

**Sullivan County Legislature
Regular Meeting
August 18, 2016 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:08PM by Chairman Alvarez with the Pledge of Allegiance.

Roll Call indicated all legislators present.

The Clerk read the following communications:

1. Records Destruction Notification in accordance with SARA filed by Community Services received July 27, 2016 and DFS Services received August 12, 2016.

Presentation:

Chairman Alvarez presented all Sullivan County Beauty Pageant winners with a Certificate of Recognition:

Onyxx Stanton, Baby Sullivan County of 2016
Mackenzie Cole Young Miss Sullivan County of 2016 (not present)
Kylie Foulk, Little Miss Sullivan County of 2016
Alyssa McCave, Sullivan County 2016 Miss Congeniality
Seriya Jorge, Miss Pre-Teen Sullivan County of 2016
Lexis Flora, Miss Teen Sullivan County of 2016
Marina Lopez Braddock, Miss Sullivan County of 2016
Constance Lescano, Ms. Sullivan County of 2016

Chairman Alvarez and County Manager Potossek presented Certificates of Special Recognition to 30 year Sullivan County employees

Gene Magrisso 30 years
Louis Davis 30 years
Thomas Wells 30 years
Deborah Allen 35 years
Barbara Martin 35 years

Employees not present were as follows:

Kim Bouton 30 years
Susan Edwards 30 years
Steven Wingert 30 years
Edwyn Simon 30 years
Kathleen Jones 35 years

Chairman Alvarez recognized the following speakers: (any attached documents can be found at the end of these minutes)

Public Comment:

1. Kitty Vetter
2. Linda Reik (see attached document)
3. Kathie Aberman (see attached document)
4. Austin Green
5. Cindy
6. Barbara Lerner (see attached document)
7. Tom Manza
8. Undersheriff Eric Chaboty (see attached document)

Order of Business:

**RESOLUTION NO. 346-16 INTRODUCED BY PUBLIC SAFETY AND LAW
ENFORCEMENT COMMITTEE RESOLUTION TO ENACT A LOCAL LAW
ENTITLED "DEAN'S LAW"**

WHEREAS, proposed Local Law entitled "Dean's Law" a Local Law to create an animal abuse registry was presented to the Sullivan County Legislature at a meeting held on August 4, 2016 at the County Government Center, Monticello, New York, to consider said

proposed local law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard, and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt this Local Law entitled “Dean’s Law” a Local Law to create an animal abuse registry, County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by Mrs. Ward, seconded by Mr. McCarthy, put to a roll call vote, unanimously carried and **declared duly adopted on motion** August 18, 2016.

SULLIVAN COUNTY LEGISLATURE

LOCAL LAW NO. 2 OF 2016

A LOCAL LAW OF THE COUNTY OF SULLIVAN, NEW YORK, TO BE KNOWN AS “DEAN’S LAW”, PROTECTING ANIMALS FROM ABUSE BY ESTABLISHING A REGISTRY FOR ANIMAL ABUSERS

BE IT ENACTED by the Sullivan County Legislature (“Legislature”) as follows:

Section 1. Title.

This Local Law shall be known as “Dean’s Law”, and also as the “Animal Abuser Registry Law.”

Section 2. Legislative Findings.

The Legislature finds and determines that animal cruelty is a serious concern for Sullivan County and its citizens. The criminal statutes are helpful in deterring cruelty to animals but unfortunately cruelty to animal offenses still occur in Sullivan County and throughout New York State.

It is the Legislature’s goal to reduce the number and frequency of animal cruelty offenses occurring in Sullivan County. In order to further that goal the Legislature believes that identifying individuals who are convicted of animal cruelty charges and limiting their access to animals could reduce the likelihood of future animal cruelty offenses.

The Legislature determines that it is in the best interest of the residents of Sullivan County and their animals that an online registry be established identifying individuals residing in Sullivan County who have been convicted of animal abuse crimes with the purpose of prohibiting these individuals from adopting, purchasing, or otherwise obtaining animals from any animal shelter, pet dealer, or other person or entity involved in the exchange of animals by adoption, sale, or other means.

Section 3. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

“Animal Abuse Crime” – Any of the following crimes:

Markets (a) A violation of any of the following provisions of the NYS Agriculture Law (“AML”) Article 26:

Section 351 – Prohibition of animal fighting

Section 353 – Overdriving, torturing and injuring animals; failure to provide proper sustenance

Section 353-a – Aggravated cruelty to animals

Section 355 – Abandonment of animals

Section 356 – Failure to provide proper food and drink to impounded animal

Section 359 – Carrying animal in a cruel manner

Section 360 – Poisoning or attempting to poison animals

Section 361 – Interference with or injury to certain domestic animals

Section 362 – Throwing substance injurious to animals in public place

Section 365 – Clipping or cutting the ears of dogs

Section 366 – Companion animal stealing

Section 366-a – Removing, seizing or transporting dogs for research purposes

(b) Sexual misconduct with an animal in violation of NYS Penal Law (“PL”) §130.20(3)

(c) Harming a service animal in violation of PL §242.10 and §242.15

(d) Killing or injuring a police animal in violation of PL §195.06

(e) Harming an animal trained to aid a person with a disability in violation of PL §195.12

(f) Any conviction based upon a reduced charge when the original offense was a charge listed in Section 3 (a) – (e) above.

“Animal Abuse Offender” – Any person eighteen (18) years of age, or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

“Animal Abuser Registry” – The on-line registry established by this Local Law for registering any person residing in Sullivan County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.

“Companion Animal or Pet” – Any dog or cat or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such domesticated animal. It shall not include a Farm Animal.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty, or nolo contendere plea.

“Farm Animal” – Any ungulate (a hoofed mammal), poultry, species of cattle, sheep, swine, goats, llamas, horses or fur bearing animals (as defined in the Environmental Conservation Law §11-1907) which are raised for commercial or subsistence purposes. Fur bearing animals shall not include dogs or cats.

“Pet Dealer” – (1) Any person or entity that engages in the sale or offers to sell more than nine (9) dogs and/or cats per year to the public; or (2) If the dogs and/or cats being sold or offered to be sold were born and raised on the premises of the person or entity who bred the dogs and/or cats that person or entity is considered a Pet Dealer if he/she/it engages in the sale or offers to sell twenty-five (25) or more dogs and/or cats per year to the public; (3) An Animal Shelter shall not be considered a Pet Dealer.

“Service Animal” – Any animal that has been partnered with a person who has a disability (as defined in Executive Law §292(21)) and has been trained or is being trained, by a qualified person, to aid or guide a person with a disability.

Section 4. Establishing an Animal Abuser Registry

The Sullivan County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an on-line Animal Abuser Registry that shall contain the names and

residence information of all available Animal Abuse Offenders living in Sullivan County who are convicted of an Animal Abuse Crime on or after the effective date of this law. The on-line Registry will be maintained by the Sullivan County Sheriff's Office and shall be listed on the Sullivan County website within a Sullivan County Sheriff's Office web page. The on-line Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of New York, with such other county registries to be used as informational resources by Animal Shelters or Pet Dealers located in Sullivan County when they shall sell, exchange or otherwise transfer the ownership of any Companion Animal or Pet.

The registry shall contain the required information about each Animal Abuse Offender for a period of seven (7) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Sullivan County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Sullivan County Animal Abuser Registry within five (5) days following the notification.

Section 5. Registry Requirements.

(A) All Animal Abuse Offenders who reside in Sullivan County and who are convicted of an Animal Abuse Crime on or after the effective date of this Local Law must register with the Sullivan County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment. The registration requirements of this section shall be applicable for seven (7) years following the Animal Abuse Offender's release from incarceration or the date sentencing was rendered, whichever is later, and any Animal Abuse Offender who is convicted of a subsequent Animal Abuse Crime the registration requirements of this section shall apply for life following a second conviction.

(B) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff's Office the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.

(C) Each person required to register with the Animal Abuser Registry shall submit to the Sullivan County Sheriff's Office:

- (i) Their name and any aliases they may be known by;
- (ii) Their residence address;
- (iii) Their date of birth; and
- (iv) A photograph of the front of their head and shoulders not less than 2" x 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(D) Within twenty (20) days of the anniversary date of the date an individual originally registered with the Animal Abuse Registry said individual must personally appear at the Sullivan County Sheriff's Office. The individual must confirm the accuracy or change the information provided pursuant to Section 5(C) (i), (ii) and (iii) above and must provide a new photograph in compliance with Section 5(C) (iv) above. The individual must comply with this Section 5(D) every year the individual remains on the Animal Abuser Registry.

(E) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(F) Every person required to register with the Animal Abuser Registry shall pay a one-time fee of one hundred twenty-five (\$125.00) dollars to the Sullivan County Sheriff's Office at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the registry. In the event that a person is financially incapable of paying the registration fee said individual can make an application to the Sullivan County Sheriff to waive the fee. The Sullivan County Sheriff will investigate the application and shall have the sole discretion to grant or deny the application.

(G) The Sullivan County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 6. Prohibition on Contact with Animals.

No person who is registered or required to register pursuant to Section 5 of this Local Law shall own, possess, reside with, have custody of, or intentionally engage in any physical contact with any Companion Animal or Pet.

Section 7. Animal Shelters and Pet Dealers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.

No Animal Shelter or Pet Dealer located in Sullivan County shall sell exchange or otherwise transfer the ownership of any Companion Animal or Pet to any person having a residence in Sullivan County and listed as an Animal Abuse Offender on the Animal Abuser Registry. Prior to the sale, exchange, or other transfer of ownership of any Companion Animal or Pet, the Animal Shelter or Pet Dealer is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the Companion Animal or Pet is not listed. In the event an entity or individual subject to this Section 7 cannot access the Animal Abuser Registry they can call the Sullivan County Sheriff's Office at (845) 794-7100 to confirm whether or not the name of a potential owner appears on the Animal Abuse Registry.

This section shall not apply to Farm Animals for farmers or to Service Animals for people with disabilities.

Section 8. Penalties.

(A) Any Animal Abuse Offender required to register with the Animal Abuser Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand (\$2,000.00) dollars.

(B) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting, or purchasing a Companion Animal or Pet – except for Farm Animals for farmers, and Service Animals for people with disabilities – shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand (\$5,000.00) dollars.

(C) Any Animal Shelter or Pet Dealer that violates Section 7 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand (\$5,000.00) dollars. A first time violation of Section 7 of this Local Law shall not subject an Animal Shelter or Pet Dealer to a fine but all subsequent violations shall subject said entity or individual to prosecution and fine. It shall not be a violation of this Local Law if the Animal Shelter or Pet Dealer checked with the Sullivan County Animal Abuser Registry and the name did not appear thereon.

Section 9. Severability.

If any clause, sentence, paragraph, section, subdivision or other part of the Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 10. Effective Date.

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State.

ENACTED BY THE FOLLOWING VOTE:

Ayes 9 ; Noes 0

STATE OF NEW YORK
COUNTY OF SULLIVAN
OFFICE OF THE CLERK OF
THE COUNTY LEGISLATURE

THIS IS TO CERTIFY THAT I, AnnMarie Martin, Clerk of the County Legislature of said County of Sullivan, have compared the foregoing copy of Local Law with the original thereof now on file in my office and which was passed by the County Legislature of said County of Sullivan on the 18th day of August 2016, 9 votes being in favor of said Local Law and 0 being

against the same, and that the same is a correct and true transcript of such original Local Law and the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of said County Legislature this 23rd day of August, 2016.

AnnMarie Martin
Clerk of the County Legislature of the County of

Sullivan

RESOLUTION NO. 347-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2016 COUNTY BUDGET

WHEREAS, the County of Sullivan Budget requires modification,

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

Moved by Mr. Samuelson, seconded by Mrs. Rajsz, put to a vote, unanimously carried and **declared duly adopted on motion** August 18, 2016.

RESOLUTION NO. 348-16 INTRODUCED BY THE PERSONNEL COMMITTEE TO ABOLISH AND CREATE A POSITION IN THE TREASURER'S OFFICE

WHEAREAS, the Treasurer has requested that a position within the office be abolished and a new position be created and

WHEAREAS, the new position being created will allow for the continued functionality within the office and was approved and included in the 2016 County Budget, and

WHEAREAS, 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 abolishing position number 2813 Principal Account Clerk and creating a new position Junior Accountant in the Treasurer's Office with a salary set in accordance with the provisions of the Teamsters Collective Bargaining Agreement.

Moved by Mr. Perrello, seconded by Mr. Steingart, put to a vote, unanimously carried and **declared duly adopted on motion** August 18, 2016.

RESOLUTION NO. 349-16 INTRODUCED BY PERSONNEL COMMITTEE TO RECLASSIFY PUBLIC HEALTH NURSING PROGRAM COORDINATOR POSITION NO. 982, TO SUPERVISING COMMUNITY HEALTH NURSE IN THE PUBLIC HEALTH SERVICES DEPARTMENT

WHEREAS, Due to the growing demands on the Diagnostic and Treatment Program, the Sullivan County Public Health Department needs to ensure adequate oversight and the availability of regular supervision, training and support of the nursing and support staff to ensure the quality of services and protection of public health,

WHEREAS, the responsibilities and demands of the Diagnostic and Treatment Program include communicable disease surveillance and control activities, health emergency response planning and strategic preventive health education planning and activities for the public,

WHEREAS, the reclassification of the current position no. 982 of Public Health Nursing Program Coordinator to Supervising Community Health Nurse is critical to creating an adequate management and supervisory infrastructure in the department

WHEREAS, the Personnel Director has qualified the incumbent for the position of Supervising Community Health Nurse,

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the reclassification of the position of Public Health Nursing Program Coordinator position no. 982 to Supervising Community Health Nurse; and the salary will be set according to the current NYSNA Salary Schedule.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 350-16 INTRODUCED BY PERSONNEL COMMITTEE TO RECLASSIFY POSITION NO. 2824 AUTOMOTIVE MECHANIC TO THE POSITION OF MASTER MECHANIC IN THE DIVISION OF PUBLIC WORKS

WHEREAS, there is currently a position in the Division of Public Works designated as an Automotive Mechanic, and

WHEREAS, the Commissioner of Public Works has advised that some of the duties assigned to this person position number 2824 are above the current title of Automotive Mechanic, and

WHEREAS, the County Manager, Commissioner of Public Works and Personnel Officer recommend that the title be reclassified to Master Mechanic, which encompasses the current duties and meets the needs of the division.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the reclassification of position number 2824 in the Division of Public Works from an Automotive Mechanic to a Master Mechanic effective January 1, 2016, with a salary set in accordance with the provisions of the Laborers' International Union of North America Local No. 17 Collective Bargaining Agreement.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 351-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AMEND THE SOLID WASTE MANAGEMENT RULES

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.

