

**Sullivan County Legislature  
Regular Meeting  
July 16, 2009 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 3:00PM by Chairman Rouis with the Pledge of Allegiance.

Roll Call indicated all legislators present.

The Clerk Read the following communications:

1. Chairman Rouis's reappointments to the Sullivan County Youth Board.
2. Memorandum from County Manager David P. Fanslau dated July 14, 2009 authorizing Heather Brown to acts as Public Records Access Officer in Michelle Huck's absence.

There was no public comment.

Mrs. LaBuda moved to table, seconded by Mrs. Binder, put to a vote and carried, resolution was tabled 9-0.

*RESOLUTION NO. INTRODUCED BY PLANNING, ENVIRONMENTAL  
MANAGEMENT AND REAL PROPERTY COMMITTEE TO INCLUDE VIABLE  
AGRICULTURAL LAND IN EXISTING CERTIFIED ARICULTURAL DISTRICT  
WITHIN SULLIVAN COUNTY*

*WHEREAS, Section 303-b of the Agriculture and Markets Law authorizes the addition of viable agricultural land into certified agricultural districts; and*

*WHEREAS, the County of Sullivan's Agricultural & Farmland Protection Board has recommended the following properties to be added to the existing certified Agricultural District No. 1 and the certified Agricultural District No. 4 within Sullivan County, and*

*WHEREAS, a public hearing was held on the inclusion of these parcels into the certified agricultural district on July 16, 2009 at 1:10p.m. at which time all comments were heard by the Sullivan County Legislature.*

*NOW, THEREFORE, BE IT RESOLVED, that the following said parcels are to be included in the following existing Agricultural District No. 1:*

*Town of Callicoon 19.-2-6*

*NOW, THEREFORE, BE IT RESOLVED, that the following said parcels are to be included in the following existing Agricultural District No. 4:*

*Town of Fallsburg 64.-1-5.3  
Town of Forestburgh 4.-1-10.1  
Town of Forestburgh 4.-1-10.14  
Town of Mamakating 14.-1-9  
Town of Mamakating 6.-1-25  
Town of Mamakating 6.-1-31  
Town of Mamakating 6.-1-32  
Town of Mamakating 6.-1-33.1  
Town of Mamakating 70.-1-35  
Town of Neversink 25.-1-19  
Town of Neversink 44.-1-6.16  
Town of Neversink 9.-1-15.2  
Town of Rockland 17.-1-40  
Town of Rockland 25.-1-71.1  
Town of Thompson 28.-1-5.1  
Town of Thompson 28.-1-6  
Town of Thompson 49.-1-5.9*

**RESOLUTION NO. 266-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO ADOPT THE 2009-2010 SULLIVAN COUNTY COMMUNITY COLLEGE BUDGET**

**WHEREAS**, the Sullivan County Community College Board of Trustees has filed its 2009-2010 Operating Budget with the Sullivan County Legislature, and

**WHEREAS**, the proposed Budget for 2009-2010 has appropriations in the amount of \$16,111,671 with the County's share to be raised by tax revenue in the amount of \$4,000,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the 2009-2010 Operating Budget be approved in the amount of \$16,111,671 and the County's share to be levied and assessed against the taxable real property of Sullivan County on the 2010 tax rolls at \$4,000,000.

**Moved by** Mrs. LaBuda, **seconded by** Mrs. Binder, put to a roll call vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 267-09 INTRODUCED BY COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO SET A PUBLIC HEARING FOR A LOCAL LAW AUTHORIZING THE OPERATION OF VIDEO LOTTERY GAMING WITHIN THE COUNTY OF SULLIVAN IN ACCORDANCE WITH SECTION 1617-A OF THE TAX LAW OF THE STATE OF NEW YORK**

**WHEREAS**, there has been introduced and presented at a meeting of the Sullivan County Legislature held on July 16, 2009 a proposed Local Law entitled "A Local Law authorizing the operation of video lottery gaming within the County of Sullivan in accordance with Section 1617-a of the tax law of the State of New York".

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held on said proposed local law by the Sullivan County Legislature on August 6, 2009 at 11:50AM in the Legislative Chambers, County Government Center, Monticello, New York, and at least six (6) days' notice of public hearing be given by the Clerk of the Sullivan County Legislature by due posting thereof on the bulletin board of the County of Sullivan and by publishing such notice at least once in the official newspapers of said County.

