waste fees for recycling/reuse or separate disposal.

## TITLE IV

### PROHIBITED ACTIVITIES

401. No person shall deposit solid waste in any solid waste management facility other than at a location and in the manner directed by the employee in charge of such facility.
402. No person shall deposit solid waste at any solid waste management facility other than on the days and between the hours established for the operation of such facility or as may be authorized by the Commissioner.
403. No person shall deposit regulated special or special bulky waste at any solid waste management facility in violation of Title V of these Rules.
404. No commercial user shall deposit solid waste at County solid waste management facilities without a valid permit, license or contract.
405. No person shall deposit solid waste at any County solid waste management facility without paying the solid waste deposit fees established therefor.
406. No person shall dispose of any solid waste generated in Sullivan County in any place in Sullivan County except a Solid Waste Management Facility which is entitled to operate as such by permit or Order on Consent by the New York State Department of Environmental Conservation pursuant to the provisions of Article 27 of Title 7 of the Environmental Conservation Law and permitted by the County of Sullivan under Local Law.
407. No person shall leave for collection any solid waste unless it has separated from it at the point intended for collection all designated recyclable components and unauthorized waste.
408. No person shall collect, haul, store or transport solid waste to a County solid waste management facility unless it has separated from it at the point intended for collection, all designated recyclable components and unauthorized waste.
409. No person shall dispose of any solid waste generated in Sullivan County at any solid waste management facility in Sullivan County unless such solid waste has removed from it all designated recyclable components and unauthorized waste.
410. No person, including a Solid Waste Collector or Hauler, residential or commercial user, shall fail or refuse to separate solid waste at the source as herein defined or fail, refuse or neglect to separate solid waste into its components as may be provided in these Rules.

411. No person shall operate a vehicle at a County Solid Waste Facility or collect or haul solid waste with a vehicle which does not comply with these Rules.
412. No person shall dispose of radioactive wastes, hazardous wastes, or infectious wastes, as defined in NYCRR Part 360 Regulations, in the County.
413. No person shall deposit any solid waste in unregulated, uncontrolled or unpermitted disposal sites in Sullivan County.
414. No person shall dispose of Yard Waste at any County Solid Waste Management Facility.

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## TITLE V

### **REGULATED WASTES AND OTHER WASTES DESIGNATED FOR SEPARATE COLLECTION OR DISPOSAL**

- 501.** No person shall deposit regulated waste at any Sullivan County Solid Waste Management Facility unless said person shall have obtained a NYSDEC Part 364 Waste Transporter Permit authorizing disposal at such facility.
- 502.** No person shall deposit regulated wastes at a solid waste transfer station not authorized to accept such.
- 503.** Wastes designated for separate collection may be deposited at a solid waste management facility under the following conditions:
- a) The following wastes, which require a means of recycling/reuse or separate disposal, shall be collected from the solid waste stream: Bulky scrap metal, waste tires, used motor oil.
  - b) The fees for those wastes designated for separate collection or disposal shall be as specified in Title VI.
  - c) Upon approval of the Sullivan County Legislature, the Commissioner may suspend the charging of fees for certain separated wastes.
  - d) There shall be no exemption from fees for wastes designated for separate collection or disposal unless authorized by order of the Commissioner.
- 504.** Fees for those wastes which are deposited at Sullivan County Solid Waste Management Facilities, but have not been source separated in accordance with Title IV shall be as specified in Title VI, Section 620.1.

TITLE VI

PERMITS, LICENSES

601. All solid waste haulers (private and municipal) operating or doing business in Sullivan County at a solid waste management facility shall, effective September 1, 1992, be licensed to operate as such by the Commissioner of Public Works.

602. Permit, Application, Requirements.

1. All applications shall be made on the appropriate form issued by the Sullivan County Division of Public Works, together with a certificate of public liability and property damage insurance and appropriate fees.
2. Any person wishing to be an account customer must acquire a Solid Waste Management Facility User Permit.
3. In order to obtain a license or permit, solid waste haulers shall provide all residential, institutional and commercial clients or customers with source separation collection services and shall set forth in such application the plan for implementing such service.
4. To obtain or renew a permit the Hauler shall not have any overdue balance at any solid waste management facility within Sullivan County, and shall be in compliance with these Rules.
5. Hauler shall provide mandatory recycling documentation in order to obtain permit to use County SWM Facilities. Permit renewal requires mandatory submission of prior year's recycling tonnage activity by category.

603. Permit, Insurance Requirements. The Hauler's certificate of insurance shall name the County, its officers and employees as a named insured, shall be issued by an insurance company licensed to do business in the State of New York, shall be valid for the term of the permit, shall provide for ten (10) days notice of cancellation to the Commissioner, and shall have automobile insurance limits of at least the following amounts:

Liability per Person.....	\$100,000
Bodily Injury Liability per Accident.....	\$300,000
Property Damage per Accident.....	\$ 50,000

The Commissioner may require, at his discretion, comprehensive general liability insurance with a combined single limit liability of at least \$1,000,000.

**604.** Regulated Waste Insurance Requirements. An additional certificate may be required in the discretion of the Commissioner prior to the issuance of any authorization to dispose of regulated waste. The insurance shall comply with the requirements of Section 603, and shall specifically insure against damage to person or property by the specific regulated waste to be deposited at an authorized County Solid Waste Management Facility. The amount of such insurance shall be determined in the discretion of the Commissioner, giving consideration to the extent and type of handling and disposal measures involved and the cost of cleanup of such waste in the event of spillage.

**605.** Types of Permits and Passes

1. Solid Waste Collector or Hauler License. Every solid waste collector and hauler shall obtain a license to operate in the County unless such solid waste collector and/or hauler shall operate solely and exclusively within the territory of a municipality in which solid waste is collected and disposed of and which municipality has adopted regulations which are not less comprehensive than that required by local law and the Rules adopted hereunder.
2. Solid Waste Management Facility User Permit. Every commercial user shall obtain a permit to dispose of solid waste at a County Solid Waste Management Facility.
3. Passes. Passes are a special permit issued to residential user and persons other than commercial users and solid waste collectors and haulers for limited duration and purposes. Such passes may be issued for any purpose authorized by the Rules.

**606.** All licenses and facility user permits shall be valid from the date of issue to December 31 of the year of issuance. A license or permit shall be exhibited by the license holder to any authorized employee of the Division upon demand.

**607.** Exceptions; Credits (deleted)

**608.** Monitoring Load Inspections

a. Private and Municipal Solid Waste Haulers

1. At least two (2) times per year, haulers shall inform all customers and accounts in writing of the type of material designated as a recyclable, including the preparation of the material by customer and the schedule of collection for recyclables with a copy of the letter sent to the County.
2. All private and municipal solid waste haulers shall be responsible for monitoring and notifying customers in violation of the local law and these rules. Haulers shall forward a copy of the names and addresses of those

customers having committed a violation as defined in Title VII of these Rules to the County.

- b. Sullivan County and other municipal/private Solid Waste Management Facility operators
  1. All solid waste shall be subject to inspection by County Solid Waste Management Facility operators to determine facility user compliance with local law, New York State Regulations and these rules. All violations shall be reported to the County Division of Solid Waste office.
  2. The Commissioner shall be responsible for notifying those persons in violation of the Local law and these Rules and to execute enforcement proceedings where warranted.

**(609 through 619 purposely reserved)**

**620. Fee and Recycling Credit Schedule 1**

**620.1 Disposal Fees**

All persons depositing solid waste at a Solid Waste Management Facility operated by the County shall in addition to the Solid Waste / Recycling Fee pay the following fees as may be amended from time to time by the Sullivan County Legislature:

a) **Compacted Solid Waste in Bulk:**

\$95.00 per ton at Transfer Stations equipped with weight scales with a minimum fee of \$11.00 for all loads of 220 pounds or less at Transfer Stations equipped with weight scales.

If there are no scales or the scales are not functioning then a charge of \$45.00 per cubic yard with a \$25.00 minimum fee for quantities of 1/4 cubic yard or less will be charged. (loads shall be measured by facility attendant and rounded to the nearest 1/4 cubic yard),

b) **Construction & Demolition Debris (C&D) and Bulk Waste:**

\$95.00 per ton at Transfer Stations equipped with weight scales. There will be a minimum fee of \$11.00 for all loads of 220 pounds or less,

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<sup>1</sup> The County of Sullivan intends to implement the use of credit cards for payment of services included in these Rules. To the extent there is a fee charged for the use of a credit card, such fee not be a County charge to the customer, and shall be between the customer and the credit card company.