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, that Section 201 Definitions, Section 602 Permit, Application, Requirements, Section 620.1 Disposal Fees and Section 632 Payment of Fees, Interest, Suspension and Restriction of Permit be amended to read as contained in the attached schedule "A"; and

BE IT FURTHER RESOLVED, that this amendment shall take effect October 1, 2016.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 352-16 , INTRODUCED BY THE MANAGEMENT & BUDGET COMMITTEE TO ADOPT AN AMENDED AND RESTATED GRANTS ADMINISTRATION MANUAL AND RESCIND RESOLUTION NO. 89-12.

WHEREAS, in March 2012, Resolution 89-12 was adopted by the Sullivan County Legislature to require all discretionary (*i.e.*, competitive) grants/funding sources sought by any division, department, office, agency or unit of the County (each a “Department”) be first approved by the County’s Department of Grants Administration (“DGA”) and requiring certain additional steps with respect to approvals by (a) the County Manager or the Chairman of the County Legislature and (b) the County Treasurer; and

WHEREAS, in 2013, the DGA presented to the Sullivan County Legislature a Grants Administration Manual which outlined DGA’s policies and procedures, including Resolution 89-12, relating to the Grants process for all Departments; and

WHEREAS, beginning in January 2016, the DGA undertook a review and revision of its policies, under the supervision of the Office of Management and Budget (“OMB”) and the County Manager, and on June 9, 2016, reported to the Management and Budget Committee its proposed changes to the grants administration process and related amendment to the Grant Administration Manual; and

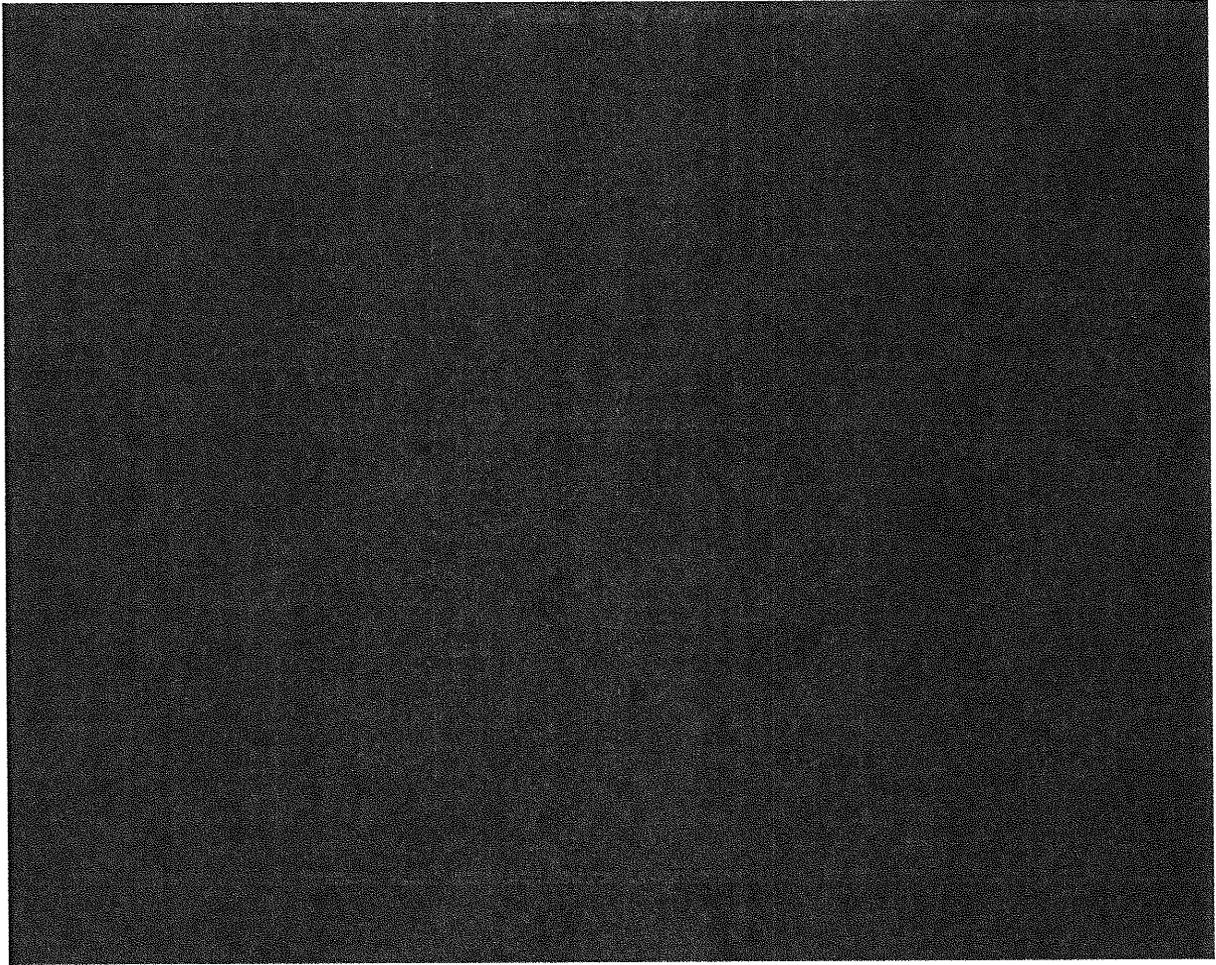
WHEREAS, the Commissioner of Management and Budget and the County Manager believe that the revised Grants Administration Manual, once adopted by the Sullivan County Legislature, would obviate the need for Resolution No. 89-12.

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

1. The draft Grants Administration Manual, dated August 3, 2016, be and hereby is adopted.
2. Resolution No. 89-12 be and hereby is rescinded.

Moved by Mr. Steingart, seconded by Mr. Perrello, put to a vote with Mrs. Rajsz, Mrs. Owens and Mr. Sorensen opposed, resolution carried and declared duly adopted on motion August 18, 2016.

GRANTS ADMINISTRATION DEPARTMENT
DIVISION OF MANAGEMENT AND BUDGET
(845) 807-0468



Art Hussey

Victoria Goddard

Grants Administration Supervisor

Program Administration Specialist

(845) 807-0469

(845) 807-0471

TABLE OF CONTENTS

I. INTRODUCTION.....1

- A. Role of Department of Grants Administration 1
- B. Short-Term Goals 1
- C. Long-Term Goals 1

II. THE GRANTS ADMINISTRATION PROCESS2

- A. Overview 2
- B. Research to Find Funding Opportunities 2
- C. Decision to Apply 2
- D. Preparing a Grant Application 2
- E. Management of a Grant 2
- F. Evaluation 3

III. A DEPARTMENT’S RESPONSIBILITY WITH RESPECT TO GRANTS ..3

IV. DISCRETIONARY FUNDING OPPORTUNITY - GRANT POLICY & PROCEDURE.....4

- A. Pre-Application:4
- B. Post – Application: 4

V. CENTRALIZED TRACKING OF FUNDING4

VI. DGA FUNDING PROPOSAL EVALUATION PROCESS.....5

VII. LEGISLATIVE RESOLUTIONS.....7

VIII. REGULATORY REQUIREMENTS AND COMPLIANCE8

IX. PROCUREMENT POLICY9

X. REPORTING REQUIREMENTS9

DGA Grant Concept Approval Form..... A-1

DGA Summary Sheet.....B-1

Combined Legislative Memorandum, Certificate of
Availability of Funds, and Resolution Cover LetterC-6

PREPARING A WINNING GRANT
PROPOSAL.....D-
1

Mission Statement

The mission of the Department of Grants Administration (or *DGA*) is to facilitate access to discretionary, external funding for divisions, departments, agencies and other units of the Sullivan County government ("*Departments*") while improving the administration of existing funding/grant resources.

I. INTRODUCTION

A. Role of Department of Grants Administration (DGA)

The role of the DGA is to:

- Identify funding needs within the County;
- Identify funding needs within each Department;
- Prioritize the funding needs for the County;
- Match identified needs and priorities with funding opportunities;
- Centralize grants management;
- Manage a centralized grants database, which provides the Division of Management and Budget and the County Treasurer's Office with timely and accurate information.

DGA gives priority to grant requests from divisions, departments, agencies and other units of the Sullivan County government ("*Departments*"), the County Legislature and the County Manager. Assistance for municipalities and 501(c)(3) organizations will be determined by the availability of DGA staff and by the constraints of other grant deadlines. The decision to provide external assistance is made by the County Legislature and/or the County Manager, and is based on DGA staff availability.

B. Short-Term Goals

DGA's short-term goals are to:

- Provide searches that focus on grant funding opportunities for County priority projects;
- Eliminate duplicating search efforts;
- Find funding opportunities that are a good fit for needed projects;
- Provide brief, timely descriptions of grant opportunities;
- Ensure that a decision to proceed on a grant application is made prior to utilizing funds and staff resources;
- Assist Departments to determine whether and when to pursue a funding source;
- Prevent multiple Departments from competing for the same funding stream or from submitting similar projects;
- Facilitate the involvement of key players from the community when a collaborative effort strengthens an application; and
- Focus on high priority project applications so that grant writing and assistance is provided in a planned and efficient manner.

C. Long-Term Goals

DGA's long term goals are to:

- Encourage each Department to take responsibility for the regulatory compliance and reporting requirements that accompany grant funding;
- Prevent deficient audit findings that pertain to grant reimbursements;
- Avoid the return of any grant funds due to lack of reporting, poor management oversight, or for any other reason;

- Learn from both successful and unsuccessful grant applications;
- Find ways to improve the claims process with the County Treasurer's Office; and
- Conduct post-grant evaluations to assess the effectiveness of the grants administration process and improve its efficiency.

II. THE GRANTS ADMINISTRATION PROCESS

A. Overview

The administration of grants consists of five components:

- Researching Funding Opportunities
- Deciding whether to Apply
- Preparing a Grant Application
- Managing the Grant
- Evaluating the Grant Program.

B. Research to Find Funding Opportunities

DGA staff researches funding opportunities for County priority projects. The results provide high probability funding opportunities which are summarized and given to the appropriate parties in a timely manner.

C. Decision to Apply

Ideally, deciding whether to proceed with a grant application should be done before monies and significant County staff resources are expended. DGA will work to prevent multiple Departments from competing for the same funding stream or from submitting similar projects. DGA has a direct line of communication with the County Manager and the Commissioner of OMB so that internal decisions can be made quickly regarding whether to proceed with an application. DGA also helps to facilitate the legislative review process for Departments. In general, County staff can rely on the work and expertise of DGA staff to find suitable funding sources in part by their use of federal/state/foundations grant notification system. DGA will work with each division/Department to establish a grant contact person within the respective division/Department, who will work with the DGA in the pursuit and administration of funding sources.

D. Preparing a Grant Application

DGA prioritizes applications so that assistance with grant writing and overall coordination of the application is provided in a planned and efficient manner. DGA Staff assesses the capacity of a Department to administer a funding award and undertake a project / program.

E. Management of a Grant

Each Department is responsible for handling the compliance and reporting requirements that pertain to their specific grant. DGA works with Departments to both prevent deficient audit

findings that pertain to grant reimbursement and to avoid the return of funds for lack of reporting, lack of management oversight or for any other reason. DGA will work with and assist Departments in the identification, procurement and administration of grant funding. DGA Staff will also provide technical assistance and oversight for grant administration, where needed. In the future, DGA will seek to purchase grants management software that will enhance grant funded project management, while continuing efforts with County Treasurer's Office to further implement the New World Project Accounting financial module.

F. Evaluation

There are lessons to be learned from both successful and unsuccessful grant applications and the actual grant funded programs/projects. Feedback from the funding source regarding strengths and weaknesses of the grant application and of the results of the funded program can help shape more successful future applications and programs. DGA intends to re-establish their Department surveying process, wherein the Department that secured funding would receive a survey to evaluate a grant program and the grant process as it pertains to their specific grant.

III. A DEPARTMENT'S RESPONSIBILITY WITH RESPECT TO GRANTS

Department heads and key technical staff are responsible for helping to identify funding opportunities, participating in program planning and proposal writing, and managing the day to day functions associated with a successful funding/grant award.

The Department head is accountable for all funding /grants within his or her Departmental jurisdiction. For those instances where more than one Department is responsible for a grant, a lead Department should be designated for accountability.

Each Department head shall:

- Appoint a grant contact person for their Department;
- Designate a project manager for funding / grants awarded to the Department;
- Implement awarded grant projects according to the terms, conditions and regulatory requirements of each grant award, as identified within the respective funding source award agreement and/or Notice of Funding Availability (*NOFA*), Request for Proposal (*RFP*), Request for Application (*RFA*), etc.;
- Ensure that the designated funding/grant liaison for the Department tracks grant awards and consults with the DGA on a regular basis;
- Ensure that the grant contact person and all project managers know how to designate project expense codes, complete grant drawdown forms, and monitor project funding;
- Ensure that requests for grant funds are promptly submitted to minimize the advancement or prolonged use of County funds; and
- Ensure that project reporting requirements and deadlines for submission are observed.

**All drawdowns of grant funding must conform to funding source and
County policy pertaining to the receipt of grant funds**

IV. DISCRETIONARY FUNDING OPPORTUNITY - GRANT POLICY & PROCEDURE

A. Pre-Application:

- Complete a Grant Concept Approval Form (**Appendix A**) for review by the DGA Supervisor and sign-off by the County Manager. When required (*usually on large and extensive projects/ programs*) a DGA Summary Sheet (**Appendix B**) may be requested by the DGA. DGA will meet with your staff to complete the Summary Sheet, if necessary.
- Recommendation by [the County Manager] as to whether or not to proceed with the application will be provided within forty-eight (48) hours;
- Prior to submitting an application for a discretionary funding opportunity, a Resolution requesting County legislative approval for the grant application must be placed on the applying Department's legislative committee Agenda as a discussion item. See the Resolution section of this manual for more detailed information; and
- Once the Grant Concept Approval Form has been approved, and the County Legislature approves the resolution to proceed, DGA will work with the Department, and the Office of the County Attorney to review the funding source regulatory requirements to ensure the regulations, certifications, assurances, etc. are acceptable to the County. DGA will also help with the development of the funding proposal. This is a collaborative effort between the DGA and the requesting Department.

B. Post – Application:

- The Department that has secured a funding/grant award is expected to adhere to, and comply with, all award agreement / contract regulatory requirements in accepting the award from the specific funding source;
- Any expenses associated with the funding/grant secured are the responsibility of the applying Department (*i.e. – Postage, office supplies, etc.*);
- Provide grant administration technical assistance when needed.

V. CENTRALIZED TRACKING OF FUNDING

The centralized tracking of funding includes oversight of any revenue source that is not derived from the General Fund. DGA works with each Department in tracking the funding they receive

or opt to pursue. The tracking of awarded funds, and active funding application proposals is shared with the Office of Management and Budget (*OMB*) and the County Treasurer's Office on a monthly basis via the DGA Funding Award and Activity Chart. Therefore, it is important that each Department notify the DGA when pursuing a funding source for a specific identified need and when funding is awarded and. This is accomplished by completing the DGA Grant Concept Approval Form (*GCAF*) (*Appendix A*).