**Moved by** Mrs. Goodman, **seconded by** Mrs. LaBuda, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

COUNTY OF SULLIVAN  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been duly presented and introduced at a meeting of the Legislature of the County of Sullivan, New York, held on July 16, 2009, a proposed Local Law entitled "A Local Law authorizing the operation of video lottery gaming within the County of Sullivan in accordance with Section 1617-a of the tax law of the State of New York".

NOTICE IS FURTHER GIVEN that the Legislature of the County of Sullivan will conduct a public hearing on the aforesaid proposed Local Law at the Legislative Hearing Room, County Government Center, Monticello, New York, 12701, on August 6, 2009 at 11:50AM at which time all persons interested will be heard.

DATED: July 16, 2009

ANNMARIE MARTIN  
Clerk of the Legislature  
County of Sullivan, New York

**RESOLUTION NO. 268-09 INTRODUCED BY MANAGEMENT AND BUDGET  
COMMITTEE TO MODIFY THE 2009 COUNTY BUDGET**

**WHEREAS**, the County of Sullivan 2009 Budget requires modification,

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

**Moved by** Mr. Armstrong, **seconded by** Mrs. Binder, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 269-09 INTRODUCED BY PERSONNEL COMMITTEE TO  
ADOPT A REVISED AND UPDATED POLICY PROVIDING FOR THE**

**TRANSFER OF ACCRUED SICK, VACATION, AND/OR COMPENSATORY TIME FROM ONE EMPLOYEE TO ANOTHER**

**WHEREAS**, there have been many requests of employees to transfer accrued time from one employee to another employee, and

**WHEREAS**, the County Manager has revised and updated the attached policy to provide for the transfer of accrued sick, vacation, and/or compensatory time between employees, and

**WHEREAS**, the Sullivan County Legislature must adopt this revised and updated policy to effectuate the revisions.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached policy for the transfer of accrued sick, vacation, and/or compensatory time between employees is hereby adopted, attached hereto as “Schedule A”, and

**BE IT FURTHER RESOLVED**, that this attached policy supersedes and replaces the policy adopted by Resolution No. 532-02, effective July 16, 2009.

**Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**“Schedule A”**

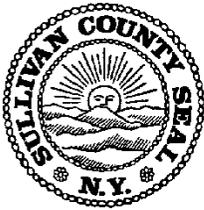
**COUNTY OF SULLIVAN POLICY  
TRANSFER OF ACCRUED TIME  
FROM ONE EMPLOYEE TO ANOTHER**

The County of Sullivan will allow for the transfer of accrued sick, vacation, and/or compensatory time from one employee to another employee pursuant to the following conditions:

Where an employee or their immediate family member; mother, father, spouse or child has a medical condition which requires the employee to be on extended medical leave or to take frequent time off due to medical appointments. The employee receiving the transfer of time must have used all of their accrued time (sick, vacation, compensatory, holiday, etc.) prior to the County authorizing the transfer of other employee accrued sick, vacation, and/or compensatory time.

Employees wishing to transfer accrued sick, vacation and/or compensatory time to another employee must complete the *Request to Transfer Accrued Sick, Vacation and/or Compensatory Time* form. This form must be submitted to the Payroll Department. The Payroll Department will confirm:

- 1.) The employee who is requesting to transfer their accrued time has the appropriate accruals, and
- 2.) The employee who will be receiving the accruals has expended all their own accrued time (sick, vacation, compensatory, holiday, etc.), and
- 3.) The transferring and receiving employees have knowledge of the transfer, and
- 4.) There is documentation of the medical condition, along with the Physician's statement in the Personnel Department as to the amount of time the employee will be out of work; In all instances the County retains the right to require the receiving employee to provide more documentation, to provide updated documentation or to see a County obtained physician, and
- 5.) Final approval of the transfer must be obtained from the County Manager, and
- 6.) The equivalent accrued time shall be credited to the receiving employee based upon the donating employee's hourly rate or salary, adjusted to the nearest ½ day.
- 7.) All requests for transfer of accrued time will be posted once approved by the County Manager.



**SULLIVAN COUNTY PERSONNEL  
POLICY**

**FAMILY MEDICAL LEAVE ACT**

ADOPTED BY THE  
SULLIVAN COUNTY  
LEGISLATURE ON:  
**July 16, 2009**  
**RESOLUTION NO. 270-09**

PURPOSE:

To provide eligible employees of the County of Sullivan continuous or intermittent paid or unpaid job-protected leave of absences for qualified family and medical reasons. This policy complies with the Family Medical Leave Act of 1993 (FMLA) as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181.