If there are no scales or the scales are not functioning then a charge of \$45.00 per cubic yard with a \$25.00 minimum fee for quantities of 1/4 cubic yard or less will be charged. (loads shall be measured by facility attendant and rounded to the nearest 1/4 cubic yard),

A maximum of two (2) yards of C&D will be accepted at Transfer Stations which are not equipped with a scale.

A maximum amount of four (4) yards of C&D will be accepted at the Transfer Stations equipped with a scale. Any amount in excess of four (4) yards shall be brought to the Monticello Transfer Station during normal operating hours.

c) Individual Drop:

- 1) One coupon (valued at \$2.00) per 1-30 gallon can or bag.
- 2) Residential per bag disposal is available by coupon book purchase only. Cash is not permitted. Coupon books may be purchased at any transfer station.

d) Regulated wastes with special NYSDEC permit only, and subject to approval by the Commissioner:

Oil soaked debris and soils, \$95.00 per ton, with a minimum fee of \$15.00 for all loads of 375 pounds or less,

e) Special Waste Fees:

- 1) Waste Tires (up to a 19-inch rim size): \$3.00 per tire, \$300.00 per ton in bulk.
- 2) Waste Tires (20 inch rim or larger): \$30.00 per tire.
- 3) Refrigeration/Air Conditioning Appliances, \$15.00 per unit;
- 4) Handling Fee for Unseparated Waste: loads of solid waste containing quantities of recyclable items identified in Title III Section 303(f), which are required to be separated from solid waste shall charged a disposal fee two (2) times the applicable rate for solid waste and the charges shall apply to the entire load deposited.
- 5) Untarped Load Surcharge: A \$10.00 surcharge will be applied for any untarped loads being transported into the facility on commercial vehicles.

f) Service fee for issuance of certified weight receipt for vehicles not seeking access to County Solid Waste Disposal and Recycling Facilities shall be \$10.00.

- h) Handling fee for labor and machinery shall equal the actual cost for removal and remediation of unauthorized waste at the transfer station tipping floor, as determined by the commissioner.
- i) Commercial Hauler License Fee: All commercial solid waste haulers (public and private) shall be charged a license fee of \$150.00 plus \$25.00 per truck.
- j) Bulk Scrap Metal and Non-CFC appliances Handling Fee: at the discretion of the Commissioner with the concurrence of the County Manager, based on market conditions and handling costs incurred by the County.
- k) Propane tanks, 20 lbs. tanks only: \$2.00 each. Tanks greater than 20 lbs. not accepted.
- l) Rubble/Aggregate, \$95.00 per ton.
- m) Select Building Demolition Debris (minimum transaction quantity of 40 cubic yards, \$95.00 per ton.
- n) Fluorescent Bulbs, \$1.00 per bulb

**621. Compacted Bulk Solid Waste - Calculation of Fees**

Unless weighed, the charge to permit holders and contract haulers for depositing compacted solid waste at a County Solid Waste Management Facility shall be based upon a measurement by the facility attendant and the calculated quantity rounded to the next highest 1/4 of the rated truck body capacity.

**622. Loose Bulk Solid Waste - Calculation of Fees**

If unweighed, the quantity of all loose bulk solid waste to be deposited at a County Solid Waste Management Facility shall be determined by the facility attendant's estimated measure of the volume of the load of the vehicle rounded to the nearest 2 cubic yard.

**623. Required Weighing**

If there shall be a scale at a solid waste management facility, the vehicle, conveyance or detachable solid waste container shall be weighted prior to and after deposit of solid waste.

**624. Minimum Solid Waste Deposit Fee**

Any person, not an account customer (permit restriction notwithstanding), shall be required to deposit the following minimum fee before proceeding to unload:

a)	Trailer or pickup		\$
		125.00	
b)	Single axle trucks, GVW less than 18,000 lbs.		\$1,250.00
c)	Single axle trucks, GVW over 18,000 lbs.		\$2,000.00
d)	Tandem axle trucks or tractor trailers		\$2,500.00

Upon determination of the net weight, any portion of the deposit not required to pay the fee as described in Section 620, will be refunded.

**632. Payment of Fees, Interest, Suspension and Restrictions of Permit**

a) Payment of Fees – Surety Bonds and Statements of Account

Any non-governmental or non-educational entity permit holder wishing to be allowed to accrue charges shall provide the County with a surety bond issued by a licensed company authorized to do business in New York State. The Maximum of the surety bond shall be \$50,000.00

Monthly charges shall only be allowed to accrue to the maximum amount of the surety bond provided to the County. At such time that said limit has been reached, The full amount due shall be paid in 24 hours or the permit restrictions set forth in section 632 (b) (1) shall apply.

All permit holders accruing charges in a 30-day period shall receive a monthly statement of account balance. The statement of account balance will be generated by the close of business on the last day of each month. Said statement shall be accompanied by an official notification stating that payment in full is due within 15 days of the statement date.

b) Permit Restrictions

1. Failure of a permit holder to make payment within fifteen (15) days of the statement date or if the amount added by the surety bond has been reached shall result in the restriction of tipping privileges to a twenty four (24) hours credit basis. Payment of outstanding charges made before the next monthly billing shall, at the discretion of the Commissioner, constitute grounds for release of restrictions on tipping privileges.

c) Interest. In the event that the statement amount is not paid within the time permitted in subdivision (a) of this section, the balance due shall accrue interest at the rate of 1% for each calendar month or portion thereof that the balance shall remain unpaid.

d) Suspension of Permit for Nonpayment. A permit shall be automatically suspended on the 30<sup>th</sup> day after the date a statement amount is due and any amount including any accrued interest is unpaid. Such suspension shall continue and tipping privileges shall cease until the date of payment of all amounts due including interest. A period of suspension shall not suspend the accrual of interest to the date of payment. At the option of the Commissioner, the County may declare all amounts due immediately, without regard to the period permitted for payment, after written notice to the permit holder and upon such declaration the permit of such permit holder shall be suspended as herein provided.

**642. Other Charges**

Nothing herein set forth shall be deemed to control fees charged or recycling credits issued by a municipality other than the County at a solid waste management facility, other than the County Landfill, transfer stations and authorized recycling centers.

## TITLE VII

### VIOLATIONS

701. Any person who commits a violation of these Rules as herein set forth or any provision of local law, shall be subject to penalties and proceedings as established by said local law.
- a) The failure or refusal by any waste generator having received three (3) separate notices within a six month period to separate recyclable materials from its solid waste shall constitute a violation and each subsequent notice thereafter shall constitute a separate violation.
  - b) The failure or refusal by any private or municipal solid waste collector or hauler to provide a means of curbside separation and collection of recyclables for residential and commercial customers.
  - c) The failure or refusal by any privately or municipally operated solid waste management facility, located in the County, to require the separation of recyclables from waste to be deposited or processed.
  - d) The act, by any person, of disposal of solid waste at an unregulated, uncontrolled or unpermitted site in Sullivan County.
  - e) The act of littering along public highways in Sullivan County by any person.
  - f) The failure or refusal by any residential or commercial user to comply with any section of these Rules.
  - g) The act of disposing of any waste defined herein in non-designated areas.

## TITLE VIII

**CRIMINAL, CIVIL AND ADMINISTRATIVE PENALTIES  
AND ENFORCEMENT**

**801. CRIMINAL PENALTIES.** Any person who shall fail to comply with local law or with the rules and regulations adopted pursuant to local law shall be subject to the following criminal penalties:

- a) Hazardous or Infectious Waste. Any person convicted of depositing hazardous or infectious wastes at a solid waste management facility shall be guilty of a misdemeanor and upon conviction, each offense shall be punishable by a fine not to exceed \$5,000.00 or by imprisonment for not longer than six (6) months, or by both such fine and imprisonment.
- b) Each deposit of hazardous or infectious waste shall constitute a separate criminal offense.

**802. CIVIL PENALTIES**

- a) Any person who shall violate the local law or applicable rules, now or hereafter adopted, shall be liable to the County of Sullivan for a civil penalty not to exceed \$1,000.00 for each separate violation thereof. Each day during which such violation shall continue shall be deemed to be a separate violation.
- b) Illegal Dumping. Any person who shall have deposited solid waste in unlawful, uncontrolled and unpermitted disposal sites in violation of these rules and local law, shall be liable to the County of Sullivan for a civil penalty not to exceed \$5,000.00 for each separate violation thereof. Each day during which such violation shall continue shall be deemed to be a separate violation.