The types of funding awards and funding applications in development that are tracked by DGA include the following:

- *Discretionary* – funding which is awarded following a *competitive process*. The funding source reviews the legislative and regulatory requirements and published selection criteria established for the program. The review process gives the funding source discretion to determine which applications best address the program requirements and are therefore, most suitable and competitive;
- *Formula Allocation* – non-competitive funding awards with the amount of the awards based upon local statistics – *e.g.*, population. Formula allocations are typically made on an annual basis;
- *Entitlement* – funding that is written into law. These funds must be spent on behalf of any individual who meets the qualifications specified in the authorizing legislation; the total amount of spending fluctuates based on the number of persons who qualify for programs such as Medicare, Medicaid, and Social Security; and
- *Foundation/Corporate* – this is a category of competitive, discretionary funding which is offered by foundations. Generally, foundations are nonprofit organizations which donate funds to organizations through a competitive process.

Specific to discretionary and private foundation (*competitive*) funding - the *GCAF* is required to be submitted to DGA for County Manager approval prior to presenting a Legislative Resolution which will authorize the submission of the application and acceptance of the funding award, should one be granted.

With respect to formula allocation, legislative member item and /or entitlement funding - the *GCAF* is to be submitted as a means of notifying the DGA when a Department receives notification of being selected for this type of award. The form is to be returned to the DGA, as the County Manager must review /approve the concept and proceeding with the application. A Legislative Resolution is not required to submit the application. However, a Legislative Resolution must be presented to and approved by the County Legislature in order to accept the award and authorize the execution of the award agreement by the appropriate party (*either the County Manager or Legislative Chairman*) as required by the funding source.

VI. DGA FUNDING PROPOSAL EVALUATION PROCESS

<u>IMPORTANT NOTE</u>

DGA reviews Department requests for assistance and will provide such assistance as DGA time and workload permits. DGA review and assistance is afforded in order of priority as set by the County Legislature and / or County Manager.

The following table provides a brief overview of the criteria and rating system used by DGA in evaluating funding proposal applications.

CRITERIA	DISCUSSION
Grant Scoping and Project Readiness	Is there anyone in the Department who can write and deliver a work plan?
Does the funding application address a priority County objective?	Does the grant funding further County objectives as identified in the current State of the County Address, in the Budget Message, in the County's Economic Development Strategy or in Department goals as presented in Annual Reports?
Is there a required local match?	No required match is a plus. An in-kind match is the second preference. A cash match has to be approved by the OMB, County Manager, and County Legislature. If a cash match is required, is there a source for it?
Does the proposed program require the addition of new staff?	If a funding proposal is for the hiring of NEW staff or requires the County to fund a position after the funding runs out, the County Manager and Legislature must approve.
What level of assistance does the applicant need from DGA in handling the funding application?	DGA will provide all or any of the following assistance as requested by the applicant: <ul style="list-style-type: none"> • Coordinate preparation of the application (track progress and internal deadlines, obtain signatures, support letters, etc.); • Facilitate collaboration between Departments, towns, villages, agencies, organizations, etc.; • Review the grant and provide a final edit; • Prepare grant packaging; • Write the grant narrative, documentation, etc. • None – review and approve only.

**CONSIDERATIONS FOR DEPARTMENTS BEFORE REQUESTING
A FUNDING APPLICATION**

- Whether the funding will be used for establishing a new position – *Exception: If there is a means to sustain the position OR if approved by the County Manager/County Legislature;*
- Whether the funding source/program requires a cash match;
- Whether the Department has the capacity to effectively administer the funding –*e.g., its Staff is over-extended with respect to in-kind contributions on previously awarded funding;*

- Whether the Department has the means to satisfy any matching or other program requirements;
- Whether the costs to administer the funding exceed the anticipated award amount;
- Whether the funding source Request for Proposal (*RFP*) directions have been followed;
- Whether the funding program deadline is practical to meet;
- Whether the proposed submission matches the funding source's interest;
- Whether a funding proposal is based on beliefs and assumptions and not based on facts; and
- Whether a funding proposal is focused on or benefits the residents and businesses of the County or is connected to one of the many developed County plans.

VII. LEGISLATIVE RESOLUTIONS

The County's Legislative office should be consulted as to when a Legislative resolution is required.

- Legislative Resolutions are required prior to applying for and/or accepting discretionary or private foundation funding;
- Legislative Resolutions are not required in order to submit an application for an allocation, legislative member item or entitlement; *and*
- Legislative Resolutions must be approved by the County Legislature in order to accept any funding award and authorize the execution of the award agreement by the appropriate party (*either the County Manager or Legislative Chairman*) as required by the funding source.

In accordance with Resolution No.: 150-13, a "Combined Legislative Memorandum, Certificate of Availability of Funds, and Resolution Cover Memo" is used for all grant resolutions (See **Appendix C**). The new form also is available on the Sullivan County Portal as a fill-in PDF. Please read the directions carefully, and should you have any questions please contact the County Manager's Office at (845) 807-0450.

Additional information is required for resolutions seeking approval for execution of a contract. Contracts must also be approved by the following Departments prior to submission of a resolution:

- Director of Purchasing;
- Office of Management & Budget;
- Law Department; and
- County Manager

Additional approvals may be required by the Legislature as needed. Resolutions to approve execution of contracts will not be considered by the Legislature until all required pre-legislative approvals have been secured. All resolutions requiring expenditure of funds must receive a verification signature from the Budget Office prior to consideration by the Legislature.

RESOLUTIONS MUST BE FILED WITH THE SULLIVAN COUNTY MANAGER'S OFFICE NO LESS THAN TWO WEEKS PRIOR TO THE APPROPRIATE LEGISLATIVE COMMITTEE MEETING.

VIII. REGULATORY REQUIREMENTS AND COMPLIANCE

A Department that has secured funding via Federal, State or Private Foundation funding sources is expected to comply with, and adhere to, the specific regulatory requirements that apply to the funding award.

Specific to funding secured from a Federal agency recipients are expected to comply with the Code of Federal Regulations (*CFR*). The *CFR* is the codification of the general and permanent rules published in the Federal Register by the executive Departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the *CFR* is updated once each calendar year and is issued on a quarterly basis.

- Titles 1-16 are updated as of January 1st
- Titles 17-27 are updated as of April 1st
- Titles 28-41 are updated as of July 1st
- Titles 42-50 are updated as of October 1st

Each title is divided into chapters, which usually bear the name of the issuing agency. Each chapter is further subdivided into parts that cover specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations in the *CFR* are provided at the section level. A list of agencies and where they appear in the *CFR* may be found in **Appendix C** of the U.S. Government Manual.

On December 26, 2013, the Office of Management and Budget (OMB) released its final “Uniform Administrative Requirements, Cost Principles, and Audit Requirements on Federal Awards.” This guidance is applicable to grants and cooperative agreements and represents a comprehensive consolidation and revision of OMB Circulars currently governing Federal awards to non-Federal entities.

On July 14, 2015, OMB released its “2015 Compliance Supplement”, which is applicable for audits of fiscal years beginning after June 30, 2014. It contains a number of changes that affect local governments that receive federal funding or grants. In addition, the title of the compliance supplement was changed to remove reference to OMB Circular A-133 and reflect OMB’s new Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The full list of changes for 2015 is available in Appendix V of the compliance supplement.

The entire ECFR is available by clicking here: <http://162.140.57.127/cgi-bin/ECFR?page=browse>.

More detailed information on the Code of Federal Regulations can be accessed via the following web-link: <http://www.gpoaccess.gov/cfr/index.html>

The DGA works with the respective Department staff and the County Attorney’s Office to identify, review and deem acceptable Federal and/or New York State (*funding source agency specific*) regulations, as well as the regulations of Private Foundations. Specific regulations are normally identified within the funding sources Notice of Funding Availability (*NOFA*), Request for Proposal (*RFP*), Request for Application (*RFA*), and Sample Award Agreement.

Each Department head has the responsibility to ensure that grant projects/programs are implemented according to the terms, conditions and regulatory requirements of each grant award, as identified within the respective funding source award agreement and/or Notice of Funding Availability (*NOFA*), Request for Proposal (*RFP*), Request for Application (*RFA*), and Sample Award Agreement (*if available*).

The DGA will work with the grant person for the respective Department to identify, review and confirm the County's acceptance of the regulatory requirements. Once the DGA and Department grant liaison have identified all the applicable regulatory requirements, a meeting will be set-up with the County Attorney's Office to further the regulatory review, and ensure the County's acceptance of same; said action to be taken prior to the submission of the funding proposal application.

IX. PROCUREMENT POLICY

As authorized by Resolution #333-09 under the Government Services/County Legislative Committee of the County Government, the County adopted a revised Procurement Policy. A Department that has secured funding, and proposes to use the funding for the purchase of goods and/or services, must adhere to the County Procurement Policy.

The Department securing the funding must also adhere to and comply with the specific procurement regulations or requirements as required by the funding source and contained within the respective award agreement. The specific procurement regulations and requirements of the funder are identified at the time of the regulatory review, which is conducted by the Department that has secured the funding, by Purchasing / Central Services, by the DGA and by the County Attorney's Office.

Effective April 18, 2012, all requisitions requests for bids, RFP's and quotes which utilize grant funds or federal monies, must clearly state the grant or federal agency that will be funding the product or service. Also, all specific procurement information, including any special requirements, must be submitted with each request.

It is incumbent upon each Department to provide any unique or special requirements to Purchasing upon submission of any request described above. Should you have any procurement related questions or concerns, please feel free to contact Kathy Jones, Director of Purchasing and Central Services (845) 807-0515.

X. REPORTING REQUIREMENTS

Reporting requirements vary by funding source and the type of funding secured. Those Departments who have secured funding through Federal, State or Private Foundation sources are responsible for adhering to the reporting requirements as required by the specific funding source. This applies to any funding secured.

The responsibility of reporting accurate program data and information and ensuring adherence to reporting requirements is the responsibility of the Department in charge of the grant. The responsible Department must complete reporting (*whether monthly, bi-monthly, quarterly, semi-annual, annual or progress*) and submit it on a timely basis to the specific funding source, as stated in the executed award agreement / contract. Adhering to these reporting requirements is an important part of the overall effort to ensure that the County continues to realize a successful audit of its financial statements.

The DGA assists with any questions about funding source reporting requirements and lends technical assistance to help complete reporting forms.

DGA Grant Concept Approval Form

The Division of Management and Budget must acknowledge all funding sources (which includes discretionary and private foundation [competitive], formula allocations, legislative member items and entitlements) in concept prior to an application submission. This form must be submitted directly to the Department of Grants Administration within OMB, and subsequently approved by the County Manager.

Date Form is Submitted: _____ Grant Deadline: _____
Type of Funding: _____ Discretionary/Private _____ Foundation _____
Allocation, Legislative Member Item or Entitlement

Type of Grant Submission: Hard Copy e-File _____ (Name) Other: _____
CFDA # (if applicable): _____ American Recovery & Reinvestment Act _____ (ARRA) Funding

Yes No

DUNS #: _____

Contact Person/Title and Department Name: _____

Grant Title and Granting Agency/Organization: _____

Amount Requested: _____ Term of the Grant: _____ to _____
Start End

How will this grant benefit the Division/Department? _____

Matching Funds:

1. Will a CASH Match be required for the grant? Yes No *If yes, specify amount and how the match will be met.*

2. Explain other match requirements and County obligations of the grant (staff time, space, technology, equipment, etc.).

3. Does the grant involve the acquisition of technology? (E.g., software, hardware, etc.) Yes No

Personnel:

4. Does this grant create new county government positions? Yes No
If Yes, justify the hiring of a new staff vs. sub-contracting a service or explain if existing staff can be utilized: _____

County Obligations:

5. Is the county required to initially use county funds in order to be reimbursed by the grant? Yes No

If Yes, please explain the timeframe for advance funding and reimbursement: _____

6. What is the plan for after the grant expires?

- A. The program/project will be discontinued and all grant funded positions terminated? Yes No
- B. *If no, please describe alternatives:* _____

7. Will there be any ongoing impact on county budgets after the grant expires? Yes No *If yes, please describe:*

8. What will happen with the equipment and/or assets purchased with grant funds after the grant expires?

- Owned by and available to the county County-owned and used by the Department

Other: _____
Grant Assistance: (Requests are reviewed and will receive assistance, if available, in order of priority set by the County Manager)

9. What assistance will you need to submit this application?

- None – review and approval only
- Coordinate application (track progress and internal deadlines, obtain signatures, support letters, etc.)
- Facilitate collaboration between Departments, towns, villages, agencies, organization, etc.
- Grant Review and Final Edit
- Grant Packaging
- Grant narrative, documentation and financial analysis

DGA Summary Sheet

Date Submitted: _____ Date Received: _____

Name: _____
(Division or Department)

Address: _____

Commissioner: _____ Department Head: _____

Staff Liaison/Project Manager: _____
(Person to be contacted) (Telephone) (Fax)

Project/Program Title: _____

Funding source: Federal State Private Block Grant
 Formula Allocation Other *(please explain)* _____

Name of Funding source AND Grant Program: _____

Is the Grant Reimbursable: Yes No

Grant Application Due Date: _____ Funding Request: \$ _____

Committee Name and Meeting Date: _____

Date Resolution to be Adopted: _____

Provide a brief summary of eligible uses of grant funds: _____

Summary Description of Project/Program Goals: _____

Summarize Project or Program Need (who will benefit, population served, etc.): _____

How is the proposed project/program consistent with the Sullivan 2020 Comprehensive Plan, Integrated County Plan, Rural Economic Area Partnership (REAP) and/or other county-wide strategic plan? _____

Capacity:

Please describe the availability of existing, qualified staff that has the technical expertise and time to implement the proposed project/program. _____

Will additional staff need to be hired to accomplish the goals of the project/program? Yes

No

If yes, please describe what impact that has on the County, Division and Department. Please include details on budget, length of employment, physical placement of staff, infrastructure needs (telephone, fax, copier, computer, printer, vehicle, etc.) records retention requirements and impact on other staff workload and supervisory capacity.

Please describe the project/program impact on other County Offices, including, but not limited to County Attorney, County Treasurer, Audit, Personnel, OMB, DPW, MIS and Risk Management: _____

Have other partners and/or collaborating agencies been identified? Yes

No

If yes, please describe: _____

Do the proposed partner(s) and/or collaborating agency(ies) have the capacity (staff, budget, recordkeeping, etc.) to accomplish the goals of the project/program within the allocated timeframe of the grant?

If yes, please explain: _____

Budget, Reporting, Timeframes & Obligations:

What are the budget implications for application of the grant? _____

Has a Capital Budget Request Form been completed? Yes No (If yes, please attach.)