GENERAL:

Employees, who have worked for the County of Sullivan for at least twelve (12) months and for at least 1,250 hours during the preceding twelve (12) months, may be considered eligible for family leave. An eligible employee is afforded job-protected leave for up to twelve (12) weeks for a qualified family or medical reason; or for a "qualifying exigency" for a covered military member on active duty or impending call to order to active duty, as set forth below. An eligible employee is also afforded job-protected leave for twenty-six (26) weeks to care for a covered service member with a serious injury or illness. All such leave is based on a twelve (12)-month period of time during which the twelve (12) or twenty-six (26) weeks of leave may be continuous or intermittent.

Family leave granted for an employee's own serious health condition may, subject to collective bargaining agreements, include and require substitution of an employee's accrued paid leaves including sick leave, personal leave, and vacation leave. If leave is requested for any reasons listed below, other than personal illness, an employee must use all of his or her accrued paid personal, vacation or compensatory leave. The remainder of the leave period will then consist of unpaid leave. At the discretion of the department head and the Personnel Department, a leave of more than the twelve (12) or twenty-six (26) weeks may be provided.

REASON FOR LEAVE:

Qualified reasons for the granting of family leave for twelve weeks (12) are as follows:

- For the birth and care of a newborn child; or the placement with employee of a child for adoption or foster care (This entitlement expires twelve months from the date of the birth or placement);
- For an employee to care for their spouse, son, daughter, or parent with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition; or
- For "qualifying exigencies" arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation. This provision does not extend to family members of military members in the Regular Armed Forces.

Qualified reason for the granting of family leave for twenty-six (26) weeks is as follows:

- For an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness during a single 12 month period to care for the service member.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
  1. A period of incapacity lasting more than three consecutive, full calendar days, and a subsequent treatment or period of incapacity relating to the same condition that also includes:
    - a.) treatment two or more times by or under the supervision of a health care provider; or
    - b.) one treatment by a health care provider with a continuing regimen of treatment; or
  2. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
  3. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or

4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
5. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

“Qualifying exigencies” include issues arising from a covered military member’s short notice of deployment, military events and related activities, childcare and related activities, financial and legal arrangements, counseling, rest and recuperation leave, post-deployment activities, and any other event that the employee and employer agree is a qualifying exigency.

#### APPLICATION FOR LEAVE:

In all cases, an employee requesting leave must complete the *Application for Paid or Unpaid Leave* and return it to their department head, who shall immediately forward it to the Personnel Department for approval. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

#### NOTICE OF LEAVE:

An employee intending to take Family Medical Leave which is foreseeable must submit an application for leave at least thirty (30) days before leave is to begin to their immediate supervisor, department head *and* the Personnel Department. If the leave is unforeseeable, the employee must provide an application for leave as soon as practicable, generally, either the same day or next business day.

#### MEDICAL CERTIFICATION OF LEAVE:

An application for leave based on the serious health condition of the employee or the employee’s spouse, child or parent must also be accompanied by a “Medical Certification Statement” completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child or parent, the certification must state that care is needed; along with an estimate of the amount of time care will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

#### BENEFIT COVERAGE DURING LEAVE:

During a period of Family Medical Leave, an employee will be retained on the County’s health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or due to circumstances beyond the employee’s control.

#### RESTORATION TO EMPLOYMENT:

An employee eligible for Family Medical Leave – with the exception of those designated as a “key employee” pursuant to 29 CFR 825.217– will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment, unless the employee is deemed ineligible pursuant to 29 CFR 825.216. The County cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an equivalent position will be made by the County’s Personnel Department.

An eligible employee is not afforded layoff protection, unless their position is protected by a collective bargaining agreement where special layoff protection provisions are in effect.

#### RETURN FROM LEAVE:

An employee must provide their department head with a doctor’s fitness-for-duty certificate or note stating that the employee is able to return to work and perform the functions of his or her job, if the leave pertained to the employee’s condition. If an employee wishes to return to work prior to the expiration of a Family Medical Leave of absence, notification must be given to the employee’s supervisor at least two (2) working days prior to the employee’s planned return.

#### FAILURE TO RETURN FROM LEAVE:

The failure of an employee to return to work upon the expiration of a Family Medical Leave of absence may subject the employee to termination unless an extension is granted. An employee, who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee’s spouse, child or parent, must submit a request for an extension, in writing, to the employee’s department head. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. The department head should forward this request to the Personnel Department for a decision on the leave extension.