**803.** These Rules may be enforced by injunction.

**804. ADMINISTRATIVE PROCEDURES.**

- a) If the Commissioner shall believe that any person holding a permit has violated these Rules, the Commissioner shall provide the permit holder with a written violation Notice setting forth the factual basis for his belief, and setting forth the modification to the hauler's permit, if any, the period of effectiveness of the permit and shall also set forth a fine to be paid as a result of the violation. The Hauler may seek an administrative review of the charges by providing the Commissioner with a written request within five days of receipt of the Notice. An administrative hearing shall be held within five business days to determine whether a violation has occurred. If the Commissioner finds from the evidence

that a violation has occurred, he may suspend the permit of the Hauler for a period of not more than one hundred eighty (180) days, revoke such permit or license, or impose a fine not to exceed \$1,000.00 for each violation, or impose such conditions on suspension or revocation and fine as may be appropriate. In the event a fine is imposed, the permit shall be deemed suspended until payment of such fine. Upon re-application for a permit, the Commissioner may impose such conditions as may be appropriate under the circumstances including, but not limited to, issuance of a provisional or conditional permit revocable upon a determination of subsequent violations of local law or the rules.

- b) In the event the Hauler does not ask for an administrative hearing within five days, the Commissioner's determination shall be final. Payment of any fine shall be due within five business days of receipt of the violation.
- c) At any hearing conducted by the Commissioner, the respondent may be represented by counsel, may cross examine witnesses, present evidence and subpoena witnesses.
- d) CONSENT ORDERS. The Commissioner is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for the noncompliance with local law or the Rules. Such orders shall include specific action to be taken by the Hauler to correct the noncompliance within a time period also specified by the Order. Consent Orders shall have the same force and effect as an administrative Violation Notice order.
- e) ADMINISTRATIVE OR COMPLIANCE ORDER. Notwithstanding any other provision set forth in these Rules, when the Commissioner finds that a person has violated or continues to violate local law, these rules or a permit, license or order issued thereunder, he may issue an order to the person responsible for the violation directing that, following a specified time period, such permit and/or license held by such person shall be suspended unless the violation is corrected and that there is no reoccurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the self-monitoring and management practices. The person responsible may, within five days of receipt of such order, petition the Commissioner to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Commissioner by certified mail, return receipt requested. The Commissioner may:
  - 1) Reject any frivolous petitions,
  - 2) Modify or suspend the order,
  - 3) Request additional information; or
  - 4) Order the petitioner to show cause.

f) CEASE AND DESIST ORDERS. Notwithstanding any other provision of these Rules, when the Commissioner finds that a person has violated or continues to violate local law, these Rules or any permit, license or order issued hereunder, the Commissioner may issue and order to cease and desist all such violations and direct those persons in noncompliance to:

- 1) Comply forthwith; or
- 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or termination of the violation.

The person responsible may, within five days of receipt of such order, petition the Commissioner to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Commissioner by certified mail return receipt requested. The Commissioner may:

- 1) Reject any frivolous petitions,
- 2) Modify or suspend the order,
- 3) Request additional information from the user, or
- 4) Order the petitioner to show cause.

**805. ADDITIONAL EXPENSES RECOVERABLE.** In the event of a judgment in favor of the County in any civil, administrative or criminal action or proceeding, the County may recover its expenses, including reasonable counsel fees, and expert and special service and witness fees incurred in connection with the proof of such violation. The fact that the County shall not have retained counsel shall not be a bar to the collection of such counsel fees, and expert and special service and witness fees and expenses incurred; provided however, that the County shall use a reasonable basis upon which to calculate the cost of services provided by officers and employees of the County.

**806. COUNTY ATTORNEY.** The Sullivan County Attorney is hereby authorized on the request of the Commissioner to appear in any proceeding on behalf of the County to enforce any civil or administrative penalty, order or to undertake the prosecution of any violation or criminal proceeding authorized by local law and these rules.

**807. COUNTY SHERIFF'S DEPARTMENT.** The Sullivan County Sheriff's Department is hereby authorized on the request of the Commissioner to undertake investigative measures and law enforcement procedures for violations of local law and these rules.



TITLE IX

SEPARABILITY AND EFFECTIVE DATE

901. Separability. If any clause, sentence, paragraph, section or part of these rules shall be adjudged by a court of competent jurisdiction to be invalid, such judgment, decree or order shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of these rules shall not be affected thereby and shall remain in full force and effect.

902. Effective Date. These rules shall take effect immediately.

**RESOLUTION NO. 346-17 INTRODUCED BY THE PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO APPLY AND ACCEPT A HOMELAND SECURITY GRANT PROGRAM (HSGP) 2017 GRANT AWARD FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES**

**WHEREAS**, the New York State Division of Homeland Security and Emergency Services provides funds to support efforts of emergency management/homeland security; and

**WHEREAS**, the New York State Division of Homeland Security and Emergency Services provides funds for the law enforcement community to support their terrorism prevention and preparedness efforts; and

**WHEREAS**, Sullivan County has been awarded a \$209,939.00 reimbursable, two part grant from the New York State Division of Homeland Security and Emergency Services – Homeland Security Grant Program (HSGP); and

**WHEREAS**, Sullivan County has been awarded \$157,454.00 from the HSGP / State Homeland Security Program (SHSP) for support planning, equipment, training and exercise needs associated with preparedness and prevention activities; and

**WHEREAS**, Sullivan County has been awarded \$52,485.00 from the HSGP / State Law Enforcement Terrorism Prevention Program (SLETPP) for the law enforcement community to support their terrorism prevention and preparedness efforts; and

**WHEREAS**, Sullivan County is not required to provide any local cash match.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manager, Chairman of the County Legislature, and / or their authorized representative (*as required by the funding source*) to execute any and all necessary documents to submit the FY17 HSGP (SHSP / SLETPP) application for funding; and

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

**BE IT FURTHER RESOLVED**, that should the FY17 HSGP funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding.

**Moved by Mrs. Ward, seconded by Mrs. Rajszyk, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 347-17 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE EXECUTION OF AIRPORT GRANT AGREEMENTS, CONTRACTS, CERTIFICATIONS AND DOCUMENTATION FOR ENGINEERING SERVICES FOR THE SULLIVAN COUNTY AIRPORT – TRANSIENT AIRCRAFT PARKING APRON EXPANSION DESIGN**

**WHEREAS**, the County of Sullivan received an AIP grant at Sullivan County International Airport from the Federal Aviation Administration (FAA) and the New York State Department of Transportation (NYSDOT); and

**WHEREAS**, the County of Sullivan has received correspondence from the FAA that a grant is issued in the amount of \$76,600.00 with time constraints for the execution and return of the grant agreement to the FAA; and

**WHEREAS**, the FAA has indicated that they will allocate funding for 90% of the total cost of the project at the Sullivan County International Airport; and

**WHEREAS**, the New York State Department of Transportation share would be 5% of the total project cost.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature authorizes the County Manager to sign the necessary applications, agreements, certifications, contracts and documentation, in such form as the County Attorney shall approve, on behalf of the County and the facility, as is required by the FAA and the NYSDOT in order to obtain funding; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Treasurer be authorized to advance monies from the General Fund for this project in an amount not to exceed \$76,600.00 contingent upon the execution of the grant agreement.

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

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 348-17 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE EXECUTION OF AIRPORT GRANT AGREEMENTS, CONTRACTS, CERTIFICATIONS AND DOCUMENTATION FOR ENGINEERING SERVICES FOR THE SULLIVAN COUNTY AIRPORT – DESIGN AND CONTRUCTION TO REPLACE GUIDANCE SIGNS AND MITL**

**WHEREAS**, the County of Sullivan received an AIP grant at Sullivan County International Airport from the Federal Aviation Administration (FAA) and the New York State Department of Transportation (NYSDOT); and

**WHEREAS**, the County of Sullivan has received correspondence from the FAA that a grant is issued in the amount of \$814,835.00 with time constraints for the execution and return of the grant agreement to the FAA; and

**WHEREAS**, the FAA has indicated that they will allocate funding for 90% of the total cost of the project at the Sullivan County International Airport; and

**WHEREAS**, the New York State Department of Transportation share would be 5% of the total project cost.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature authorizes the County Manager to sign the necessary applications, agreements, certifications, contracts and documentation, in such form as the County

Attorney shall approve, on behalf of the County and the facility, as is required by the FAA and the NYSDOT in order to obtain funding; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Treasurer be authorized to advance monies from the General Fund for this project in an amount not to exceed \$814,835.00 contingent upon the execution of the grant agreement.

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

Moved by Mrs. Ward, **seconded** by Mrs. Rajszyk, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 349-17 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE AWARD AND EXECUTION OF CONTRACT WITH ENTERPRISE HOLDINGS/ENTERPRISE RIDESHARE**

**WHEREAS**, proposals were received for Commuter Vanpool Services for Sullivan County; and

**WHEREAS**, Enterprise Holdings/Enterprise Rideshare, 1550 Route 23 North, Wayne, New Jersey, 07470, will provide said services for the period October 1, 2017 through September 30, 2018, with an option to extend on a yearly basis, for four (4) additional years, under the same terms and conditions; and

**WHEREAS**, the Sullivan County Managers Office in conjunction with the Center for Workforce Development and the Division of Public Works, has approved said proposal and recommends that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute a contract with Enterprise Holdings/Enterprise Rideshare, at an annual cost not to exceed \$30,000, in accordance with RFP #R-17-12, said contract to be in such form as the County Attorney shall approve.