1. Are there any match requirements? (i.e., Cash, in-kind, donation/volunteer, forced account, etc.)

Yes No Amount \$ _____

If yes, please answer the following:

A. Type of match?

Cash - funds available and allocated specifically for a project/program

In-kind - non-cash assistance offered through goods, services, equipment, space, and/or technical assistance that is a budget component of delivering the project/program

Donation/Volunteer – services or goods provided to a project/program that are not considered a component of the budget

Forced Account – the term used to define labor performed and equipment owned by the applicant. What is the dollar amount for each type of match? If in-kind match is used, how much staff time has been allocated for the project/program? How much staff time has been allocated and dedicated toward other projects/programs with match requirements?

Cash \$ _____ In-kind \$ _____ Donation \$ _____

Volunteer \$ _____ Forced Account \$ _____

B. How was the match calculated? (e.g., Are salaries being calculated hourly, are they being tracked, are the fringe and indirect costs associated with salary included, etc.?) _____

C. How does the project/program budget affect the Department, division and county budget?

- i. Are the funds reimbursed to the applicant?
 Yes No
- ii. What is the timeframe for reimbursement? _____

- iii. Who is responsible to track the funding? _____

- iv. What are the documentation requirements to request and receive funding? _____

- v. Does the project/program require separate bank Accounts?

- vi. Which OMB Circular(s) is relevant to the grant funds?
 A-87 A-102 A-110 A-122
 A-133

Estimated Project/Program Costs	2016	2017	2018	2019	2020	2021
---------------------------------	------	------	------	------	------	------

- vii. What are the insurance requirements of the grant? _____

- viii. Has Risk Management been consulted?
 Yes No
- ix. Are there additional costs related to the insurance requirements? Yes No
- x. May grant funds be used to cover this potential cost?
 Yes No

County Obligation						
Funding source: _____ _____						
Funding source: _____ _____						
Funding source: _____ _____						
Funding source: _____ _____						
Total Cost						

List All Sources & Status of Other Funding:

1. _____
 Committed Letter of Support Letter of Interest Other: please explain
2. _____
 Committed Letter of Support Letter of Interest Other: please explain
3. _____
 Committed Letter of Support Letter of Interest Other: please explain

Reporting requirements and time commitments?

1. Does the funding source require monthly, quarterly, bi-annual and/or annual reports? _____
2. Who is responsible for completing, authorizing and submitting the reporting documents? _____
3. What is the contract period for the grant? _____

Milestone	Month 1	Month 2	Month 3	Month 4	Month 5	Months 6-12	Post Grant
Grant Concept / Summary Forms							
Committee Meeting & Resolution							
Grant packaging and submission							
Award							
Contract Execution							
Project/Program Period							
Closeout							
Monitoring							

The number of months is for example and illustration only and will not be appropriate for every grant submission. This is a tool to be used in the design for each grant project/program.

4. What is the mechanism for grant extensions if needed? _____

5. What affect do grant extensions have on future grant opportunities from the grantor? _____

6. What are the requirements prior to submission, post award, closeout, etc.? _____

Citizen Participation & Public Hearing Requirements:

1. Advertisement requirements, agency notification, newspapers: _____

2. If public comment is heard, what are the requirements? _____

Combined Legislative Memorandum, Certificate of Availability of Funds, and Resolution Cover Letter

INSTRUCTIONS

FOR ALL RESOLUTIONS:

1. Include the name and title of the individual that is requesting the resolution, as well as their Department.
2. Provide the title of the resolution in the "Re:" line.
3. The date provided should be the date that the requestor fills out the form.
4. Purpose of Resolution: State the intent of the resolution, what it will accomplish, and a justification for approval.
5. State whether the subject of the resolution is mandated; if yes, cite the source of the mandate, describe the minimum requirements of the mandate, and how the resolution satisfies these requirements in your explanation.
6. If the resolution requires the expenditure of funds, you must:
 - a. Provide the amount to be authorized;
 - b. State whether or not the funds are already budgeted;
 - c. If funds are budgeted, provide the appropriation code;
 - d. If funds are not budgeted, you must specify a proposed source of funds;
 - e. You must provide an estimated breakdown of expenditures by funding source; and
 - f. You must obtain verification from the Budget Office.
7. Specify whether or not the resolution requests authority to enter into a contract:
 - a. If no, the form is complete and you may submit it with the resolution for consideration.
 - b. If yes, you must provide the information requested on page 2 of the form.
8. Obtain all required pre-legislative approvals on page 3 prior to submitting the resolution to committee for consideration.

FOR CONTRACTS:

1. Provide the name and address of the entity that your Department is seeking a contract with.
2. Choose the nature of the subject entity from the drop down list (i.e.: individual, not-for-profit, etc.). If an adequate description is not available please provide your own description under "Other."
3. State the beginning and end dates for the proposed contract (mm/dd/yyyy).
4. Indicate whether or not this is a renewal of a prior contract. If yes, please provide:
 - a. Beginning and end dates for the prior contract (mm/dd/yyyy);
 - b. Amount authorized by the prior contract; and
 - c. The resolution number(s) authorizing the prior contract.
5. State whether the contract includes options for renewal and what those options are.
6. If the contract is mandated, cite the mandate source and describe how the contract satisfies the requirements of the mandate.
7. Provide justification for contracts providing for non-mandated goods and services.
8. Provide the total cost of the contract, or the "not to exceed" amount.
9. Describe all efforts made by your Department to find a less costly alternative to the proposed contract.
10. Describe all efforts made by your Department to find cost sharing opportunities for the proposed contract.
11. Specify the method utilized to comply with procurement requirements, such as a bid, RFP, quote, etc.
12. Identify the individual responsible for monitoring the contract by position title and number

Form Begins on the Next Page

**COMBINED: LEGISLATIVE MEMORANDUM, CERTIFICATE OF
AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature
From:
Re: Request for Consideration of a Resolution:
Date:

1. Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

2. Is subject of Resolution mandated? Explain:

3. Does Resolution require expenditure of funds? Yes ___ No ___

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ _____

Are funds already budgeted? Yes ___ No ___

If "Yes" specify appropriation code(s): _____

If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source: _____

County: \$ _____

State: \$ _____

Federal Government: \$ _____

Grant(s): \$ _____

Other: \$ _____

(Specify) _____

Verified by Budget Office: _____

4. Does Resolution request Authority to Enter into a Contract? Yes ___ No ___

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

5. Request for Authority to Enter into Contract with [_____] of [_____]

6. Description of Other Party to Contract:

7. Term of Contract: From _____ To _____

8. Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any: _____

9. Are the Goods/Services of the Contract Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [e.g., County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

10. Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost):

11. Efforts made to find Less Costly alternative:

12. Efforts made to share costs with another agency or governmental entity:

13. Specify Compliance with Procurement Procedures (i.e., Bid, Request for Proposal, Quote, etc.):

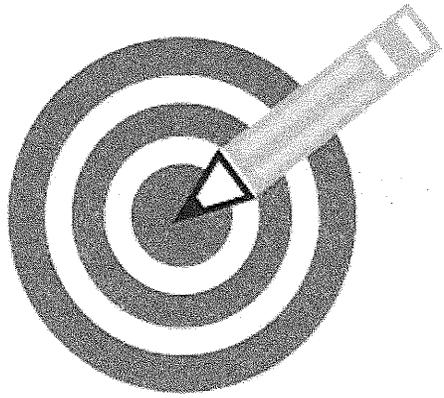
14. Person(s) responsible for monitoring contract (Title):

15. Pre-Legislative Approvals:

Title	Signature	Date
Director of Purchasing		
Management and Budget		
County Attorney's Office		
County Manager		
Other (as required): _____		

16. Vetted in _____ on _____
Name of Committee Date

Grants Administration Manual – Appendix D-1



Preparing a Winning Grant Proposal

PREPARING A STANDARD GRANT PROPOSAL

A standard grant proposal should include these sections:

- Summary
- Introduction to the Applicant Organization
- Problem or Needs Statement
- Objective
- Method
- Evaluation Plan
- Future Funding
- Budget

Summary

- Keep it short. If proposal is single spaced, make it a ½ page; if double spaced, make it a full page;
- Include all elements of the proposal;
- Keep it interesting and deal with most compelling issue first; and
- Include what you're asking for within the summary.

Introduction to the Applicant Organization

- Address the organization's credibility and history.
- Rise above the competition.

The reviewer will expect to see the following information about your organization:

- Mission Statement or Goal
- How long in operation
- Performance history aka your track record
- Other funding sources currently being utilized by the applicant organization
- The number of clients served
- The number of clients that will benefit from this project
- Accreditations
- Uniqueness

Problem, Objective & Method

Problem –

- State why the organization is concerned about the problem identified;
- Address the - who, how many, where and what issues;
- Use research based data to make the case for what is causing the problem;
- Discuss what will happen if your organization does not act to address the problem ;
- Support the existence of the problem with statistics, quotes and analysis; and

Objective-

- Include information about what changes you want to see;
- The objectives should state who or what will be changed, in what direction, by how much and in what time frame;
- The objectives should be measurable, specific, achievable, time specific and relevant;
- There are three types of objectives:
 - 1) Proven Process – *already works- want to do more of it.*
 - 2) Outcome – *measuring the change in the incidence of problem.*
 - 3) Indicator- *measuring signs that the incidence of the problem is likely to decline (research-based).*
- You may have more than one objective for a single problem;
- Conduct a trial run of your objective to see what your results would be.

Method-

- Address the processes you will be using to meet the objectives;
- Clearly state who will do what and when;
- Address other options considered and make sure that your methods for meeting the objective are research based;
- Chart out your methods. Chart format could consist of the activity, timeframe, person / party responsible for carrying out the method, identification of the partners, where the method will be carried out and the costs involved;
- Organize your methods - chronologically, by target group, thematically, geographically and /or by objective; and
- Be specific about why the work will be done in a specific way, what challenges you expect and your strategy for dealing with those challenges.

Evaluation Plan

- It will help to ensure you are meeting the proposed program objectives; and
- It should be developed using research-based, proven plans of evaluation. Increasingly, funders want to see that you are making good use of the funds provided and that you are paying attention to future program development needs.

Future Funding

- What funds will you use to continue the program after the grant ends? Funders are interested in funding programs that show longevity;
- Who else is contributing to the project or program?

Budget

- The total budget for the project is made up of the amount of money requested and the amount being used from other sources;
- Include all line items and budget realistically;
- Refrain from rounding off to the nearest \$10, K and do not include cents in your figures;
- Involve fiscal staff in the budget process;
- Do not include a budget line item for Miscellaneous; and
- When drafting the budget justification, explain in brief how the calculations were arrived at. You can use bullet style in the budget justification.

Additional Points About How To Develop a Problem / Needs Statement

The Problem / Needs Statement delineate the problem within the community to be addressed. Data is provided to substantiate the need and a human interest story can be included to make the issue more personal.

The statement is used to educate the funder about the community problem or need the organization seeks to address. The statement will enable a reviewer to learn more about the issues by its presentation of the facts and of the evidence that supports the need for the project. This section of the grant proposal also establishes that the applicant understands the problem / need and therefore will be able to appropriately address it. The information used to support the case can come from authorities in the field, as well as from your own experience. The statement of need should be succinct, yet persuasive.

The Function & Importance of the Problem / Need Statement

The function of the statement is to discuss the problem/need in a way that makes the funder want to help with it.

- **Problem:** a community or external constituency need;
- **Action:** what your organization proposes to do to address the problem; and
- **Solution:** the positive outcome that results from the action effecting change on the problem;
- **Problem + Action = Solution;**

The statement demonstrates to the funder that there is a problem /need that is important and urgent. This statement must relate both to your organization's mission statement and to the funder's priorities.

Problem / Need Statement Should Include the Following Information:

- Description of the problem /need: What is the problem / need? Who? What? Where? When? Why?

- Recognition of the problem / need: Why is it a problem /need? Who else sees it as a problem /need? What are the views of community stakeholders about this problem / need? ;
- Need for resolution of the problem /need: What will happen to the population served and to the community if the problem / need is not resolved? Is there a cost to society? ;
- Hurdles that need to be overcome before the problem /need is solved: Clearly identify the challenges involved in addressing the problem /need. Describe the gap between what exists now and what ought to be. What has prevented resolution of the problem /need?
- Urgency required to address problem / need: Why does it need to be addressed now? What is currently being done about the problem /need? ;
- Human interest story: Provide a real example of how the problem is affecting someone's life and how the proposed program will impact his/her life. Make it real.

Pitfalls to Avoid in Developing a Problem Statement

- Leaving out information asked for in the Request for Proposal (RFP)
- Proposing a project that is outside the scope of the RFP
- Using outdated or unsubstantiated information
- Providing insufficient data or too much statistical information
- Including unfamiliar concepts or terms
- Long, convoluted sentences.

General Tips for Writing A Grant Application

Use strong words that make your proposal lively and stand out from others. A good source for examples of creative wording is the book *Spunk and Bite*. Examples of weighty words:

- Innovative, ground-breaking, pioneering instead of new
- Impoverished, poverty-stricken, needy instead of poor

Make the language tight—pare down and condense — more is not necessarily better, especially if there are page limits!

The bottom line is that in order to develop a program that will be funded; the program must seek to solve the problem or address the need that both your organization and the funder are interested in and the project must generate results that are measurable.

Give the reviewer hope. The picture you paint should not be so grim that the solution appears hopeless. If you do that, the funder will wonder whether an investment in your solution would be worthwhile. Here's an example of a solid statement of need that is hopeful: *"Breast cancer kills. But statistics prove that regular check-ups catch most breast cancer in the early stages, reducing the likelihood of death. Hence, a program to encourage preventive check-ups will reduce the risk of death due to breast cancer."*

Decide whether you can demonstrate that your project / program addresses the need differently or better than others that preceded it. It is often difficult to describe the need for your project / program without being critical of the competition. Being critical of others will not be well received by the funder. It may cause the funder to look more carefully at your own project / program to see why you felt you had to build your case by demeaning others. The funder may have invested in these other projects or may begin to consider them, now that you have brought them to the funder's attention. If possible, you should make it clear that you are cognizant of, and on good terms with, others doing work in your field.

Avoid circular reasoning. When you use circular reasoning, you would typically present the absence of your solution as the actual problem. Then your solution is offered as the way to solve the problem. For example, the circular reasoning for building a community swimming pool might go like this: *"The problem is that we have no pool in our community. Building a pool will solve the problem."* A more persuasive case would show what a pool has meant to a neighboring community, permitting it to offer recreation, exercise, and physical therapy programs. The statement might refer to a survey that underscores the target audience's planned usage of the facility and conclude with the connection between the proposed usage and potential benefits to enhance life in the community.

Using Data and Statistics

The role of data and statistics is to back up the issue that you are addressing, by utilizing reliable information sources. The data you use should be as current as possible and it should be unbiased. In order to make sure that you are using unbiased data, you need to be aware of who did the research and who funded it. In addition, use authoritative data that is considered reputable by others. Data functions to describe, compare, trend, predict and explain.