#### EMPLOYER’S RIGHTS:

It is the employers right to designate a leave under the Family Medical Leave, whether or not it is requested by the employee, as long as all the conditions of FMLA are met.

#### UNLAWFUL ACTS:

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

#### ENFORCEMENT:

The Wage and Hour Division and the U.S. Department of Labor enforce the rules and regulations regarding FMLA. Individuals may also be able to bring a private action against an employer for violations.

**RESOLUTION NO. 270-09 INTRODUCED BY THE PERSONNEL COMMITTEE TO ADOPT A REVISED FAMILY MEDICAL LEAVE POLICY**

**WHEREAS**, The County of Sullivan adopted a Leave Policy in 1993 which incorporated the Family Medical Leave; and

**WHEREAS**, The County of Sullivan adopted a revised Family Medical Leave Policy to conform to the Family Medical Leave Act (FMLA) in 2003 and;

**WHEREAS**, the County wishes to revise its Family Medical Leave Policy to comply with the Family Medical Leave Act of 1993(FMLA) as amended by the National Defense Authorization Act for Year 2008, Public Law 110-81; and

**WHEREAS**, in order to enact this policy the Sullivan County Legislature must pass a resolution adopting the aforementioned policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby adopt the attached Family Medical Leave Policy, attached hereto as "Schedule A".

**BE IT FURTHER RESOLVED**, that this attached policy supersedes and replaces the policy adopted by Resolution No. 443-93 and the revised Resolution No. 421-03, effective July 16, 2009.

**Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

STATE OF NEW YORK)

§:

COUNTY OF SULLIVAN)

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this 16th day of July, 2009.

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CLERK TO THE SULLIVAN COUNTY LEGISLATURE

**RESOLUTION NO. 271-09 INTRODUCED BY DAVID A. SAGER, DISTRICT 1 LEGISLATOR, TO AUTHORIZE THE SULLIVAN COUNTY OFFICE OF THE COUNTY MANAGER TO SETTLE AND PAY DISPUTED "STEP" INCREASES TO THE APPROPRIATE MEMBERS OF THE SULLIVAN COUNTY SHERIFF'S PATROL DIVISION**

**WHEREAS**, the Sullivan County Patrolmen's Benevolent Association (SCPBA) filed a Step 1 grievance on March 25, 2009, and

**WHEREAS**, the SCPBA was not satisfied with the Step 1 decision, the SCPBA filed a Step 2 grievance that was answered by the Personnel Officer on April 6, 2009, and

**WHEREAS**, the SCPBA did not file a Step 3 grievance with the County Manager, and

**WHEREAS**, the historical authorization to pay “step” increases either was provided on a specific date basis that expired on July 1, 2007, or was vaguely addressed in the Collective Bargaining Agreement that expired on December 31, 2000, and

**WHEREAS**, it is in the best interest of the County to provide the County Manager with clear legal authority to pay “step” increases while a new Collective Bargaining Agreement is negotiated, and

**WHEREAS**, failure on the county’s part to settle this dispute accordingly will likely lead to poor employer/employee relations.

**NOW, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the following:

- 1.) The Legislature of Sullivan County duly directs the County Manager to award the “Step” increases to the Sullivan County Sheriff’s Patrol Division since the expiration of their previous contract on December 31, 2007.
- 2.) That the attached salary schedule that details “step” increases shall serve as the authorized “step” increases reflective of the effective schedule of July 1, 2007. The July 1, 2007 “step” increases shall be paid annually until a new Collective Bargaining Agreement is ratified by the County Legislature and the SCPBA.
- 3.) Directs that a successor Collective Bargaining Agreement contain clear and specific authority as to the terms and conditions of said Collective Bargaining Agreement.

**Moved by Mr. Sager, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 272-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO SET SALARIES FOR CERTAIN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND TO ABOLISH A CERTAIN POSITION**

**WHEREAS**, the 2009 Sullivan County Budget has been adopted by the County Legislature, and

**WHEREAS**, some salary rates for management and confidential employees need to be set or amended, and

**WHEREAS**, the County Manager has recommended that certain titles and positions be abolished to further enhance the streamlining and restructuring of the County government.