Moved by Mrs. Ward, **seconded** by Mrs. Rajszyk, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 350-17 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO ENTER INTO A CONTRACT WITH AN AUTHORIZED NEW YORK STATE EDUCATION DEPARTMENT SERVICE PROVIDERS: G & D SPEECH AND OCCUPATIONAL THERAPY, CRISTINE LABUSH, DBA – SMALL WONDERS SLP, PC- LICENSED SPEECH LANGUAGE PATHOLOGIST AND MYRNA VANDERMOLLEN – LICENSED OCCUPATIONAL THERAPIST**

**WHEREAS**, Sullivan County provides *mandated* Early Intervention and Developmental Preschool Educational Services to eligible children from Sullivan County and is *mandated* to pay for such services at State-set rates, and

**WHEREAS**, the Sullivan County Preschool Special Education Program is in need of Licensed Speech and Occupational Therapy Services, and

**WHEREAS**, the Service Providers listed above have applied for and have been accepted by the authorized State Agency for delivery of said services; and

**WHEREAS**, Sullivan County needs to authorize new contracts with these authorized New York State Education Department Preschool Service Providers for the period beginning September 1, 2017 to June 30, 2020 at state set rates,

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and is hereby authorized to execute a contract with G & D Speech and Occupational Therapy, Cristine Labush, DBA - Small Wonders SLP, PC - Licensed Speech Language Pathologist and Myrna Vandermolen - Licensed Occupational Therapist, as authorized New York State Education Department Preschool Service Provider for the period January 1, 2017 to June 30, 2020 at State-set rates, and

**BE IT FURTHER RESOLVED**, that the form of such contracts be approved by the Sullivan County Department of Law.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 351-17 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO ENTER INTO A CONTRACTS WITH AUTHORIZED NEW YORK STATE EDUCATION DEPARTMENT SERVICE PROVIDERS: FIELD OF DREAMS III AND LEARNING TOGETHER INC.**

**WHEREAS**, Sullivan County provides *mandated* Early Intervention and Developmental Preschool Educational Services to eligible children from Sullivan County and is *mandated* to pay for such services at State-set rates, and

**WHEREAS**, the Sullivan County needs to authorize contracts with authorized New York State Educational Department 4410 Preschool Providers for the period of September 1, 2017 to June 30, 2020 at State approved rates and

**WHEREAS**, the 4410 Preschool Providers listed above have applied for and have been accepted by the authorized State Agency for delivery of said services; and

**WHEREAS**, Sullivan County needs to authorize new contracts with these authorized New York State Education Department 4410 Preschool Providers for the period beginning September 1, 2017 to June 30, 2020 at state set rates,

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and is hereby authorized to execute contracts with Field of Dreams III and Learning Together Inc., as authorized New York State Education Department 4410 Preschool Providers for the period September 1, 2017 to June 30, 2020 at State-set rates, and

**BE IT FURTHER RESOLVED**, that the form of such contracts be approved by the Sullivan County Department of Law.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 352-17 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO**

**EXECUTE AN AGREEMENT FOR PERSONS IN NEED OF SUPERVISION (PINS) RELATED PREVENTIVE SERVICES**

**WHEREAS**, the County of Sullivan is required to have available services relevant to Persons In Need of Supervision (PINS) diversion including immediate 24-hours-a-day, 7-days-a-week crisis intervention related response services to families in crisis in accordance with PINS Reform Legislation; and

**WHEREAS**, said crisis intervention services help reduce the use of more costly non-secure detention and foster care services; and

**WHEREAS**, the Department of Family Services will again enter into agreement for crisis intervention services for families of and for youth at risk of PINS; and

**WHEREAS**, one or more New York State Office of Court Administration approved agency shall provide crisis intervention services at locally negotiated rates at costs not to exceed \$18,000 for the period from July 1, 2017 through June 30, 2018 through an agreement with the Department of Family Services.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to enter into agreement for the provision of PINS Related crisis intervention services for the period from July 1, 2017 through June 30, 2018; and

**BE IT FURTHER RESOLVED**, the maximum of this contract is not to exceed \$18,000; and

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

**Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 353-17 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO ENTER INTO A CONTRACT WITH THE NYU SILVER SCHOOL OF SOCIAL WORK TO ALLOW STUDENTS TO PARTICIPATE IN CLINICAL EXPERIENCE/INTERNSHIP.**

**WHEREAS**, the county of Sullivan, through the department of community services (DCS) to enter into a contract with NYU Silver School of Social Work to allow students to intern here for the purpose of clinical experience; and

**WHEREAS**, such a contract is a yearly contract effective August 1<sup>st</sup>, 2017 to July 31<sup>st</sup>, 2018 in a calendar year and renewable yearly, as needed; and

**NOW, THEREFORE, BE IT RESOLVED**, the Sullivan County Legislature authorizes the County Manager to enter into an agreement with NYU Silver School of Social Work for the calendar August 1<sup>st</sup>, 2017 to July 31<sup>st</sup>, 2018 to allow the DCS to participate in Clinical Experience.

**BE IT FURTHER RESOLVED**, the form of said contract be approved by the Sullivan County Attorney's Office.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 354-17 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE AGREEMENTS WITH TOURO COLLEGE OF OSTEOPATHIC MEDICINE TO PROVIDE EDUCATION AND EXPERIENCE TO OSTEOPATHIC INTERNS AND RESIDENTS**

**WHEREAS**, Touro College of Osteopathic Medicine ("TouroCOM") has an agreement to provide osteopathic interns and residents (collectively, "Students") to the Department of Community Services, which Students are under the supervision of qualified physicians employed by the County of Sullivan; and

**WHEREAS**, other offices and departments within the Division of Health and Family Services ("DHFS") wish to enter into similar agreements to formalize arrangements they have had with TouroCOM to permit Students to observe and assist in patient care; and

**WHEREAS**, more than one contract may be necessary to address the specific nature of the services to be provided.

**NOW, THEREFORE BE IT RESOLVED**, that the County Manager is authorized to enter into one (1) or more contracts with TouroCOM having an initial term of one (1) year, which may be extended by the parties for two (2) additional, one-year terms without further approval by the Legislature; and be it

**FURTHER RESOLVED**, that any and all acts undertaken on behalf of the County with respect to the use of Students by DHFS prior to the date hereof be ratified and approved, and be it

**FURTHER RESOLVED**, the form of each said contract shall be approved by the Sullivan County Attorney's Office; and be it

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 355-17 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AMEND THE 2017 MEMORANDUM OF UNDERSTANDING BETWEEN SULLIVAN COUNTY OFFICE FOR THE AGING AND SULLIVAN COUNTY ADULT CARE CENTER.**

**WHEREAS**, the County of Sullivan, through the Office for the Aging is presently operating a federally funded program which includes the furnishing of meals to Senior Citizens of Sullivan County in accordance with Older Americans Act of 1965, Section 501 and the Sullivan County Adult Care Center has a facilities for preparation of these meals. The Sullivan County Nutrition Program for the Elderly has Thirteen (13) nutrition sites, but the sites may be changed or added to as agreed by the parties. The Sullivan County Office for the Aging and the Sullivan County Adult Care Center hereby agree to provide meals for senior citizens of Sullivan County, and

**WHEREAS**, Sullivan County Adult Care Center can provide meals for the seniors through the Sullivan County Office for the Aging.

**WHEREAS**, by Resolution No. 115-17 adopted by the Sullivan County Legislature on March 16, 2017 that the Sullivan County Legislature Authorize a

Memorandum of Understanding between Sullivan County Office for the Aging and Sullivan County Adult Care Center to provide meals to Senior Citizens of Sullivan County through the Sullivan County Office for the Aging shall be reimbursed at the rate of 3.85 per meal. This rate is all inclusive.

**WHEREAS**, a memorandum of understanding is necessary to increase the rate effective April 1, 2017 from \$3.85 to \$4.12 per meal. This rate is all inclusive.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to Amend the Memorandum of Understanding with the Sullivan County Adult Care Center to provide meals to Senior Citizens of Sullivan County through the Sullivan County Office for the Aging shall be reimbursed at the rate of \$4.12 per meal. This rate is all inclusive. Effective April 1, 2017 through December 31, 2017.