Decide which facts or statistics best support the project. Be sure the data you present is accurate. There are few things more embarrassing than to have the funder tell you that your information is out of date or incorrect. Information that is too generic or broad will not help you develop a winning argument for your project. Similarly, using information that does not relate to your organization or to the project you are presenting will cause the funder to question the entire proposal.

Data Searches and Useful Web Sites for Accessing Data / Statistics

Demographic information clearinghouses, federal agencies, state agencies, foundations and other nonprofits, databases, scholarly journals and articles, and industry publications are key resources for gathering statistics and data.

US Census Website

www.census.gov

Of particular interest is information about Sullivan County and its communities that is available through the US Census web site. A good starting point is to go to Sullivan County QuickFacts at <http://quickfacts.census.gov/qfd/states/36/36105.html>. You can also find a Fact Sheet for the city/town name or zip code that you are focusing on. The Fact Sheet will provide information such as population, median household income, number of individuals speaking languages other than English at home, poverty levels, etc. National comparisons are also available on the Fact Sheet. You can print a Fact Sheet out for New York which will allow you to compare your community to the state as a whole.

American Fact Finder

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

This is another handy tool to provide you with statistics. The data is compiled from several censuses and from a number of separate surveys such as the American Community Survey and the American Housing Survey. You can obtain data at the state, county, municipality, town, zip code, census tract, and block group level. Reference maps are available so you can pinpoint the exact locations for which you need data. Information can be downloaded into Excel files.

FedStats & Federal Agency Websites www.fedstats.gov

Search by keyword or topic and this site will link you to federal agencies who maintain those statistics. Search by location and you will pull up a fact sheet for that location (*also available on the Census website*). You can also search by agency. Many federal agencies maintain a lot of research information online.

A few examples include:

- Bureau of Labor Statistics: www.bls.gov. This is often fastest way to find information at the national, state, or local level is (*click on —Local Unemployment Rates on the right and scroll down to find NY information*);
- USDA Economic Research Service: www.ers.usda.gov (*Try —Publications or —Data Sources*);
- Department of Health & Human Services: www.hhs.gov/reference/;
- HHS Reference Collection: <http://datacenter.kidscount.org/>; and
- Administration for Children and Families: www.acf.hhs.gov

NYS Agency Websites

Websites from various agencies in New York State offer a wealth of information. See for example, the NYS Department of Health's web site to access details about Sullivan County's health status. <http://www.health.ny.gov/statistics/>

Another example is the NYS Office for the Aging web site which also provides data about both the State and County aging population. <http://www.aging.ny.gov/ReportsAndData/Index.cfm>

For assistance in locating other NYS Agency data / statistics – please feel free to contact DGA.

Demographics Now www.freedemographics.com

This is a free information service. Basic demographic data including income and employment statistics can be found on the website. You can search by the entire US, State, County, Census Tract, Block Group, US Places, ZIP Codes, etc. Information can be downloaded.

RESOLUTION NO. 353-16 INTRODUCED BY PERSONNEL COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A NEGOTIATED

**SUBSTANCE ABUSE TESTING POLICY AND PROCEDURE AS AN
ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE COUNTY OF SULLIVAN, THE SULLIVAN COUNTY SHERIFF AND
SULLIVAN COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION.**

WHEREAS, the County of Sullivan ("County") and the Sullivan County Sheriff ("Sheriff") have negotiated a Collective Bargaining Agreement ("CBA") with the Sullivan County Patrolmen's Benevolent Association ("PBA") for the term ending on December 31, 2017; and

WHEREAS, there was a need to negotiate an updated Substance Abuse Testing Policy and Procedure for members of that bargaining unit employed in the Sullivan County Sheriff's Office; and

WHEREAS, negotiations conducted pursuant to the provisions of Article 14 of the New York State Civil Service Law (Public Employees Fair Employment Act) have resulted in a new Substance Abuse Testing Policy and Procedure which shall become Attachment "C" to the aforementioned CBA.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute the aforementioned Substance Abuse Testing Policy and Procedure which shall be attached to the current Collective Bargaining Agreement between the County of Sullivan, the Sullivan County Sheriff and the Sullivan County Patrolmen's Benevolent Association as Attachment "C" thereto and made a part thereof.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

**RESOLUTION NO. 354-16 INTRODUCED BY PUBLIC WORKS COMMITTEE
TO AUTHORIZE THE COUNTY OF SULLIVAN TO FILE APPLICATIONS
FOR BRIDGE NY FUNDING AVAILABLE THROUGH THE NEW YORK
STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO FUND THE
REPLACEMENT OF BRIDGE 192/BIN 3357070.**

WHEREAS, the New York State Department of Transportation has funding available through the BRIDGE NY program; and

WHEREAS, the BRIDGE NY funding program can provide 95% funding of the eligible costs for engineering and construction services necessary for the replacement of bridges; and

WHEREAS, approximately \$3.8 million dollars in funding is needed to expedite work needed for the replacement of Bridge 192/BIN 3357070.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature Authorizes the County of Sullivan to apply for BRIDGE NY program funding for the replacement of Bridge 192; and

BE IT FURTHER RESOLVED, that the form of any funding agreements be approved by the County Attorney and that further authorization be obtained from the County Legislature for authorizing the County Manager to execute agreements for BRIDGE NY funding.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

**RESOLUTION NO. 355-16 INTRODUCED BY PUBLIC WORKS
COMMITTEE TO AUTHORIZE THE COUNTY OF SULLIVAN TO FILE
APPLICATIONS FOR BRIDGE NY FUNDING AVAILABLE THROUGH THE**

NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO FUND THE REPLACEMENT OF BRIDGE 301/BIN 3355870.

WHEREAS, the New York State Department of Transportation has funding available through the BRIDGE NY program; and

WHEREAS, the BRIDGE NY funding program can provide 95% funding of the eligible costs for engineering and construction services necessary for the replacement of bridges; and

WHEREAS, approximately \$3.6 million dollars in funding is needed to expedite work needed for the replacement of Bridge 301/BIN 3355870.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature Authorizes the County of Sullivan to apply for BRIDGE NY program funding for the replacement of Bridge 301; and

BE IT FURTHER RESOLVED, that the form of any funding agreements be approved by the County Attorney and that further authorization be obtained from the County Legislature for authorizing the County Manager to execute agreements for BRIDGE NY funding.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 356-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO AMEND RESOLUTION NO. 133-16 WITH THOMSON REUTERS.

WHEREAS, the County of Sullivan entered into a 3-year agreement on March 29, 2016 with Thomson Reuters for their WestlawNEXT online research product, an internet-based search engine created to provide extensive legal research to attorneys in various areas including Federal and New York State statutory and case law; and

WHEREAS, the contracted modules allow for research in limited law categories and users are allowed, if and as necessary, to research case law outside of the base module plan agreement incurring ancillary usage charges above the based contracted amount.

NOW, THEREFORE, BE IT RESOLVED, that the County Audit Department is hereby authorized to pay the ancillary monthly charges retroactive to the beginning of the agreement and when they occur for the remaining term of the 3-year agreement with Thomson/West not to exceed three hundred dollars (\$300.00) monthly.

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 357-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO AMEND RESOLUTION NO. 9-16 TO ENTER INTO AUTHORIZE AN AGREEMENT WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES AND MODIFICATION AGREEMENTS WITH SULLIVAN LEGAL AID PANEL, INC. AND SULLIVAN COUNTY CONFLICT LEGAL AID SOCIETY, INC.

WHEREAS, Resolution No. 9-16 allowed the County of Sullivan to execute an agreement and any other documents necessary to acquire the funding from New York State Office of Indigent Legal Services (“NYSOILS”) and execute Modification Agreements with Legal Aid Panel and Conflict Legal Aid and/or any other appropriate entity that contracts with the County of Sullivan; and

WHEREAS, in the, BE IT FURTHER RESOLVED, the total amount of the Modification Agreements were incorrect and need to be corrected; and

WHEREAS, the BE IT FURTHER RESOLVED, should read “...to execute Modification Agreements with Legal Aid Panel for an amount not to exceed \$49,814 per year for a 3 year period, and Conflict Legal Aid for an amount not to exceed \$31,185 per year for a 3 year period.....”.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 9-16 is now amended to read, BE IT FURTHER RESOLVED, “...to execute Modification Agreements with Legal Aid Panel for an amount not to exceed \$49,814 per year for a 3 year period, and Conflict Legal Aid for an amount not to exceed \$31,185 per year for a 3 year period.....”; and

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 358-16 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE TO AUTHORIZE THE PREPARATION AND SUBMISSION OF A NEW YORK STATE DEPARTMENT OF LABOR APPLICATION TO FUND THE DEVELOPMENT OF A REGIONAL HOSPITALITY SECTOR PARTNERSHIP.

WHEREAS, the United States Department of Labor (USDOL) awarded New York State Department of Labor (NYSDOL) funding available under the Sector Partnership National Emergency Grant (SP-NEG) to provide employment-related services specifically for dislocated workers in industries with strong labor; and

WHEREAS, the NYSDOL award is intended to increase the capacity in NYS’ ability to implement new or expand existing local and regional sector based workforce development partnerships; and

WHEREAS, the planned Montreign/Adalaar resorts project and additional Mid-Hudson regional economic development growth in the hospitality sector significantly increases the demand for a skilled workforce that will include workers from Sullivan County and the entire region; and

WHEREAS, NYSDOL is seeking funding proposals for PY2016; and

WHEREAS, the Center for Workforce Development, in collaboration with the Partnership for Economic Development, has created a local workforce partners group to address the workforce needs of the hospitality industry; and

WHEREAS, the Center for Workforce Development, in collaboration with the Partnership for Economic Development, is prepared to move towards the creation of a Mid-Hudson regional hospitality sector partnership.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager and / or the Chairman of the County Legislature

(as required by the funding source award agreement) to execute any and all necessary documents to prepare and submit an application under the NYSDOL SP-NEG Program for funding, to accept the award, and enter into an award agreement or contract to administer the funding secured, all such documents to be in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that if funding is made available, the Center for Workforce Development shall administer the funds and the grant program with technical support from the Department of Grants Administration; and

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

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 360-16 INTRODUCED BY PERSONNEL COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH TEAMSTERS LOCAL 445, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

WHEREAS, the County of Sullivan (“County”) and Teamsters Local 445, International Brotherhood of Teamsters (“Teamsters” or “Union”), are parties to a Collective Bargaining Agreement (“Agreement”) for the term January 1, 2013 through December 31, 2017; and

WHEREAS, the implementation of the County’s new travel policies and procedures, in conformance with IRS Regulations, has had unintended consequences for the drivers involved with the Meals on Wheels Program through the Office of the Aging; and

WHEREAS, this County is committed to ensuring that the Meals on Wheels program continues so that homebound seniors continue to receive these necessary services; and

WHEREAS, the County and Union have agreed to offer a stipend to those County employees who regularly use their own vehicles in the delivery of these services as follows:

Individuals employed in the title of Chauffeur RPT or Chauffeur/Floater in the Office of the Aging or Senior Community Services Employment Program Worker in the Center for Workforce Development Office, who are regularly driving for the Meals on Wheels Program as a function of their regular job duties, shall receive a stipend of \$300 per month, which stipend shall not be added to their base salary. The effective date for this stipend is May 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute the Memorandum of Agreement with the Teamsters Local 445, International Brotherhood of Teamsters, attached hereto as Schedule “A”.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

“Schedule A”

MEMORANDUM OF AGREEMENT

By and between

The County of Sullivan

And

Teamsters Local 445,

International Brotherhood of Teamsters

WHEREAS, the County of Sullivan (“County”) and Teamsters Local 445, International Brotherhood of Teamsters (“Teamsters” or “Union”), are parties to a Collective Bargaining Agreement (“Agreement”) for the term January 1, 2013 through December 31, 2017; and

WHEREAS, the implementation of the County’s new travel policies and procedures, in conformance with IRS Regulations, has had unintended consequences for the drivers involved with the Meals on Wheels Program through the Office of the Aging; and

WHEREAS, this County is committed to ensuring that the Meals on Wheels program continues so that homebound seniors continue to receive these necessary services; and

WHEREAS, the County and Union have agreed to offer a stipend to those County employees who regularly use their own vehicles in the delivery of these services as follows:

Individuals employed in the title of Chauffeur RPT or Chauffeur/Floater in the Office of the Aging or Senior Community Services Employment Program Worker in the Center for Workforce Development Office, who are regularly driving for the Meals on Wheels Program as a function of their regular job duties, shall receive a stipend of \$300 per month, which stipend shall not be added to their base salary. The effective date for this stipend is May 2016.

Agreed to this ____ August, 2016

For Sullivan County:

For Teamsters:

Joshua Potosek
County Manager
445

Jerry Ebert
Business Agent, Teamsters Local
445

RESOLUTION NO. 361-16 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO ENTER INTO A CONTRACT WITH WALDEN UNIVERSITY TO ALLOW STUDENTS TO PARTICIPATE IN A FIELD EXPERIENCE PROGRAM.

WHEREAS, the County of Sullivan, through the Department of Community Services (DCS) to enter into a contract with Walden University to allow students to intern here under the Field Experience Program; and

WHEREAS, such a contract is a yearly contract effective August 1, 2016 to July 31, 2017 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 Walden University for the calendar August 1, 2016 to July 31, 2017 to allow the DCS to participate in the Field Experience Program.

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. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 362-16 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE AWARD AND EXECUTION OF CONTRACT

WHEREAS, a proposal was received for Supervising Social Worker Services for the Department of Community Services; and

WHEREAS, the vendor, listed below, will provide said services from August 1, 2016 through July 31, 2017, with an option to extend, on a yearly basis, for three (3) additional years, under the same terms and conditions; and

WHEREAS, the Sullivan County Department of Community Services has recommended said vendor; and

NOW, THEREFORE, BE IT RESOLVED, the County Manager be and hereby is authorized to execute an Agreement with Raymond Restaino, LCSW-R, CASAC, 1062 South Hill Road, Grahamsville, New York, 12740, in accordance with RFP, R-16-21, at a rate of \$55.00/hour, said agreement to be in such form as the Sullivan County Attorney shall approve.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 363-16 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF A CONTRACT FOR ROOF REPAIR AND ELASTOMERIC MEMBRANE INSTALLATION ON THE SULLIVAN COUNTY COURTHOUSE

WHEREAS, bids were received for Roof Repair and Elastomeric Membrane Installation for Sullivan County Courthouse; and

WHEREAS, Wheat and Sons General Contracting, Inc., 301 Dingle Daisy Road, Monticello, New York 12701, is the lowest responsible bidder; and

WHEREAS, the Sullivan County Division of Public Works has reviewed the proposal and recommends that an agreement be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute an agreement with Wheat and Sons General Contracting, Inc., in accordance with Bid No. B-16-37, for a total amount not to exceed \$120,000.00, includes a GAF Fifteen (15) year Topcoat Diamond Pledge NDL Roof Warranty, said agreement to be in such form as the County Attorney shall approve.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION 364-16 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO ADOPT THE 2016-2017 SULLIVAN COUNTY COMMUNITY COLLEGE BUDGET

WHEREAS, the Sullivan County Community College Board of Trustees has filed its 2016-2017 Operating Budget with the Sullivan County Legislature, and

WHEREAS, the proposed Budget for 2016-2017 has appropriations in the amount of \$17,426,850 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 2016-2017 Operating Budget be approved in the amount of \$17,426,850 and the County's share to be levied and assessed against the taxable real property of Sullivan County on the 2017 tax rolls at \$4,250,000 for the purposes of the Operating Budget and \$50,000 for County Employee Tuition.