**NOW, THEREFORE, BE IT RESOLVED** that the 2009 salary rates for the below set forth management and confidential employees created and or amended shall be set as follows:

A-1341	Grants Administration Supervisor	\$65,000.00
A-6010-56	Coordinator Child Support Enforcement	\$60,000.00
A-3110-30	Confidential Secretary to the Sheriff – Per Hour Effective June 29, 2009	\$21.00/hour-

**BE IT FURTHER RESOLVED**, that the following position is hereby abolished:

A-1341	Grants Administration Supervisor	Grade XIV
A-3110-30	Confidential Secretary to the Sheriff	\$37,310

**BE IT FURTHER RESOLVED** that the County Legislature hereby further amends the Schedule "A" attachment to Resolution Number 319-08, to reflect the salaries established on the appropriate grade level, and the positions abolished, as set forth above.

**Moved by Mrs. Binder, seconded by Mr. Hiatt, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION 273-09 INTRODUCED BY EXECUTIVE COMMITTEE TO REALLOCATE THE SALARY OF THE GRAND JURY STENOGRAPHER IN THE DISTRICT ATTORNEY'S OFFICE ON THE TEAMSTERS LOCAL 445 SALARY SCHEDULE FROM GRADE VIII TO XIV**

**WHEREAS**, the Grand Jury Stenographer receives a per page fee for stenographic work, and

**WHEREAS**, it has been determined that this practice is not compliant with IRS regulations, and

**WHEREAS**, the County Manager has negotiated an agreement with Teamsters Local 445 to reallocate this position from grade VIII to grade XIV paying a salary as stipulated in the agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the following:

- 1.) The Grand Jury Stenographer is hereby reallocated from grade VIII to grade XIV on the Teamsters Local 445 salary schedule.
- 2.) The agreement that the County Manager has developed is hereby ratified effective July 1, 2009.
- 3.) The per page payment shall cease effective June 30, 2009.

**Moved by Mrs. Binder, seconded by Mr. Hiatt, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 274-09 INTRODUCED BY PUBLIC SAFETY COMMITTEE TO APPOINT MEMBERS TO THE SULLIVAN COUNTY ELECTRICAL LICENSING BOARD**

**WHEREAS**, Resolution No. 310-07, as amended by Resolution 357-07, provided for the appointment of members to the Sullivan County Electrical Licensing Board, which terms will expire on July 19, 2009;

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

<u>Appointee</u>	<u>Term</u>
Richard Martinkovic, Commissioner of Public Safety	Term of Office
LaWanda Ervin, NYSEG Representative	July 19, 2011
John Conley, County Official/Employee	July 19, 2011

Jim Rose, Business Owner/Electrician

July 19, 2011

John Perrella, Code Enforcement Officer

July 19, 2011

**Moved by Mrs. Goodman, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 275-09 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO OPPOSE LEGISLATION BEING CONSIDERED BY THE UNITED STATES CONGRESS TO CHANGE LANGUAGE IN THE CLEAN WATER ACT**

**WHEREAS**, the County of Sullivan supports the current language of the Clean Water Act (“CWA”) that protects wetland habitats, rivers and streams of the United States; and

**WHEREAS**, the United States Congress is considering changing the language of the CWA from “navigable waters” to “waters of the United States”; and

**WHEREAS**, this intended expansion of the federal government would require counties to obtain a federal permit before any project of any size could move forward which would cost time and more expense to counties; and

**WHEREAS**, if the term “navigable” is removed from the current language of the CWA it is possible that streets, gutters, ditches, pipes, human made ponds, drainage features, and other features could be regulated by the federal government which are currently handled in an effective manner by local governments; and

**WHEREAS**, the proposed change to the CWA to include “waters of the “United States,” would further expand the authority and responsibilities of the federal government in regard to these waters; and

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Sullivan opposes such a change in the language of the CWA and that the term “navigable waters” needs to remain; and

**BE IT FURTHER RESOLVED**, that our congressional delegation needs to oppose this change to protect the jurisdiction of counties and other local governments to be responsive to their residents in protecting the health, safety, and welfare of citizens without federal regulation overkill which would compromise life and liberty.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 276-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO SUPPORT NEW YORK STATE ASSEMBLY BILL A-9052 WHICH REFORMS MAJOR SECTIONS OF STATE LAW TO PROVIDE FOR EFFICIENCIES IN LOCAL GOVERNMENT AND TO AUTHORIZE THE STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY TO ISSUE BONDS TO BENEFIT LOCAL GOVERNMENTS**

**WHEREAS**, the New York State Assembly has introduced bill A-9052 that seeks to modernize and reduce the costs of local government with the aim of reducing property taxes, and