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

**Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 356-17 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE A MODIFICATION OF AGREEMENT TO THE CONTRACT WITH ELOT ELECTRONICS RECYCLING, INC.**

**WHEREAS**, Resolution 485-16 authorized award and execution of a contract with eLot Electronics Recycling, Inc. for the collection, removal and recycling of electronic scrap, LED lamps, fluorescent bulbs/ballast and disposable/rechargeable batteries Sullivan County Facilities (B-16-63); and

**WHEREAS**, the original contract amount was for \$65,000; and

**WHEREAS**, the contractor has indicated a need for thirty seven cents (37¢) per pound for oversized television collection and handling; and

**WHEREAS**, based upon the amount of e-scrap collected to date another \$45,000 will be required this year to cover the anticipated volume inclusive of the cost for the oversized TV's

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is authorized to execute a Modification of Agreement to this contract to allow an increase in the contract amount of \$45,000/year and said agreement shall be in a form approved by the County Attorney and

**BE IT FURTHER RESOLVED**, that the modification allow for thirty seven cents (37¢) per pound for oversized television collection and handling.

**Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 357-17 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE ACCEPTANCE OF A GIFT FROM THE ESTATE OF MICHAEL J. LAURICH.**

**WHEREAS**, the Sullivan County Office for the Aging is designated as one of the beneficiaries of the estate of Michael J. Laurich, and

**WHEREAS**, it is in the best interest of the County of Sullivan to accept the bequest of \$30,000.00 to be used for the general purposes of the Office of the Aging, and

**WHEREAS**, there is a need to acquire equipment to support the nutrition program, computer peripherals for field workers, and office furniture, and

**WHEREAS**, County Law §215(3) permits the acquisition of real and personal property by gift for lawful county purposes.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The County of Sullivan gratefully accepts the bequest of \$30,000.00 to the Sullivan County Office for the Aging to be utilized to purchase equipment, computer peripherals and office furniture.
2. The Sullivan County Legislature hereby expresses its sincere appreciation and Gratitude to James McBride and Greg M. Cooper Co-Executors of the Estate of Michael J. Laurich, and directs that the Clerk to the Legislature send a Certified copy of this Resolution to Brian T. Edwards, attorney for James McBride and Greg M. Cooper.

**Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 358-17 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE EXECUTION OF A CHANGE ORDER WITH PIKE COMPANY FOR ADDITIONAL FOUNDATION WORK FOR THE NEW JAIL.**

**WHEREAS**, Resolution 428-16 adopted October 20, 2016 authorized an agreement with The Pike Company to provide construction services for the New Sullivan County Jail; and

**WHEREAS**, during excavation work rock unsuitable for foundation bearings were encountered and had to be removed; and

**WHEREAS**, additional foundation was required to reach suitable bearing rock; and

**WHEREAS**, the cost for this additional foundation work is \$208,323; and

**WHEREAS**, the agreement contains a contingency line item of \$1 million dollars; and

**WHEREAS**, Resolution 431-16 adopted October 20, 2016 defined the Change Order policy for the New Sullivan County Jail Project which provides a maximum limit of \$25,000 for change without a Legislative resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Legislature authorized the amount of \$208,323 to be moved from the contingency line item to cover the additional cost via a contract change order; and



**BE IT FURTHER RESOLVED**, that such change be executed by the County Manager, Commissioner of Management and Budget and the Commissioner of the Division of Public Works in such form as the County Attorney shall approve.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 359-17 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE EXECUTION OF A CHANGE ORDER FOR ADDITIONAL ROCK EXCAVATION.**

**WHEREAS**, Resolution 428-16 adopted October 20, 2016 authorized an agreement with The Pike Company to provide construction services for the New Sullivan County Jail; and

**WHEREAS**, the agreement contained a line item for rock excavation and a unit price associated with any additional rock excavation required; and

**WHEREAS**, the agreement contains a contingency line item of \$1 million dollars; and

**WHEREAS**, Resolution 431-16 adopted October 20, 2016 defined the Change Order policy for the New Sullivan County Jail Project which provides a maximum limit of \$25,000 for change without a Legislative resolution; and

**WHEREAS**, the current estimate for rock excavation exceeds the contract amount and the subsequent change order authorized by Resolution 129-17 by \$93,000 which is in excess of the established threshold.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Legislature authorized the amount of \$93,000 to be moved from the contingency line item to the rock excavation line item via a contract change order; and

**BE IT FURTHER RESOLVED**, that such change be executed by the County Manager, Commissioner of Management and Budget and the Commissioner of the Division of Public Works in such form as the County Attorney shall approve.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 360-17 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT ARICELLI MIR-PONTIER TO THE POSITION OF EXECUTIVE DIRECTOR HUMAN RIGHTS COMMISSION**

**WHEREAS**, the position of Executive Director of the Human Rights Commission for the County of Sullivan will be vacant September 1, 2017 due to the resignation of Lorraine Lopez and

**WHEREAS**, this position is a part-time position, and

**WHEREAS**, after conducting a search and interviews for such candidate it is the recommendation of the Executive Committee of the Human Rights Commission that Aricelli Mir-Pontier be appointed to the position effective September 11, 2017 and

**WHEREAS**, there is a need for the salary for said part-time position to be established.

**NOW, THEREFORE, BE IT RESOLVED**, that Aricelli Mir-Pontier be appointed to the position of Executive Director of the Human Rights Commission for the County of Sullivan at the salary of \$29,340 per year.

**Moved by Mrs. Rajsz, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 361-17 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT MEMBERS TO THE HEALTHY FAMILIES OF SULLIVAN COMMUNITY ADVISORY BOARD**

**WHEREAS**, pursuant to the Healthy Families New York Program Guidelines, Sullivan County Public Health Services' Healthy Families Program has an established a Community Advisory Board, which reviews the outcomes of the Healthy Families Program goals and advises for continuous quality improvement, and

**WHEREAS**, there are three vacant seats on the Sullivan County Healthy Families Advisory Board,

**WHEREAS**, pursuant to Healthy Families New York Program Guidelines, Sullivan County Public Health Services' Healthy Families Community Advisory Board members are not appointed to specific term lengths, but are based on interest and needs of the program, professional expertise in the health and humans services fields, and community involvement.

**NOW, THEREFORE, BE IT RESOLVED**, that the individuals listed below be *appointed* to the Healthy Families Community Advisory Board:

Melissa Stickle, LCSW-R, CASAC  
PO Box 306  
Mongaup Valley New York 12762

Delia W. Goldberg  
7 Robins Way  
Woodridge, NY 12789

Lynn Guiser, MS, RDN  
107 Stone Arch Road  
Damascus, PA 18415

**Moved by Mrs. Rajsz, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO 362-17 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO APPOINT ONE (1) MEMBER TO THE COMMUNITY SERVICES BOARD**

**WHEREAS**, there are several vacancies on the Community Services Board, and

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

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

**APPOINTMENT TO THE CSB**

**TERM**

Karen Russell  
(to fill vacancy left by Matthew Migliaccio)

09/01/2017 to 12/31/2020

Moved by Mrs. Rajs, **seconded** by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 363-17 INTRODUCED BY EXECUTIVE COMMITTEE TO REAPPOINT ONE MEMBER TO THE OFFICE FOR THE AGING ADVISORY COMMITTEE**

**WHEREAS**, it is the desire to reappoint Priscilla T. Bassett to the Office for the Aging Advisory Committee, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby reappoint the following member to the Office for the Aging Advisory Committee, for the term to expire on the date opposite of name.

**OFA APPOINTMENT:**

**TERM:**

Priscilla T. Bassett  
292 Glade Hill Road  
Grahamsville NY 12740

5/31/2020

Moved by Mrs. Rajs, **seconded** by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 364-17 INTRODUCED BY EXECUTIVE COMMITTEE AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A MODIFICATION AGREEMENT WITH TEAMSTERS LOCAL 445 TO AMEND THE SALARY SCHEDULE FOR LICENSED PRACTICAL NURSES**

**WHEREAS**, the Sullivan County Adult Care Center is set aside as a unique County facility in that it operates 24 hours a day, 7 days a week, year-round with the primary objective being to care for elderly patients and residents whom in many cases represent some of Sullivan County's most vulnerable; and

**WHEREAS**, it has been difficult to maintain staffing levels to meet the operational needs of the facility during certain shifts throughout the schedule without the use of overtime; and

**WHEREAS**, the Acting Director of the Adult Care Center and the Commissioner of Health and Family Services recommend that the attraction and retention of Licensed Practical Nurses (LPN's), would be improved by increasing their base salary; and

**WHEREAS**, the County has determined that in order to increase the base salary for LPN's the County must amend the contract currently in effect with Teamsters Local 445 and as part of that amendment create a salary schedule specific to LPN's; and

**WHEREAS**, the County has recognized that due to attraction and retention issues with LPN's the County's current budget and past budgets in previous operating years resulted in several funded vacancies in which those funded positions could be used to fund the increased base salary for LPN's without affecting currently filled staffing levels in any adverse way.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manger to enter into an modification agreement with Teamsters Local 445 to create a new salary schedule with three tiers specific to LPN's and that the new salary schedule will increase the starting pay of LPN's from \$32,349 to \$35,943 to be referenced as grade 6a, and the LPN's currently set at a salary rate of \$35,943 be increased to \$37,813 to be referenced as grade 6b and that, LPN's who have worked for the County for more than 19 years be increased to a salary of \$39,683 and referenced as grade 6c; and

**BE IT FURTHER RESOLVED**, that in an effort to work within the confines of the 2017 Adopted Budget and future budgets, and in an effort to create the funds available for the above mentioned grade creation and associated costs, the County will reduce its current funded vacancies in the position on LPN's by one position.