Moved by Mrs. Rajsz, seconded by Mr. Perrello, put to a roll call vote, unanimously carried and **declared duly adopted on motion** August 18, 2016.

RESOLUTION NO. 365-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO ENTER INTO AN AGREEMENT FOR THE CONTINUED EMPLOYMENT OF JOSHUA POTOSEK AS THE SULLIVAN COUNTY MANAGER

WHEREAS, in 2013, Joshua Potosek was appointed by the Sullivan County Legislature to the position of Acting County Manager, and

WHEREAS, Mr. Potosek was thereafter appointed as Sullivan County Manager, and was offered a contract of employment for the period January 16, 2014 through December 31, 2016, and

WHEREAS, the current County Legislature has determined to continue Mr. Potosek's employment and directed the County Attorney to negotiate an agreement containing terms and conditions of employment, and

WHEREAS, the Legislature has reviewed and approved the terms and conditions of a proposed Agreement.

NOW THEREFORE BE IT RESOLVED:

1. The Chairman of the Sullivan County Legislature is hereby authorized to execute an Agreement of continued employment with Mr. Potosek.
2. Upon execution of this Agreement, the terms of the current employment contract shall be null and void and Joshua Potosek will continue his employment as County Manager in accordance with the applicable provisions of the Sullivan County Code and the terms of the new Agreement.

Moved by Mrs. Owens, seconded by Mrs. Rajsz, put to a vote, unanimously carried and **declared duly adopted on motion** August 18, 2016.

RESOLUTION NO. 366-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO A NEW AGREEMENT WITH HUDSON BAYLOR BEACON, LLC (FORMERLY KNOWN AS HUDSON BAYLOR CORPORATION), FOR REMOVAL AND RECYCLING OF SINGLE STREAM MATERIAL

WHEREAS, RFP #R-10-24 was issued for Single Stream Recycling Services, and

WHEREAS, the County previously entered into an agreement with Hudson Baylor Corporation for such service, and

WHEREAS, Hudson Baylor Corporation has changed its name to Hudson Baylor Beacon, LLC., dba: ReCommunity Corporation, and the market has changed with regard to the services provided, and

WHEREAS, the County wishes to enter into a new agreement to reflect changes in the market for Single Stream Services, including the need to pay for such services when necessary,

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a new agreement with Hudson Baylor Beacon, LLC, for the period October 18, 2016 through October 17, 2021, said agreement to be in such form as the County Attorney shall approve.

Moved by Mrs. Ward, seconded by Mrs. Rajszyk, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 367-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, a proposal was received for Psychologist Services for the Sullivan County Adult Care Center, and

WHEREAS, Kathleen Linehan, PhD, 273 Chestnut Hill Road, Stone Ridge, New York 12484, will provide services from August 22, 2016 through August 21, 2017. Upon mutual agreement, services may be extended, yearly, for three (3) additional years, and

WHEREAS, the cost of services will be billed directly to third party payors; and,

WHEREAS, the Sullivan County Adult Care Center recommends that an award be made.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Kathleen Linehan, PhD, in accordance with Request for Proposal, R-16-04, and 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, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 368-16 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT WITH GREENE RESOURCE SERVICES, INC. FOR PROFESSIONAL TRAINING SERVICES

WHEREAS, the County of Sullivan, through the Department of Family Services, wishes to provide staff with professional development opportunities through various training programs; and,

WHEREAS, Greene Resource Services, Inc. has qualified, available, and willing staff to provide their services for this purpose; and,

WHEREAS, Greene Resource Services, Inc. in consultation with the Sullivan County Department of Family Services, has agreed to provide these services at an amount not to exceed \$6,000.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to enter into an agreement with Greene Resource Services, Inc. to provide the Department of Family Services with professional training services; and,

BE IT FURTHER RESOLVED, that the agreement will be in an amount not exceed \$6,000; and,

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

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 369-16 INTRODUCED BY EXECUTIVE COMMITTEE TO ALLOW DEPARTMENTS IN THE DIVISION OF HEALTH AND FAMILY SERVICES TO APPLY FOR GRANT FUNDING FROM NEW YORK STATE DEPARTMENT OF HEALTH THROUGH THE HEALTH CARE FACILITY TRANSFORMATION PROGRAM

WHEREAS, The New York State Department of Health (NYSDOH) and the Dormitory Authority of the State of New York (DASNY) has made grant funding through the Health Care Facility Transformation Program (HCFTP) to provide capital funding or funding for non-capital expenses, and

WHEREAS, In the sum of \$195 million, to be distributed to eligible providers including hospitals, nursing homes diagnostic and treatment centers, primary care providers and home care providers , and health, substance abuse and mental health clinics, and

WHEREAS, various departments in the Division of Health and Family Services are qualified to apply, and

WHEREAS, If awarded, contract period will begin on March 1, 2017 and end March 31, 2022, and,

NOW, THEREFORE, BE IT RESOLVED, that the County Legislature hereby authorizes the Departments within the Division of Health and Family Services to apply for grant funding through the Health Care Facility Transformation Program

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO 370-16 INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF AGREEMENT

WHEREAS, a proposal was received for Asbestos Inspection Services for the Sullivan County Treasurer's Office,

WHEREAS, Keystone Environmental Services, 58 Exchange Street, Binghamton, NY 13901, will provide services in accordance with RFP #R-16-22, and

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

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute an agreement with Keystone Environmental Services, as per the unit costs contained in RFP #R-16-22, for a cost not to exceed \$20,000.00 per parcel, and shall be in such form as the County Attorney shall approve.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

**RESOLUTION NO. 371-16 INTRODUCED BY EXECUTIVE COMMITTEE
TO APPOINT THREE MEMBERS AND TO REAPPOINT THREE MEMBERS
TO THE OFFICE FOR THE AGING ADVISORY COMMITTEE**

WHEREAS, it is the desire to appoint three members, Joan M. Spencer, Karin Pantel, EdD RN CNE, and Barbara Slater to the Office for the Aging Advisory Committee to fill the vacancy of Judy Tolkacz, Richard Schulman and Mary Cade, and to reappoint three members, Kenneth Walter, Liliam Stettner and David Vasquez, and

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

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

OFA APPOINTMENTS:	TERM:
Joan M. Spencer (Judy Tolkacz) 29 St. Joseph's Hill Forestburgh NY 12777	8/31/2019
Karin Pantel, EdD RN CNE (Richard Schulman) Box 100 Thompsonville NY 12784	8/31/2019
Barbara Slater (Mary Cade) 34 Sunrise Park Woodbourne NY 12788	8/31/2019
OFA REAPPOINTMENTS:	
Kenneth Walter 80 M Gilles Road Grahamsville NY 12740	8/31/2019
Liliam Stettner P O Box 19 538 Willi Hill Road White Sulphur Springs NY 12787	8/31/2019
David Vasquez 3 East Road Wurtsboro NY 12790	8/31/2019

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

**RESOLUTION NO. 372-16 INTRODUCED BY EXECUTIVE COMMITTEE TO
REAPPOINT FOUR MEMBERS TO THE RSVP ADVISORY COMMITTEE**

WHEREAS, it is the desire to reappoint Elizabeth (Betty) Hubert, Sonny Smith, Kenneth Walter, and Deborah L. Worden to the RSVP Advisory Committee, and

WHEREAS, the above reappointments 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 members to the RSVP Advisory Committee, for the term to expire on the date opposite of name.

RSVP REAPPOINTMENT:	TERM:
Elizabeth "Betty" Hubert P O Box 107 Youngsville NY 12791	8/31/2019
Sonny Smith P O Box 721 9 Clark Street South Fallsburg NY 12779	8/31/2019
Kenneth Walter 80 M Gilles Road Grahamsville NY 12740	8/31/2019
Deborah L. Worden 309 E. Broadway Monticello NY 12701	8/31/2019

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

RESOLUTION NO. 373-16 INTRODUCED BY EXECUTIVE COMMITTEE TO APPOINT FOUR MEMBERS TO THE RSVP ADVISORY COMMITTEE

WHEREAS, it is the desire to appoint Vincent G. Alukonis to the RSVP Advisory Committee, and

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

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

RSVP REAPPOINTMENT:	TERM:
Vincent G. Alukonis 882 River Road Callicoon NY 12723	8/31/2019

Moved by Mrs. Ward, seconded by Mrs. Rajs, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.



PROACT, INC.
SERVICE AGREEMENT
with
SULLIVAN COUNTY
for
DISCOUNT PROGRAM SERVICES

ProAct, Inc.
1230 U.S. Highway 11
Gouverneur, NY 13642

SERVICE AGREEMENT

Table of Contents

ARTICLE I.....	
DEFINITIONS	28
ARTICLE II.....	
DUTIES TO BE PERFORMED BY CLIENT	4
ARTICLE III	
DUTIES TO BE PERFORMED BY PROACT	4
ARTICLE IV.....	
RECORDS	30
ARTICLE V	
ASSIGNMENT	30
ARTICLE VI.....	
HOLD HARMLESS	6
ARTICLE VII.....	
GRIEVANCE PROCEDURE	30
ARTICLE VIII	
REBATE ADMINISTRATION	7

ARTICLE IX.....

GENERAL PROVISIONS 7

ARTICLE X.....

EXCLUSIVITY 9

ARTICLE XI.....

TERM AND TERMINATION 9

EXHIBIT A.....

ADMINISTRATIVE FEE SCHEDULE 11

PROACT, INC. SERVICE AGREEMENT

THIS SERVICE AGREEMENT, hereinafter referred to as the "AGREEMENT," is entered into this 1st day of August, 2016, and shall be effective on the 1st day of August, 2016 (the "Effective Date"), between ProAct Inc., with offices located at 6333 Rte 298, Suite 210, East Syracuse, NY 13057, hereinafter referred to as "ProAct," and Sullivan County, hereinafter referred to as "Client," with offices located at 100 North Street, Monticello, NY 12701-5012.

WHEREAS, Client is a municipality organized under the laws of the State of New York and desires to offer a pharmacy prescription drug discount card plan providing for the dispensing of prescription drugs to Covered Persons; and

WHEREAS, Covered Persons may obtain discount services principally through the ProAct Pharmacy Network at negotiated prescription drug prices; and

WHEREAS, Client desires hereby to engage ProAct to perform services relating to prescription Discount Card Program processing, pricing and reporting required by Client. ProAct will also provide additional discount services including but not limited to Vision, LASIK, Hearing and Dental; and

WHEREAS, ProAct is qualified to perform the matters referred to hereunder and is willing to do so upon and subject to the terms and conditions hereof.

NOW THEREFORE, in consideration of the mutual promises and agreement herein contained, Client and ProAct hereby agree as follows:

ARTICLE I DEFINITIONS

- 1.1 Average Wholesale Price.
The term "Average Wholesale Price" or "AWP" means the published wholesale price of a prescription drug or medication based upon the applicable drug manufacturer's published wholesale price as found in the most current First Data Bank electronic pricing compendia.
- 1.2 Covered Person.
"Covered Person" shall refer to those individuals and their dependents who are entitled to prescription discount card services through the Discount Card Program.
- 1.3 Discount Card Program.
The term "Discount Card Program" shall mean a discount program where a Covered Person is entitled to pay the Cash Discount Pharmacy Reimbursement Rates set forth on Exhibit A hereof pursuant to the Discount card Program maintained by ProAct through the ProAct Pharmacy Network.
- 1.4 ProAct Pharmacy Network.
The "ProAct Pharmacy Network" consists of a pharmacy network established by ProAct to provide covered prescription drugs and other products under the Discount Card Program.

ARTICLE II DUTIES TO BE PERFORMED BY CLIENT

- 2.1 Covered Persons. Client understands that ProAct will provide Discount Cards to all persons within Sullivan County that ProAct deems to be eligible to participate in the Discount Card Program. Client understands that the Discount Card Program will be exclusively offered through the ProAct Pharmacy Network.

- 2.2 Transaction Charges. Client and ProAct acknowledge that the ProAct Pharmacy Network (and not the Client) is responsible for any applicable transaction charges associated with the Discount Card Program.
- 2.3 Pharmacy Network Administration. Client and ProAct understand and agree that the ProAct Pharmacy Network and contracting pharmacies (and not the Client) are responsible for a Pharmacy Network Administration fee.

ARTICLE III
DUTIES TO BE PERFORMED BY PROACT

- 3.1 Provision of Services to Client. ProAct agrees to provide to Client the following services: Explanation of Benefits (“EOBs”) sent to participating pharmacies which detail each Claim.
- 3.2 Collection of Payment of Participating Pharmacies. Prior to providing to Covered Person any of the discount services to which such Covered Person is or may be entitled, *ProAct* Pharmacy Network shall be required to collect from Covered Persons the Discount Card Reimbursement Rates set forth on Exhibit A for the applicable prescription drug.
- 3.3 Confidential Covered Persons Information. ProAct and Client agree that all Covered Persons information relating to covered drugs prescribed by a physician, and other records identifying Covered Persons, shall be treated as confidential except to the extent that disclosure may be required pursuant to state or federal laws or regulations or as may be permitted by Client.
- 3.6 Hours of Service. ProAct shall provide an 800 Help Line which shall be available to Client and the ProAct Pharmacy Network. ProAct’s Help Desk shall be available 7 days per week, 24 hours per day. Restat Pharmacy help desk hours will be Monday through Friday 7:00 am to 12:am. Saturday, 8:00 am to 8:00 pm EST and EDT and Sunday, 8:00 am to 8:00 pm EST and EDT. These hours do not include national holidays, and may be altered at any time. It is agreed, however, that Client and the ProAct Pharmacy Network shall be notified of any changes to schedule of business hours.
- 3.7 HIPAA Compliance. For the purposes of this Agreement, ProAct agrees that ProAct is deemed to be Client’s “Business Associate/Clearinghouse” as the terms are defined in the Privacy Standard of the Federal Register, published on December 28, 2000. ProAct agrees to comply with all applicable regulations published pursuant to the Health Insurance Portability and Accountability Act of 1996, Subtitle F – Administrative Simplification, (referred to in this Agreement as “HIPAA”), prior to the effective enforcement date of each standard. In addition, without limiting any other provision of this Agreement:
- a. all services provided by ProAct under this Agreement will be provided in such a manner as to enable Client to remain at all times in compliance with all HIPAA regulations applicable to Client, to the extent that Client’s compliance depends upon the manner in which such services are performed by ProAct; and
 - b. all software, application programs and other products licensed or supplied by ProAct under this Agreement will contain such characteristics and functionality (including as applicable, but not limited to, the ability to accept and securely transmit data using the standard HIPAA transaction sets) as necessary to ensure that Client’s use of such software, application programs and other products and associate documentation from ProAct will fully comply with the HIPAA regulations applicable to Client.