**WHEREAS**, there exists a Municipal Bond Bank Agency (MBBA) that provides access to capital markets for special programs and purposes that benefit the State of New York and its municipalities, and

**WHEREAS**, this legislation proposes to amend the Public Authorities Law to allow MBBA to issue bonds that would purchase American Recovery and Reinvestment Act of 2009 (ARRA) bonds issued by counties, and

**WHEREAS**, Sullivan County would likely qualify to be designated as an Economic Recovery Zone related to ARRA, and

**WHEREAS**, the MBBA bonds would be sold on a pooled basis with the benefit of added security features thus providing issuance efficiencies and pricing advantages in the bond marketplace with an estimated reduction in bond rates of one to one and a half percent, and

**WHEREAS**, this legislation proposes to amend existing law to enhance mutual aid amongst municipalities and the State Department of Transportation (DOT), and

**WHEREAS**, mutual aid contracts would be permitted for a period of up to five years and the State DOT would be permitted to provide snow and ice control to municipalities in non-emergency situations, and

**WHEREAS**, this legislation proposes to increase the public bidding threshold for Public Works contracts from \$20,000 to \$35,000, providing for more efficiencies and greater control by local procurement policies, and

**WHEREAS**, it is in the best interest of the County for the State Legislature to authorize the MBBA to issue bonds issued by counties, particularly the lowering of interest expense that could significantly reduce the overall debt service burden of the Real Property Taxpayers.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature urges the New York State Legislature to swiftly enact New York State Assembly Bill A-9052, particularly authorizing the MBBA to issue bonds that would purchase ARRA bonds issued by counties, and

**BE IT FURTHER RESOLVED**, that the Clerk of the Legislature is hereby directed to transmit a copy of this resolution to Governor David A. Paterson, the Democratic Leader and the Republican Leader of the New York State Senate, New York General Assembly Speaker Sheldon Silver, the Minority Leader of the New York State General Assembly, Senator John J. Bonacic, Assemblywoman Aileen M. Gunther, each Clerk of every County Board outside of New York City, and the New York State Association of Counties.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 277-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO SUPPORT THE ENACTMENT OF ASSEMBLY BILL A-8765 AND SENATE BILL S-5922 THAT AUTHORIZES CERTAIN COUNTIES TO IMPOSE UP TO A FOUR PERCENT RATE OF SALES AND COMPENSATING USE TAXES**

**WHEREAS**, the New York State Association of Counties (NYSAC) has long advocated that the authorized ceiling for the rate of sales and compensating use taxes for counties should be set at four percent(4%), as opposed to the current three percent (3%), and

**WHEREAS**, more than fifty (50) counties outside of new York City presently impose sales and compensating use taxes at a rate greater than three percent (3%), usually four percent (4%), and

**WHEREAS**, impasse in the New York State Senate may jeopardize the ability of County Governments to develop sound tentative budgets for 2010, or impose significant increases to the property tax levy to cover the loss in revenues from the authorized sales and compensating use tax rate, and

**WHEREAS**, the failure to extend the sales and compensating use tax rate of four percent (4%) in Sullivan County would require a 19.5% increase in the equalized Real Property Tax Rate, or draconian cuts that would otherwise render Sullivan County incapable of providing for the various State Mandates, and

**WHEREAS**, the present practice in New York State Government requires the individual counties to request the State Legislature to extend their sales and compensating use tax rates every other year, and

**WHEREAS**, this practice adds significant cost to the taxpayers of the State of New York and consumes valuable resources at the State Department of Taxation, and

**WHEREAS**, by authorizing counties each to impose a sales and compensating use tax at a rate up to four percent (4%), the 57 counties and cities that need the biannual renewals will be reduced to five (5) counties that currently have rates in excess of four percent (4%), and

**WHEREAS**, it is in the best interest of the County for the New York State Legislature to enact A-8765/S-5922 that authorizes certain counties to impose up to a four percent (4%) rate of sales and compensating use taxes.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature hereby authorizes requests the New York State Legislature to enact A-8765/S-5922 that authorizes certain counties to impose up to a four percent (4%) rate of sales and compensating use taxes, and