**Moved by Mrs. Rajsz, seconded by Mr. Samuelson, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

In signing hereto this document all of the requirements and incentives are hereby agreed to in conjunction with all existing contracts, amendments and agreements applicable

AGREEMENT EFFECTIVE September 7, 2017

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Josh Potossek, County Manager  
Teamsters Representative

Jerry Ebert, Authorized

**RESOLUTION NO. 365-17 INTRODUCED BY EXECUTIVE COMMITTEE  
AUTHORIZING THE COUNTY MANAGER TO MAKE A MODIFICATION TO  
THE SALARY SCHEDULE EFFECTING RN's WORKING FOR SULLIVAN  
COUNTY.**

**WHEREAS**, Sullivan County has many departments which rely heavily on the use of Registered Nurses ("RN's") to fulfill their mission; and

**WHEREAS**, there have been difficulties in both maintaining staffing levels to meet the County's operational staffing goals in some departments who utilize RN's; and

**WHEREAS**, the Commissioner of Health and Family Services recommends that the attraction and retention of RN's, would be improved by increasing the base salary and the salaries of RN's in various grades; and

**WHEREAS**, the County has recognized that due to the attraction and retention issues with RN's the County's current budget and past budgets in previous operating years resulted in several funded vacancies in which those funded positions could be used to fund the increased base salary for RN's without affecting currently filled staffing levels in any adverse way.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manger to create a modification to the existing salary schedule by replacing it with a new salary schedule for existing grades and that the new salary schedule will increase the starting pay of RN's from \$54,181 to \$56,182 to be referred to as Grade 2, and that RN's currently set at a salary rate of \$57,894, be increased to \$59,394 to be referenced as Grade 4 and that, RN's currently set at a salary rate of \$59,745, be increased to \$61,245 to be referenced as Grade 5, that RN's currently at a salary of \$62,533, be increased to \$64,033, to be referenced as Grade 6 and that RN's currently set at a salary rate of \$70,136, be increased to \$71,636 to be referenced as Grade 8; and

**BE IT FURTHER RESOLVED**, that in an effort to work within the confines of the 2017 Adopted Budget and future budgets, and in an effort to create the funds available for the above mentioned grade creation and associated costs, the County will reduce its current funded vacancies in the position on RN's by one position which will not include the positions currently budgeted for within the ACC.

**Moved by Mrs. Rajs, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 366-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO SET THE SALARY OF THE ADMINISTRATOR OF THE ADULT CARE CENTER**

**WHEREAS**, the Commissioner of Health & Family Services has recommended that the salary of the Administrator of the Adult Care Center position be set at \$100,000; and

**WHEREAS**, the proposed salary will assist with recruitment of experienced candidates and allow for the efficient functionality of the Adult Care Center.

**NOW, THEREFORE BE IT RESOLVED** that the Sullivan County Legislature hereby sets the salary of the Administrator of the Adult Care Center at \$100,000.

**Moved by Mrs. Rajs, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 367-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO PURSUE THE POSSIBLE LONG TERM RENTAL OR SALE OF A PORTION OF THE D & H CANAL PROPERTY TO THE TOWN OF MAMAKATING**

**WHEREAS**, the Town of Mamakating (the "Town") has presented to the Sullivan County Legislature a written proposal for the ownership, use, maintenance and operation of a portion of the D & H Canal property owned by the County of Sullivan, more specifically, the improvement and renovation of the Interpretative Center located on Bova Road between the Hamlets of Summitville and Phillipsport, the renovation of the D & H Canal Dock #50, a dry dock, and the construction of a canal boat to historical specifications (the "Property"), and

**WHEREAS**, the Town believes it is best suited to undertake these actions to preserve the history of the D & H Canal and to increase tourism, and

**WHEREAS**, the Town will need to address various regulatory requirements prior to pursuing either Property ownership or a long term lease agreement with the County of Sullivan and wishes to have a clear indication of the support of the County Legislature prior to expending significant time, resources and funds on its due diligence.

**NOW THEREFORE BE IT RESOLVED**, the Sullivan County Legislature supports the efforts on the part of the Town to explore improvements and renovations to the Property and to further explore the possibility of ownership or a long term lease with the County; and

**BE IT FURTHER RESOLVED**, upon completion of the Town's due diligence efforts and confirmation that the above proposal is viable and meets County standards for stewardship of the Property, and upon the recommendation of the County Manager, the County Legislature authorizes a lease of up to five years with the Town, with specific milestones set forth in the lease document, to enable the Town of Mamakating to undertake efforts to determine whether a long term lease with the County or ownership of the Property outright is warranted.

Moved by Mrs. Rajs, seconded by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 368-17 INTRODUCED BY EXECUTIVE COMMITTEE TO CONTINUE THE SALE OF REAL PROPERTY FROM THE 2017 AUCTION OF CERTAIN PROPERTIES OWNED BY THE VILLAGE OF MONTICELLO IN FULL SATISFACTION OF ALL OUTSTANDING TOWN & COUNTY TAX LIENS, THROUGH & INCLUDING LIENS LEVIED JANUARY 1<sup>st</sup>, 2017**

**WHEREAS**, the Village of Monticello has taken title to premises located at Hillside Avenue designated as TH110.-1-1, TH110.-1-2, TH110.-1-3, and 45 Clinton Avenue designated as TH120.-3-7 for the non-payment of 2009 and 2010 tax liens; and

**WHEREAS**, at the June 2017 County Auction, the combined Hillside Avenue premises was sold for \$32,500.00 and the 45 Clinton Avenue premises was sold for \$32,500.00; and

**WHEREAS**, pursuant to paragraph 7(b)(ii) of the Inter-Municipal Agreement between the Village of Monticello and the County of Sullivan, the Village and the County equally share the net proceeds of the sales referred to above after both the Village and County's tax liens are satisfied; and

**WHEREAS**, there are insufficient proceeds to satisfy the County's tax liens in full; and

**WHEREAS**, the Real Property Advisory Board has discussed and reviewed the sales noted above and believes that accepting one-half of the net proceeds of said sales is in the best interests of the County and recommends that said action be approved by the Sullivan County Legislature;

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to said Inter-Municipal Agreement, the County Treasurer is hereby authorized to journal the respective tax records for said parcels to extinguish and discharge all delinquent tax liens accordingly.

Moved by Mrs. Rajs, seconded by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 369-17 INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND RESOLUTION NUMBER 216-15 TO CORRECT THE PARCEL IDENTIFICATION NUMBER**

**WHEREAS**, on May 21, 2015 the Sullivan County Legislature adopted Resolution No. 216-15 authorizing the Sullivan County Treasurer to cancel all outstanding taxes and remove all liens pertaining to CA106.-1-34.2 and also authorizing

the Sullivan County Treasurer to remove parcel CA106.-1-34.2 from the pending 2013 lien foreclosure proceeding, and

**WHEREAS**, the resolution should have authorized the Sullivan County Treasurer to cancel all outstanding taxes and remove all liens pertaining to CA106.-1-34.1 and also authorized the Sullivan County Treasurer to remove parcel CA106.-1-34.1 from the pending 2013 lien foreclosure proceeding and should be amended to correct the parcel identification number, and

**NOW, THEREFORE, BE IT RESOLVED**, Resolution No. 216-15 is hereby amended to correct the parcel identification number on resolution number 216-15.