In the event any amendment to this Agreement is necessary for Client to comply with the HIPAA regulations as they relate to this Agreement or its subject matter, including, but not limited to, requirements pertaining to Business Associate

agreements, Client and ProAct will negotiate in good faith to amend, and will amend, this Agreement accordingly, such amendment to be effective prior to the date compliance is required under each standard of the HIPAA regulations.

ARTICLE IV RECORDS

- 4.1 Maintenance of Records. ProAct shall maintain, in the original form or other media, information received from the ProAct Pharmacy Network. Upon notification to ProAct, Client shall have access to such records during normal business hours.
- 4.2 Ownership of Records. All information obtained by ProAct shall be the property of ProAct. These records shall remain accessible for examination and audit by Client for six (6) years after the date of payment of claims, upon prior written notice, at reasonable intervals during the regular business hours of ProAct.

ARTICLE V ASSIGNMENT

- 5.1 Assignment by Client. Client may not assign this Agreement or any portion thereof to any service or organization without first having obtained prior written consent of ProAct, which consent shall not be unreasonably withheld.
- 5.2 Assignment by ProAct. ProAct may not assign this Agreement or any portion thereof to any service or organization without first having obtained prior written consent of Client, which consent shall not be unreasonably withheld.

ARTICLE VI HOLD HARMLESS

- 6.1 Indemnity by ProAct. ProAct shall indemnify and hold harmless Client, and its employees and other agents, from and against any claims, liabilities, damages, judgments or other losses (including attorneys' fees) imposed upon or incurred by them arising out of or as a result of any acts or omissions of ProAct, or its officers, directors, employees or other agents, in connection with the performance of any of their respective obligations under this Agreement.

ARTICLE VII GRIEVANCE PROCEDURE

[Intentionally Omitted]

ARTICLE VIII REBATE ADMINISTRATION

- 8.1 Rebate Disclosure. As constituted, the Discount Card Program will not qualify for rebates from drug manufacturers.

ARTICLE IX GENERAL PROVISIONS

- 9.1 Use of Software. Client acknowledges that ProAct asserts ownership of the entire software system used by ProAct in processing Claims and preparing reports including computer programs, system and program documentation, and other documentation relating thereto, and that such software system is the exclusive and sole property of ProAct. Client disclaims any rights to the system, reports, procedures or forms developed by ProAct.

- 9.2 Waiver. The waiver by either party of any breach of this Agreement shall not constitute a waiver of any subsequent breach of any term or condition hereof.
- 9.3 Severability. If any provision of this Agreement shall be invalid, illegal, or unenforceable by a court of competent jurisdiction, the remaining provisions hereof shall not in any way be affected or impaired thereby.
- 9.4 Choice of Law. This Agreement shall be construed, interpreted, and governed according to the laws of the State of New York.
- 9.5 Force Majeure. Neither ProAct nor Client shall be liable for a failure or delay in performance hereunder arising from acts of God, acts of a public enemy, acts of a sovereign nation or any state or political subdivision or any department or regulatory agency thereof or entity created thereby, acts of any person engaged in a subversive activity or sabotage, fires, floods, earthquakes, explosions, strikes, slow-downs, lockouts or labor stoppage, or freight embargoes, unless caused by either party.
- 9.6 Entire Agreement. This Agreement and the exhibits identified below contain the entire agreement of the parties hereto and supersede all prior agreements, representations and understandings, whether written or oral, between the parties relating to the subject matter hereof. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original.
- 9.7 Notice. Any notice required or permitted by this Agreement, unless otherwise specifically provided for in this Agreement, shall be in writing and shall be deemed given three (3) days after the date it is deposited in the Client States mail, postage prepaid, registered or certified mail, or hand delivered addressed as follows:
- To ProAct: David B. Warner, President
6333 Rte 298, Suite 210
East Syracuse, NY 13057
- To Client: Joshua Potosek, County Manager
100 North Street
Monticello, NY 12701
- With a copy to: Cheryl McCausland, County Attorney
100 North Street
Monticello, NY 12701
- 9.8 Use of Name. Neither party shall use the other party's name, trade or service mark, logo, or the name of any affiliated company in any advertising or promotional material, presently existing or hereafter established by Client, except in the manner and to the extent permitted by prior written consent of the other party.
- 9.9 Independent Contractors. Client and ProAct are independent entities and nothing in this Agreement shall be construed or be deemed to create a relationship of employer and employee or principal and agent or any relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement is intended to be construed, or be deemed to create, any rights or remedies in any third party, including but not limited to an Eligible Member.
- 9.10 Consent to Amend. This Agreement or any part or section of it may be amended at any time during the term of the Agreement by an amendment in writing executed by duly authorized representatives of ProAct and Client.

- 9.11 Headings. The headings of articles and sections contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- 9.12 Compliance with Laws and Regulations. This Agreement will be in compliance with all pertinent federal and state statutes and regulations. If this Agreement, or any part hereof, is found not to be in compliance with any pertinent federal or state statute or regulation, then the parties shall renegotiate the Agreement for the sole purpose of correcting the non-compliance.
- 9.13 Protection of Confidentiality and Programs. ProAct agrees to ensure the confidentiality of all information obtained from Client including but not limited to: financial, utilization, or any other information related to the delivery of health care. Information may be used in a blinded, cumulative manner by ProAct for general plan performance comparisons.

**ARTICLE X
EXCLUSIVITY**

- 10.1 Client agrees that, during the term hereof, ProAct shall be the sole and exclusive agent for the purpose of administration of Client's discount pharmacy services program to its Covered Persons, as described herein.

**ARTICLE XI
TERM AND TERMINATION**

- 11.1 Term. This Agreement shall become effective on the Implementation Date for a term of three (3) years and thereafter shall continue in effect for additional one (1) year terms unless terminated on its anniversary date by either party by certified or registered mail at least ninety (90) days prior to such date. Termination shall have no effect upon the rights and obligations of the parties arising out of any transactions occurring prior to the effective date of such termination.
- 11.2 Termination. This Agreement may be terminated at any time by either party for failure to comply with any terms or conditions herein stated or for any other just and sufficient cause provided, however, that sixty (60) days' written notice of such failure shall be given to the offending party and such party shall have the opportunity to cure such noncompliance during such sixty (60) day notice period.
- 11.3 Termination Without Cause. This agreement may be terminated at any time by either party without cause; provided, however, that thirty (30) days' written notice of termination shall be given to the other party.
- 11.4 Immediate Termination. This Agreement may be terminated by either party upon written notice to the other party in the event: the other party makes an assignment for the benefit of creditors, files a petition of bankruptcy, is adjudicated insolvent or bankrupt, has a receiver or trustee appointed for a substantial part of its property, change of ownership, or has a proceeding commenced against it which will substantially impair its ability to perform hereunder.

The provisions of this Agreement shall bind and inure to the benefit of the parties hereto and their heirs, legal representatives, successors and assignees. This Agreement constitutes the entire understanding between the parties hereto.

PROACT, INC.

SULLIVAN COUNTY

DAVID B. WARNER, R.Ph.
PRESIDENT

Joshua Potosek
COUNTY MANAGER

DATE

DATE

APPROVED AS TO FORM:

Cheryl McCausland, COUNTY ATTORNEY

EXHIBIT A
FEE SCHEDULE

PROCESSING FEE:

\$0.00 PER PAID CLAIM

Processing services include the following:

- Monthly utilization and savings reports
- Quarterly network pharmacy utilization reports
- Administration of a standard MAC program (MAC – Maximum Allowable Cost)
- EOB claims payment detail sent to network pharmacies

Discount Card Reimbursement Rates:

Covered Persons shall pay to pharmacies participating in the ProAct Pharmacy Network one hundred percent (100%) of the calculated price of each prescription as follows:

Retail Store Rate

Brand: AWP – 13% + \$4.00 Dispensing Fee
Generic: AWP – 15% or MAC + \$4.00 Dispensing Fee

Mail Order Rate

Brand: AWP – 18% + \$3.25 Dispensing Fee
Generic: AWP – 48% + \$3.50 Dispensing Fee

Vision, LASIK, and Hearing Discount Services

Above and beyond the stated Prescription Drug Discount Card Services, ProAct, Inc. will provide access to Vision, Hearing, and LASIK service discounts. These services and any future discount services will continue to be provided at no cost to the County and no premium cost to participants, who will pay only the discounted rate for such services.

Discounted Dental Plan

Above and beyond the stated Prescription Drug Discount Card Services, ProAct, Inc. will also provide access to discounted dental plans. This service will be provided at no cost to the County with a premium cost to the participant, who will pay the discounted rate for the selected plan.

RESOLUTION NO. 375-16 INTRODUCED BY EXECUTIVE COMMITTEE TO REAPPOINT MEMBER TO THE CHARTER REVIEW COMMISSION TO FILL VACANCY

WHEREAS, pursuant to Section 1.05 of the Charter of the County of Sullivan, the County Legislature has the authority to appoint qualified electors of Sullivan County to the Charter Review Commission in order to review the implementation of the Charter and propose amendments as required, and

WHEREAS, the Sullivan County Legislature appointed thirteen members to the Charter Review Commission in 2014 by Resolution No. 448, and

WHEREAS, Fred Harding has resigned from the Charter Review Commission creating a vacancy, and

WHEREAS, the Legislature is desirous of reappointing J.J. Hanson to the Charter Review Commission to fill said vacancy.

NOW, THEREFORE BE IT RESOLVED, that the individual listed above is hereby appointed to the Charter Review Commission effective immediately, and

BE IT FURTHER RESOLVED, that if a member misses three (3) consecutive meetings of the Charter Review Commission, they will be automatically dismissed, and

BE IT FURTHER RESOLVED, Per resolution No. 448 of 2014, if a vacancy occurs due to resignation or dismissal, the Legislature is authorized to make additional appointments to fill the vacancies as necessary.

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby reappoints J.J. Hanson to the Charter Review Commission effective August 18, 2016.

Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote, unanimously carried and declared duly adopted on motion August 18, 2016.

Recognition of Legislators:

1. Ira Steingart
2. Terri Ward

There being no further business, Mrs. Rajsz moved to adjourn, seconded by Mr. Samuelson subject to the call of the Chairman. The full board meeting was adjourned at 3:08PM.

ANNMARIE MARTIN, CLERK
Sullivan County Legislature

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

G/L Account	Revenue	Revenue	Appropriation	Appropriation
	Increase	Decrease	Increase	Decrease
A-3010-43-4302 - COMPUTER HARDWARE PURCHASES/LEASES			5,000	
A-3010-44-4406 - UTILITY WIRELESS COMMUNICATIONS			1,920	
A-3010-43-4304 - COMPUTER MAINTENANCE/SERVICE FEES			1,800	
A-3010-R1289-R247 - GEN GOV DEPT INCOME MISC FEE/REIMBURSMNT	8,720			3,500
A-1490-47-4701 - DEPT RENTALS			3,500	
A-5610-47-4701 - DEPT RENTALS			500,000	
A-9950-90-9005 - TRANSFERS TRANSFERS CAPITAL PROJECT			500,000	
H42-3997-40-4006 - CONTRACT ENGINEER/ARCHITECT/DESIGN SERV			500,000	
H42-3997-R5031-R209 - INTERFUND TRANSFR GENERAL FUND	500,000			
TOTAL	508,720	-	1,012,220	3,500

**This budget modification authorizes the transfer of funds to H-42 Capital Account from the assigned unappropriated fund balance for "Construction/Repair Buildings" to pay previously authorized agreements per resolutions 8-06, 302-14, 301-14 and 300-14.*

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 October 1, 2016

TABLE OF CONTENTS

	Page
HISTORY	1
TITLE I - GENERAL PROVISIONS	3
TITLE II - DEFINITIONS	4
TITLE III - ADMINISTRATION	11
TITLE IV - PROHIBITED ACTIVITIES	14
TITLE V - REGULATED WASTES AND OTHER WASTES DESIGNATED FOR SEPARATE COLLECTION OR DISPOSAL	16
TITLE VI - PERMITS, LICENSES	17
TITLE VII - VIOLATIONS	24
TITLE VIII - CRIMINAL, CIVIL AND ADMINISTRATIVE PENALTIES AND ENFORCEMENT	25
TITLE IX - SEPARABILITY AND EFFECTIVE DATE	28

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)

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.
- Adopt-A-Road Program: 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.
Electronic waste:	“e-waste” electronic equipment or components that have been discarded or are no longer wanted by the owner or for any other 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.

Land Clearing

Debris: 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 within Sullivan County pre-approved by the local municipal building inspector.
Sharps:	Medical needles and lancets that have been in contact with blood or bodily fluids from humans or animals and intended for proper collection and disposal by NYS-designated Article 28 Healthcare Facilities.
Single Stream	Comingled recyclable materials removed from the solid waste stream at the point of generation for separate collection, sale or 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.

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.

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 \$10.75 for all loads of 250 pounds or less at Transfer Stations equipped with weight scales.

\$42.50 per cubic yard at facilities not equipped with weight scales (loads shall be measured by facility attendant and the calculated quantity rounded to the next highest 1/4 of the rated truck body capacity.

- 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 \$10.75 for all loads of 250 pounds or less,

C&D will not be accepted at Transfer Stations which are not equipped with a scale.

¹ 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 the scales are not functioning then a charge of \$42.50 per cubic yard with a \$25.00 minimum fee for quantities of 1/4 cubic yard or less. (loads shall be measured by facility attendant and rounded to the nearest 1/4 cubic yard),

A maximum amount of 2 yards of C&D will accepted at the Transfer Stations. Any amount in excess of 2 yards shall be brought to the Monticello Transfer Station during normal operating hours

- c) Individual Drop:
 - 1) \$2.00 per 1-30 gallon can or clear bag.
 - 2) \$4.00 per 1-30 gallon opaque bag.
- 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 not withstanding), 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 no-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 30th 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.

From: Linda Reik, Town of Callicoon

To: Sullivan County Legislators

Date: August 18, 2016

Subject: Request for Sullivan County and Legislators to become interveners in FERC Docket CP16-486.