**BE IT FURTHER RESOLVED** that the Clerk of the Legislature is hereby directed to transmit a copy of this resolution to Governor David A. Paterson, the Democratic Leader and the Republican Leader of the New York State Senate, New York State General Assembly Speaker Sheldon Silver, the Minority Leader of the New York General Assembly, Senator John J. Bonacic, Assemblywoman Aileen M. Gunther, each Clerk of the County Board of every county in New York State outside of New York City, and the New York State Association of Counties.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 278-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO URGE THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO CONDUCT A FULL STATE ENVIRONMENTAL IMPACT STUDY WITH RESPECT TO THE MAINTENANCE AND SAFETY OF PUBLICLY AND PRIVATELY OWNED DAMS**

**WHEREAS**, the New York State Department of Environmental Conservation (DEC) is presently considering proposed revisions to its rules and regulations relating to the maintenance and safety of publicly and privately owned dams, and

**WHEREAS**, there are many dams impounding water in Sullivan County and the Sullivan County Legislature is acutely aware of the importance of dam safety and the consequences of dam failure, but

**WHEREAS**, the Sullivan County Legislature is also aware that the projected cost of some of the proposed requirements presently being considered by the DEC may well be beyond the financial means of the owners of the dams, both public and private, and

**WHEREAS**, the Sullivan County Legislature believes that the adoption of the proposed dam safety rules and regulations presently being considered by the DEC is an “action” subject to the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, pursuant to SEQRA financial and related impacts such as affect on the nature and quality of the community are factors to be considered in conducting applicable environmental reviews, and

**WHEREAS**, in the event the cost of compliance with the proposed new dam safety rules and regulations becomes excessive it is possible that dam owners may either remove the dams or cause them to be artificially breached and rendered useless thus substantially changing the nature and character of the area both upstream and downstream of such dams, and

**WHEREAS**, such a potential consequence and such a potential change in the nature and character of an area are also factors to be addressed pursuant to SEQRA in conducting a proper environmental review of a proposed action, and

**WHEREAS**, to date the DEC has merely issued a SEQRA Negative Declaration and has refused to conduct a full environmental impact study with respect to its proposed dam safety rules and regulations, and

**WHEREAS**, the Sullivan County Legislature believes that the issuance of a Negative Declaration with respect to the proposed rules and regulations is neither appropriate nor compliant with SEQRA.

**NOW THEREFORE BE IT RESOLVED**, that the Sullivan County Legislature hereby requests that the New York State Department of Environmental Conservation fully comply with the language, intent and spirit of the State Environmental Quality Review Act and that the Department of Environmental Conservation conduct and prepare, including scoping sessions, drafts and the like, a full environmental impact study and statement which considers all potential impacts of the proposed rules and regulations including but not limited to financial impacts and the impacts on the nature and character of areas in which dams cannot be maintained to the standards set forth in the proposed rules and regulations.

**Moved by Mr. Sorensen, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 279-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO DESIGNATE THE COUNTY MANAGER TO SERVE AS THE SULLIVAN COUNTY REFUSE AGENCY**

**WHEREAS**, New York’s County Law, Article 5-A, governs the establishment of County water, sewer, water quality, drainage and refuse districts, and

**WHEREAS**, the County Legislature has determined it would be in the best interests of the County to pursue the possible creation of a refuse district in the County, and

**WHEREAS**, pursuant to Article 5-A the County may have a refuse district for the collection and disposal of garbage, ashes, rubbish and other waste matter within the County, which district may consist of two or more non-contiguous areas, and which district may be created for collection and disposal or only for disposal, and

**WHEREAS**, pursuant to Article 5-A the first step to be taken in exploring the creation of a refuse district is to create a refuse Agency, and

**WHEREAS**, the County Legislature may designate an officer, board or body, new or existing, to serve as a refuse Agency, and

**WHEREAS**, the refuse Agency, once created, may assemble data relating to “the problems of collection and disposal of garbage, ashes, rubbish and other waste matter within the County”, and

**WHEREAS**, the County Legislature desires to create such an Agency and to have the Agency assemble such data and prepare a report to the Legislature and to grant to the Agency such authority as may be granted pursuant to the provisions of Article 5-A, and

**WHEREAS**, the County Legislature has determined it would be appropriate for the County Manager to serve as the Agency and the County Manager has expressed his willingness to serve as the Agency.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature hereby designates the County Manager to serve as the Sullivan County Refuse Agency with such powers as may be conferred on the Sullivan County Refuse Agency, pursuant to the provisions of County Law, Article 5-A, relative to the possible establishment of a Sullivan County Refuse District, and