**Moved by Mrs. Rajsz, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 370-17 INTRODUCED BY EXECUTIVE COMMITTEE TO CONVEY PROPERTY ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2015 LIEN YEAR IN THE TOWN OF BETHEL KNOWN AS BE49.-9-1**

**WHEREAS**, property located in the Town of Bethel designated on the Sullivan County Real Property Tax Map as Bethel 49.-9-1, being 100.00 x 125.00 +/- feet, located on Mohican Tr. is owned by the County of Sullivan by virtue of an Article 11 foreclosure for 2015 taxes; and

**WHEREAS**, The Town of Bethel has offered to purchase said property for the amount of delinquent taxes owed to the county and

**WHEREAS**, it is in the best interest of the County of Sullivan to sell this parcel to Town of Bethel for the amount of delinquent taxes owed to the county this piece of property will be beneficial to the community and the town and

**WHEREAS**, the purchaser will also be responsible for the recording fees, 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 Town of Bethel upon payment of amount of delinquent taxes owed to the County, plus fees for the County Clerk, and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges, if any.

**Moved by Mrs. Rajsz, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 371-17 INTRODUCED BY EXECUTIVE COMMITTEE TO ACCEPT FUNDING FROM THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR CHILD PASSENGER SAFETY PROGRAM**

**WHEREAS**, hospitalizations in Sullivan County children due to injuries sustained in motor vehicle accidents are among the highest in the state, and

**WHEREAS**, Sullivan County Public Health Services has been awarded \$14,500 by the Governor's Traffic Safety Committee to participate in the statewide "Child Passenger Safety" Program, and

**WHEREAS**, the goal of this program is to increase the proper use and installation of child safety seats by parents and caregivers in Sullivan County and the grant provides for car seats for families whose income is at or below 200% of the federal poverty level.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and is authorized to accept funding, in the amount of \$14,500, from the Governor's Traffic Safety Committee for the period of October 1, 2017 through September 30, 2018, and

**BE IT FURTHER RESOLVED**, that said grant will continue to have funding accepted on an on-going basis dependent upon continued funding from the Governor's Traffic Safety Committee, and

**BE IT FURTHER RESOLVED**, that said grant be approved as to form by the Sullivan County Department of Law.

Moved by Mrs. Rajs, seconded by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 372-17 INTRODUCED BY EXECUTIVE COMMITTEE TO ACCEPT FUNDING FROM HRI FOR EMERGENCY PREPAREDNESS GRANT**

**WHEREAS**, Sullivan County Public Health Services has the responsibility for planning a county-wide response to a bioterrorist attack or other health related emergency, and as a result of the Federal Homeland Security Act, the NYS Department of Health is providing funding to counties to assist in this effort

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be authorized to enter into a contract with the NYS Department of Health for the period of July 1, 2017 to June 30, 2018 with a funding amount of \$79,026, and

**BE IT FURTHER RESOLVED**, that said contract be authorized to continue on an ongoing basis dependent upon continued funding from the NYS Department of Health, and

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

Moved by Mrs. Rajs, seconded by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 373-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SULLIVAN COUNTY VISITORS ASSOCIATION**

**WHEREAS**, the Sullivan County Visitors Association ("Visitors Association") has promoted and supported the County of Sullivan ("County") in its efforts to optimize tourism, and



**WHEREAS**, the Sullivan County Legislature wishes to enter into a long term agreement with the Visitors Association to enable them to undertake the efforts necessary to accommodate the tourism-related growth anticipated with regard to the casino project and ancillary growth throughout the County, including one or more County Visitors Centers, and

**WHEREAS**, pursuant to Resolution No. 260-17 the County Attorney and the County Manager have negotiated an agreement with the Visitors Association that addresses the current economic realities of tourism and related business in the County, as well as the anticipated growth over the next five years.

**NOW THEREFORE BE IT RESOLVED**, that the Sullivan County Manager is authorized to enter into an agreement with the Visitors Association for the term of January 1, 2018 through December 31, 2022, subject to approval by the County Attorney.

**Moved by Mrs. Rajszyk, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 374-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO EXPEDITE DPW PURCHASES NOT EXCEEDING \$250.00, EFFECTIVE IMMEDIATELY**

**WHEREAS**, the County of Sullivan ("County") adopted a revised Procurement Policy pursuant to Resolution No. 333-09 adopted by the Sullivan County Legislature on August 20, 2009, and

**WHEREAS**, the Division of Public Works ("DPW") has historically been permitted to purchase items in an amount not exceeding \$50.00 without the requirement of completing a purchase order, and

**WHEREAS**, discussions between the Office of Management and Budget (OMB) and DPW indicate that the \$50 limit is no longer adequate, and

**WHEREAS**, DPW and OMB have determined that a \$250 limit would be more appropriate, and

**WHEREAS**, if purchase orders are required for all purchases by DPW not exceeding \$250.00 there would be a substantial increase in paperwork and the associated work hours for the staff of DPW and Purchasing Department.

**NOW THEREFORE, BE IT RESOLVED**, that the Procurement Policy shall be amended to reflect that DPW will be permitted to purchase items in an amount not exceeding \$250.00 without the requirement of completing a purchase order, and

**BE IT FURTHER RESOLVED**, that DPW shall acquire and process invoices/receipts for all purchases not exceeding \$250.00, shall forward the invoices/receipts accompanied with the standard County voucher to the Audit Department and the Audit Department shall be authorized to approve payment based upon the invoices/receipts accompanied with the standard County voucher.

**Moved by Mrs. Rajszyk, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 375-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF MONTICELLO AND THE COUNTY OF SULLIVAN FOR COSTS RELATED TO OFFSITE**

**UTILITIES AND AGREED UPON UPGRADES WITH RESPECT TO THE SULLIVAN COUNTY JAIL**

**WHEREAS**, the County of Sullivan (“County”) is the owner of approximately 40 acres in size which consists of vacant land intended for the siting of the new County Jail and related facilities (the “Jail Property”), and

**WHEREAS**, the Jail Property is located in the Town of Thompson, New York, with a portion thereof located within the Village of Monticello, New York, (“Village”) and

**WHEREAS**, the Jail Property has been annexed into the Village and the County and Village now wish to enter into an agreement outlining the specific work and responsibilities to connect to Village water and sewer services, and

**WHEREAS**, the County has drafted an Inter-Municipal Agreement with the Village to offset expenses related to the offsite utility services at the Jail Property and upgrades to the Village systems.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the County Manager is hereby authorized to execute the Inter-Municipal Agreement with the Village, subject to approval by the County Attorney.

**Moved by Mrs. Rajsz, seconded by Mr. Samuelson**, put to a vote and unanimously carried and **declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 376-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO APPORTION COST OF THE COUNTY SELF-INSURANCE PLAN AND LEVYING TAXES THEREFORE**

**WHEREAS**, the County Legislature adopted Resolution No. 323-17 on July 20, 2017 which apportioned the costs for the 2018 Workers’ Compensation Self-Insurance Plan; and

**WHEREAS**, additional information was provided to the Director of Risk Management and it is in the best interest of the Plan and the Plan Participants to rescind Resolution No 323-17 and adopt a new Resolution, and

**WHEREAS**, the Risk Management & Insurance Department (“Risk Management”) hereby files a revised report by which it has estimated that the sum of \$3,945,076 00 will be necessary for the calendar year 2018 to meet the payments and expenses of the Workers’ Compensation Self - Insurance Plan; and

**WHEREAS**, Risk Management has determined the share of such estimated amount chargeable to each participant of the County Workers’ Compensation Self Insurance Plan as provided by Local Law No. 5-1979, as well as provisions of the Workers’ Compensation Law; and

**WHEREAS**, the amount chargeable to each participant of the County Workers’ Compensation Self-Insurance Plan is detailed on the Self Insurance Fund Charges, attached hereto as Appendix I and by this reference made a part hereof; and

**WHEREAS**, the total amount of \$3,945,076.00 to be raised for the 2018 calendar year was calculated as detailed in the Estimate of Expenses to run the Self-Funded Workers’ Compensation Plan for Sullivan County, attached hereto as Appendix II and by this reference made a part hereof; and

**WHEREAS**, Appendix I and Appendix II shall collectively be considered Risk Management’s 2018 calendar year’s report for the funding estimate and participant apportionment costs for the County’s Workers’ Compensation Self-Insurance Plan,

("Risk Management's 2018 Plan")

**NOW, THEREFORE, BE IT RESOLVED**, the Sullivan County Legislature hereby adopts Risk Management's 2018 Plan and directs that the amount set opposite the name of each participant on Appendix I of the County Workers' Compensation Self - Insurance Plan be apportioned and charged to each respectively; with such amount so apportioned to the County and the Towns be levied and raised by tax in the next annual tax levy against the taxable property of the County and the Towns and such amount apportioned to the Villages to be directly billed to the Villages by Risk Management; and

**BE IT FURTHER RESOLVED**, that the amount apportioned to the County and the Towns shall be collected by inclusion in the next succeeding tax levy of each Town, and that when collected such amount shall be paid by the respective tax collectors to the County Treasurer, said amounts to be credited to the County Workers' Compensation Self - Insurance Fund and the amount billed to the Villages shall be paid directly to the Sullivan County Treasurer.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 377-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXTEND THE RETAINER AGREEMENT WITH ROEMER WALLENS GOLD & MINEAUX LLP**

**WHEREAS**, Roemer Wallens Gold & Mineaux LLP ("RWGM") provide services to the County of Sullivan ("County") as labor relations attorney/consultants, and

**WHEREAS**, the original Agreement with RWGM commenced April 1, 2015 and expired June 30, 2016, and

**WHEREAS**, the original Agreement with RWGM provided for an extension term through March 31, 2018, and

**WHEREAS**, the County has begun negotiations with the various unions in an effort to agree upon terms of new Collective Bargaining Agreements and it is best to have legal counsel in place throughout negotiations, and

**WHEREAS**, RWGM has agreed to continue to represent the County at the same fixed monthly sum and hourly rates as currently charged.