FERC

1. Funded by the fees paid from the companies it regulates, FULL COST RECOVERY, Page 2.
<https://www.ferc.gov/about/strat-docs/fy15-budg.pdf>
2. Intervene for legal standing, individual Legislators and Sullivan County. Instructions at FERC.gov, CP16-486, accession no. 20160811-3028, eFile by 5 PM, Sept 1, 2016. 3 PM suggested!
3. New electric generation in-service, Jan. 2016, no gas, 3 times more wind and solar, each, compared to gas in 2015, <http://ferc.gov/legal/staff-reports/2016/jan-infrastructure.pdf>
4. New electric generation in-service, Jan - March 2016, cumulative, 3 times more wind & solar, each, compared to gas. <http://ferc.gov/legal/staff-reports/2016/mar-infrastructure.pdf>

National

5. Final Guidance for Federal Departments and Agencies on Consideration of Green House Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, August 1, 2016. Reviews of proposed Federal actions will include impacts of climate change, alternatives, and stress the importance of using existing [current] science information.
https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf
6. Massachusetts Attorney General report on study of worst case scenario for electric needs for all New England states concluded that nine days of slight gas need in cold winter might occur over the next 15 years. Increased gas capacity is not needed. Better policy uses energy efficiencies and demand response. Nov. 2015. <http://www.mass.gov/ago/news-and-updates/press-releases/2015/2015-11-18-electric-reliability-study.html>

Science

7. This paper shows that the climate change that takes place due to increase in carbon dioxide concentration is largely irreversible for 1,000 years after emissions stop. Irreversible climate change due to carbon dioxide emissions, Solomon, S. et al., PNAS, Feb. 10, 2009.
<http://www.pnas.org/content/106/6/1704.full.pdf>
8. Methane is 86 times more heat-trapping than carbon dioxide in the first 20 years after emission. Methane reacts with other gases to form new, toxic, air polluting chemicals such as volatile organic compounds and ozone. Over time, methane is oxidized to carbon dioxide and continues heat-trapping for nearly 1000 years. Why the EPA is Addressing Methane: the Other Greenhouse Gas, October 11, 2015, Harvard University, Science in the News, Jordan Wilkerson.
<http://sitn.hms.harvard.edu/flash/2015/why-the-epa-is-addressing-methane/>
9. 685 peer-reviewed papers have been published in scientific journals that are relevant to fracked gas. 84% show hazards and adverse outcomes to public health, 69% show problems with water contamination and 87% show air pollution. Understand that you can see plumes of air pollution from extraction sites, gas compressor stations, meter stations, pipelines and electric generation plants if you use a heat-detecting camera. Don't be fooled by viewing gas infrastructure with your naked eyes. Understand that toxic emissions from the proposed Millennium projects in Sullivan County, Delaware County and from the proposed CPV (Competitive Power Ventures) power plant in Orange County will reach residents of Sullivan County in the air.
Source: Toward and Understanding of the Environmental and Public Health Impacts of Unconventional Natural Gas Development: A Categorical Assessment of the Peer-Reviewed Scientific Literature, 2009-2015, April 2016.
http://psehealthyenergy.org/data/PSE_FrackingStudy_Summary_Infographic_4-20-20163.pdf

Public Comment before the Full Legislature
August 18, 2016

PLEASE MAKE THESE COMMENTS PART OF THE PUBLIC RECORD

This past May, when I started talking to people about the jail project, I was amazed at how few people knew anything at all about this issue. And what little people did know was often inaccurate. A few of us started a petition to challenge the local law to exceed the tax cap, believing that a project so large, so impactful to our county, should be put to a vote. The hardest part of getting signatures was the lack of information: almost everyone I spoke to required a full discussion to understand what was happening, and once people knew the facts, they were almost universally willing to sign. In 40 days, we gathered about 600 signatures. That fell short of the number we needed for a resolution to put the local law on the ballot, but still, it should tell the legislature something: that people are upset that such a big decision was made with so little public input.

Speaking of public access to information: I, and others, spoke before the legislature on May 19 and June 16. We submitted hard copies of our comments with the request that they be made part of the public record. And yet, the minutes have not been posted on the SC website since the April meeting. Unless an individual was at those meetings, there would be no way to know what was said, and no way to weigh the validity of the remarks. This is a violation of the NY Open Meeting Law and a suppression of information to which the public is entitled. This is unacceptable.

A 2007 study done by the Center for Constitutional Rights, "Impacts of Jail Expansion in NY State: a Hidden Burden," outlines the steps that should be taken by county legislatures: bring together a local planning body comprised of all stakeholders: representatives of justice systems, civic organizations, fiscal watchdog groups, social service and mental health providers, and community representatives. This body should conduct a full assessment of the local jail and issue recommendations for reform; develop impact assessments of all proposed solutions on the county budget and taxes; ensure complete accountability and transparency to all county residents by conducting open public meetings; make all materials available to the public, host a public meeting on the issue with a 30-day public comment period for recommendations, and make all reports and recommendations available both online and at all local libraries. These recommendations should form the baseline for planning on jail reform, with the mandate to develop a system that is cost-efficient and does not unnecessarily keep people in detention.

All over the country, municipalities are developing old and new alternatives to incarceration. How many people are in jail because they couldn't afford bail? Bail reform is a simple starting point for lower-level offenses. How many people are in jail in Sullivan County because they couldn't pay the fines and then the accumulated court surcharges and penalties? Develop a system of community service: hours in exchange for the amount of the charges. We have a drug court and a veteran's court; they should be expanded. Roughly a third of the people held in jail statewide suffer from mental illness; we should have an alternative mental health court that, like drug court, offers treatment and hope instead of punishment. Citation programs that

entail a desk appearance eliminate unnecessary jail bookings, and so do pretrial services programs. Improve release procedures for the pretrial and sentenced population to ensure that people move through the system in a timely way. Community corrections costs up to \$6,000 a year for intensive supervision, compared to almost \$83,000 a year for incarceration. Electronic monitoring costs up to \$15 a day, versus \$227 a day to keep someone in jail, with the added benefit that the person can continue working, maintaining home and family, and paying taxes. Homelessness and vagrancy are more effectively and inexpensively addressed by housing programs and mental health treatment than by incarceration, which is a mere Band-Aid to the problem.

Throughout NY State, the prison population is decreasing. In Sullivan County, our population is declining, and so is the jail population. On the other hand, according to a 2014 Vera Institute of Justice study, the incarceration of women for misdemeanor offenses has increased nationwide almost 14 times since the 1970's, particularly in rural, sparsely populated counties. The study found that a vast majority of the women are poor, African-American or Latina, and have drug or alcohol problems. Eighty percent have children. Most have been charged with low-level offenses, including drug or property crimes like shoplifting, but a growing number are in jail for violating parole or probation, for failed drug tests or for missing court-ordered appointments. Others are unable to make bail or pay court-mandated fees and fines. Over the past two decades, as rates for more serious crimes have declined, law enforcement has focused on offenses that might once have been overlooked, resulting in jails filled with nonviolent offenders. The study found that women account for 26% of total arrests, and the most common offense involved drugs. How does incarceration solve the problems of poverty, substance abuse, lost jobs, broken families and children fostered out? Yes, we need to provide a jail environment that is humane and safe for inmates and workers, but we do not need to support it as an industry. Instead, we need to focus our attention and resources on making our county a place where people can get the help they need and the training they need to live healthy, productive lives.

Respectfully submitted,

Kathie Aberman
37 Delaware Ave.
Liberty, NY 12754
845 292 4895

BARBARA LERNER
97 ROCKLAND ROAD
ROSCOE, NEW YORK 12776

RECEIVED

AUG 18 2016

August 18, 2016

Sullivan County Board of Legislators
100 North Street
Monticello, NY 12701

SULLIVAN COUNTY LEGISLATURE

Please make my comments part of the public record for the 8/18/2016 full legislative board meeting

In 2007 the Center for Constitutional Rights wrote a paper called the IMPACTS OF JAIL EXPANSION IN NEW YORK STATE: A HIDDEN BURDEN

In this, they state -

"By the close of 2007, over 30 counties in NYS will have built some 6,000 new jail beds. This construction has come at a tremendous cost to the taxpayers of NY – an estimated 1 BILLION DOLLARS according to the NYS Association of Counties. In many counties these projects have been the largest locally financed capital project in the history of the county. It has also occurred at a time when the population of people held in prison has continued to fall"

They go on to say

While NY homeowners already pay of the highest taxes in the country, 72% higher than the national average – these new capital projects are driving taxes even higher."

We should remember what happened in Ulster County Jail where the 20 million dollar cost over-run resulted in an increase in taxes of 40%. The surrounding counties all have excess space since they built jails larger than was necessary. As more alternatives to incarceration are implemented, addressing mental health and addiction issues in particular, combined with the inevitable changes that will happen regarding drug laws, our prison population will continue to drop.

The original design called for 8 pods. 3 were removed to reduce the cost. This style jail, one of direct supervision, is supposed to reduce the size of support staff and the number of correction officers needed. The non-incarceration portion of the jail should also be reduced in size to adequately support the number of inmates that could be housed by this design and not built in anticipation of almost doubling the prison population.

My company is bidding a portion of this work as a subcontractor/supplier. From a business standpoint, I should be supporting any design. But I can't. I've reviewed the bid drawings and can see the size of the administrative and support cores are much larger than necessary for a facility designed to reduce the number of people needed to run the facility. There are more administrative offices, more space for paper record storage in an increasingly digital world, more medical exam rooms, doctor and nurses offices and countless other spaces with and without designations than are needed for a jail facility that has 256 cells. Relatively few spaces in this design are multi use.

Interest rates are low making this a very good time to borrow. If the County can obtain a bond at a 3% interest rate, the annual payment on a 95 million dollar bond is still over 4.8 million dollars. According to the NYS Comptroller's office Sullivan County has a tax rate of \$7.89 per \$1,000 of full value. While taxes include an equalization rate and are based on assessed and not full value, this is of no comfort to someone facing tax foreclosure.

This 4.8 million is in addition to all current county operating costs. Our infrastructure, both physical as in roads, bridges and buildings, and socio economic programs – DFS, Office for the Aging, DMV, Safety, SUNY Sullivan and all other county operations still need to be maintained. The current jail will also need to be maintained for the next 3-5 years until this new jail is operational.

In addition to the 95 million dollar estimated cost for the new jail, there are other costs that haven't been added. The typical additional cost for construction contingencies is at least 10% adding 10 Million dollars to construction. Movable furniture and fixtures could easily run 1 million. Medical equipment including the equipment for the new full dental/operating suite will be several million in addition to the added insurance liability and personnel needed for providing services outside a hospital environment. The cost to connect to water and sewer I can't even estimate. And one of the largest expenses will be decommissioning the old jail – renovating or removing it will cost between 10 and 20 million dollars depending on what the still unknown plan for the building is. Record storage in an increasingly digital world? Probation could occupy a part of the site. More parking? It's another property that will remain off the tax roll.

Until revenue is realized from sales tax and room tax from Montreign and Viera, and the offshoot taxes from their visitors and needed workers, the county will struggle to make these payments. These and other businesses have also been given very long term property tax reprieves and pay only PILOT payments. There is no guarantee of income. They can estimate the volume of visitor traffic based on current trends but a change in our overall economy could easily turn these lofty estimates into pipe dreams.

For every 10 million dollars saved by reducing the administration and support services and sheriff's road patrol units, the county saves over a half million

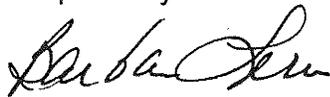
dollars a year in principal and interest. That's 15 million dollars saved over the course of the loan for every 10 million dollars in reduction in the scope of the project. This is based on a 3% interest rate using a simple amortization table.

The administrative and support services portions of the jail are designed for the original facility that would have housed over 450 inmates. Asking LaBella to reduce the size of the administrative and support services portions to make them the right size for this facility is not unreasonable. Spending \$400,000 – \$500,000 for a design modification to save millions in both construction cost and future maintenance and operations cost is the fiscally responsible thing to do.

The turn-out for the pre-bid meeting was fantastic. There were contractors for every phase of work required but not many GCs. I remain hopeful these companies will be able to do whatever work is truly needed. After reviewing the drawings, I have concerns that the cost will come in way over the original estimate.

But before the first shovel is in the ground, I urge you to consider every option to reduce the initial cost. So here I am, in front of you again, asking you to reconsider the magnitude of this project and do the right thing by the voters.

Respectfully

A handwritten signature in cursive script, appearing to read "Barbara Lerner".

Barbara Lerner

Good afternoon.

My name is Eric Chaboty and I live in the Town of Neversink.

As you know, the proposed Sullivan County Jail continues to draw attention.

When the new jail was first proposed in the early 1990s it would have cost approximately \$30 million. If we built the jail when we should have, we would have finished paying off the bond in 2010.

As reported in the news media, there is now a petition drive in progress to stop the jail project.

I have heard several reports that the organizers of this petition are going door to door, with an emphasis on senior citizens, and are spreading misinformation intended to cause fear and alarm among our residents. These actions are not only unfortunate, but are also irresponsible.

I am going to take this opportunity to respond to some of this misinformation and set the record straight:

-Residents are being told that the new jail includes an Olympic size swimming pool and full size basketball court for the employees. That claim is so outrageous it shows the true character of the people saying it.

-People are being told that the jail plan is an old design in excess of ten years old. This is completely false. The current jail plan that was just approved by the NYS Commission of Corrections this past February is only about six months old. The plans have been revised and down sized many times over the past decade. Because the cost of construction continues to rise 6 to 8 percent year after year, we are actually now buying a smaller jail for more money.

-Residents are being told that the Sheriff's Administration wing is too big. When you go on Google and look at the size of the typical town police station in the northeastern United States you will see that those buildings average in size from 15,000 to 24,000 square feet. What the petition people aren't telling everyone is that that building, which falls in between those two numbers, includes not only Administration, but the Patrol Division, and the Civil Division as well. And this building is intended to service not just a town but an entire county that is almost the size of Rhode Island.

-Citizens are being told that there are alternatives to building a new jail. You can be assured that over the past decade, every alternative has been explored, every possibility has been researched, and every option has been discussed. Regional jails, boarding out all of our inmates, expanded alternatives to incarceration and renovations to the existing jail have all been studied. All of the previous legislative bodies have done their due diligence and have arrived at the same conclusion. There is no way around building a new jail. Now that this project has been thoroughly researched, it is the current legislature that has been left to pull the trigger. They are now in an unenviable position. All legitimate delays have been exhausted and any further delays will be unjustifiable in terms of increased costs to the taxpayers of Sullivan County.

At this point I think it is important to point out that one of the organizers of this petition drive is in the metal fabrication business. The architect on this project decided to go with cost saving precast concrete cells instead of metal and now, coincidentally, this person is an opponent of the project.

Let me finish by making this comparison:

30 years ago we had a little cavity in our tooth. Instead of going to the dentist and having it filled immediately we ignored it while we searched for so called "innovative solutions". Today the cavity is so big that we need a costly and painful root canal. In reality, by delaying this project, we have cost the taxpayers of Sullivan County an extra \$50 million dollars that they didn't need to spend. I applaud the current Sullivan County Legislature for being fiscally responsible and ending the costly cycle of delays.

Thank you.