**NOW THEREFORE BE IT RESOLVED**, the County Manager is hereby authorized and directed to execute the attached Retainer Agreement with RWGM for a term through March 31, 2020, and

**BE IT FURTHER RESOLVED**, the Retainer Agreement shall be in a form approved by the County Attorney.

Moved by Mrs. Rajs, seconded by Mr. Samuelson, put to a vote and unanimously carried and **declared duly adopted on motion** August 17, 2017.

**RESOLUTION NO. 378-17 INTRODUCED BY THE EXECUTIVE COMMITTEE SUPPORTING THE SULLIVAN COUNTY SHARED SERVICES DRAFT PLAN**

**WHEREAS**, the New York State 2017-2018 budget established a County-Wide Shared Services Initiative with the intent of generating property tax savings by facilitating operational collaboration between local governments; and

**WHEREAS**, municipalities throughout Sullivan County have, for many years, been vigilant in the search for and implementation of increased operational efficiencies, including collaborations to reduce and/or stabilize costs and tax rates; and

**WHEREAS**, the Sullivan County Shared Services Panel devoted considerable time and effort to find additional efficiencies amongst willing local governments, in order to comply with the County-Wide Shared Services Initiative; and

**WHEREAS**, members of the Panel regularly consulted with each other and representatives of the collective bargaining units of the County, Towns, and Villages; and

**WHEREAS**, the draft Plan identified nine proposals with potential annual savings of \$1,190,130; and

**WHEREAS**, the Sullivan County Legislature was provided with the draft Plan by the state-mandated deadline of August 1, 2017;

**NOW, THEREFORE, BE IT RESOLVED**, the Sullivan County Legislature, having reviewed the draft Sullivan County Shared Services Plan, fully supports the proposals contained within the Plan and recommends that the Sullivan County Shared Services Panel approve the Plan; and

**BE IT FURTHER RESOLVED**, the Sullivan County Legislature thanks the members of the Panel for their time, effort, and collaboration in drafting a Plan potentially saving \$1,190,130 for the taxpayers of Sullivan County.

**Moved by Mrs. Rajs, seconded by Mr. Samuelson, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.**

**RESOLUTION NO. 379-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO ADOPT THE REVISION OF SULLIVAN COUNTY'S FEDERAL AVIATION ADMINISTRATION DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

**WHEREAS**, pursuant to Resolution No.: 598-00, introduced by the Public Works Committee, the Sullivan County Legislature adopted a policy encouraging the participation of disadvantaged business enterprises ("DBE") with respect to transportation-related projects funded with Federal dollars;

**WHEREAS**, the Division of Public Works of Sullivan County developed a DBE Program with the assistance of Passero Associates ("Passero") with respect to any projects involving the Federal Aviation Administration (FAA);

**WHEREAS**, the most recent version of the DBE Program is dated from 2012 and the DBE Program needs to be updated to reflect changes in the law and in the Sullivan County personnel responsible for implementing the DBE Program; and

**WHEREAS**, a draft of the DBE Program, dated August 2017, has been prepared with the assistance of Passero and the Office of the County Attorney.

**NOW, THEREFORE, BE IT RESOLVED**, that the DBE Program attached hereto as Exhibit A be and hereby is approved, with such changes and completions as the County Manager, with the advice of the Office of the County Attorney, deems necessary;

**BE IT FURTHER RESOLVED**, that any and all acts by the County Manager or his designee with respect to the DBE Program or the attachment hereto, be, and each of them hereby is, ratified and approved; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized and directed to do such further things or perform such acts as may be necessary or convenient to implement the provisions of the Program.

Moved by Mrs. Rajszy, seconded by Mr. Samuelson, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**RESOLUTION NO. 380-17 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE AN AGREEMENT WITH GENERAL CODE, CMS, LLC FOR THE LASERFICHE RIO ELECTRONIC CONTENT MANAGEMENT SOLUTION**

**WHEREAS**, the Sullivan County Legislature, in consultation with the Sullivan County Clerk's Office and County Manager's Offices, wishes to develop and implement an electronic document imaging and content management repository in its continuing effort to produce less paper documentation, eliminate current paper storage with the added need to more securely store and retrieve the County's 9,500+ boxes of paper records; and

**WHEREAS**, Laserfiche RIO offers an enterprise approach to management of content in their Laserfiche document repository as well as offering extended access to web and mobile users along with integration to third party applications, built-in work flows for document management and tracking as well as built-in security, auditing, records management, and reporting capabilities; and

**WHEREAS**, the Department of Management Information Systems and the Department of Purchasing, prepared and released a Request for Quote #Q-17-20 (RFQ) under NYS Contract #PM67301, Group 73600 – Award 22802 for Laserfiche Rio; and

**WHEREAS**, the County received 4 proposals under said RFQ and after review, General Code, CMS, LLC responded with a complete and lowest cost proposal under the provisions of NYS contract #PM67301 and is qualified to perform the County's implementation and training on the Laserfiche Rio electronic content management solution.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be authorized to enter into an agreement with General Code, CMS, LLC for Laserfiche Rio in an amount not to exceed \$41,567.00.

**BE IT FURTHER RESOLVED** that said agreement to be in such form as the County Attorney shall approve.

Moved by Mrs. Rajszy, seconded by Mr. Samuelson, put to a vote and unanimously carried and declared duly adopted on motion August 17, 2017.

**Recognition of Legislators**

None

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

ANNMARIE MARTIN, CLERK  
Sullivan County Legislature

Copy

**July 2017 Budget Modifications ( Resolution )  
Modifications to the 2017 Sullivan County Budget**

<b>G/L Account</b>	<b>Revenue Increase</b>	<b>Revenue Decrease</b>	<b>Appropriation Increase</b>	<b>Appropriation Decrease</b>
A-1341-46-4609 - MISC SERV/EXP SPECIAL SERV/OTHER				
A-1341-R3089-R167 - ST AID GEN GOV DEPARTMENTAL AID			2,500	
A-1989-99-47-4734 - DEPT BOND/NOTE EXPENSE	2,500			
A-1989-99-47-4736 - DEPT CONTINGENT			2,500	
A-1989-99-47-4736 - DEPT CONTINGENT				2,500
A-3150-47-4751 - DEPT PRISONER HOUSING				60,000
A-4050-45-4501 - SPEC DEPT SUPPLY SPEC DEPT SUPPLY MISC/OTHER			60,000	
A-4050-47-4774 - DEPT PUBLIC HEALTH EDUCATION			3,000	
A-4050-R4401-R167 - FED AID PUBLIC HEALTH DEPARTMENTAL AID			2,000	
A-6293-R4789-R253 - FED AID OTHR ECONOMIC ASSIST NURSING OPPORTUNITY	5,000			
A-6293-R4790-R167 - FED AID JOB TRAINING DEPARTMENTAL AID	53,559			
<b>General Fund Total</b>	<b>61,059</b>	<b>53,559</b>	<b>70,000</b>	<b>62,500</b>

Mortgage Tax Distribution  
4/17 to 6/17

Town	Town Assessed Value	Double Town Assessed Value	Village	Village Assessed Value	Village %	Total Distribution	Village Share	Town Share
Callicoon	239,534,190	479,068,380	Jeffersonville	28,659,673	0.059823763	21,747.60	1301.02	20446.58
Fallsburg	878,197,176	1,756,394,352	Woodridge	59,216,245	0.033714664	45,251.23	1525.63	43725.60
Liberty	605,405,819	1,210,811,638	Liberty	185,550,704	0.153244896	24,292.19	3722.65	20569.54
Mamakating	685,305,712	1,370,611,424	Bloomington Wurtsboro	33,567,315 53,578,531	0.024490760 0.039090971	45,197.95	1106.93 1766.83	42324.19
Thompson	1,450,678,681	2,901,357,362	Monticello	296,508,882	0.102196608	40,086.36	4096.69	35989.67