**BE IT FURTHER RESOLVED** that the County Manager, acting as the Sullivan County Refuse Agency, shall utilize any appropriate staff that reports directly or indirectly to the County Manager to assist in the performance of the duties required of the Refuse Agency, and

**BE IT FURTHER RESOLVED** that Sullivan County Legislature directs that the Sullivan County Refuse Agency, assemble data relating to “the problems of collection and disposal of garbage, ashes, rubbish and other waste matter within the County” and file with the Clerk of the Legislature a report containing such data together with the Agency’s findings and recommendations concerning the establishment of a Sullivan County Refuse District, including if deemed appropriate, recommended maps and plans, and

**BE IT FURTHER RESOLVED** that the agreement between the County of Sullivan and Mid Atlantic Solid Waste Consultants, LLC, shall be amended to specify that the work is also being done for the Sullivan County Refuse Agency, and that the consultant’s report, once completed, shall become Agency work-product available for use in forming a Sullivan County Refuse District.

**Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 280-09 INTRODUCED BY COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE IN OPPOSITION TO STATE TAKEOVER AND DIVERSION OF REVENUES TO COUNTIES FROM CATSKILL OFF-TRACK BETTING CORPORATION**

**WHEREAS**, through participation in the Catskill Off-Track Betting Corporation, member counties have received more than \$200 million dollars as their share of wagering activities conducted by the Corporation through 2008, and

**WHEREAS**, Counties have benefited by participation in the Catskill Off-Track Betting Corporation, with national reputation for “best in the nation” distribution of per capita benefits to member counties, and

**WHEREAS**, the Catskill Off-Track Betting Corporation has generated more than \$268 million for the support of horse racing in the State of New York, and

**WHEREAS**, the Catskill OTB has paid over \$32 million to participating counties in the years since 2005, and

**WHEREAS**, in 2008, the State amended off-track betting statues to take over the New York City Off-Track betting Corporation where the New York City Mayor had been demanding amendments to the OTB, and

**WHEREAS**, Catskill OTB and the counties that participate in its revenues were not aided by such enactment and remain affected by State laws and practices in need of correction, and

**WHEREAS**, it is the urging of the Board of Directors of Catskill Off-Track Betting Corporation and the Legislature of the County of Sullivan that the Governor and the Senate and the Assembly of New York State prepare and agree to legislation which will restore hard earned profits for Catskill OTB that have regularly been diverted, and

**WHEREAS**, participating county governments and especially Sullivan County are opposed to any additional “state takeover” initiatives by the Governor and State Legislature of New York; and be it, and it is hereby.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governor and the Legislature of New York do enact amendments to the New York State Pari-Mutuel Racing, Wagering and Breeding Law which will repeal certain provisions, enact certain others, and thereby restore previously and hard earned profits for Catskill OTB and its participating county governments, and

**BE IT FURTHER RESOLVED**, that the Legislature enact immediate legislation which will restore all off-track betting corporations to prior retention levels to permit adequate revenues to be paid to participating county governments in the statutory regions, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Governor David A. Paterson, Majority Leader of the Senate, Assembly Speaker Sheldon Silver, the President of the Catskill Off-Track Betting Corporation and other State representative as may be usual for the County to appeal for help.

**Moved by Mrs. Binder, seconded by Mr. Wood, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 281-09 INTRODUCED BY PUBLIC WORKS COMMITTEE TO DESIGNATE THE COUNTY OF SULLIVAN AS LEAD AGENCY IN THE DEVELOPMENT OF A MATERIALS RECOVERY FACILITY/TRANSFER STATION (MRF/TS)**

**WHEREAS**, the County of Sullivan has under consideration, the siting and construction of a Materials Recovery Facility/Transfer Station (MRF/TS) at the Sullivan County Landfill in Monticello, NY; and

**WHEREAS**, the Project is subject to the requirements of the State Environmental Quality Review Act (SEQRA) as defined in Title 5 NYCRR Section 617; and

**WHEREAS**, in accordance with the SEQRA requirements the County of Sullivan is eligible to act as Lead Agency for the Project.

**NOW, THEREFORE BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County of Sullivan to pursue designation of and act as Lead Agency for the SEQRA process for the siting and construction of the Sullivan County MRF/TS at the Sullivan County Landfill in Monticello, New York.

**Moved by Mr. Hiatt, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 282-09 INTRODUCED BY PUBLIC WORKS COMMITTEE**

**TO AUTHORIZE THE SULLIVAN COUNTY TRAFFIC SIGNAL UPGRADE PROJECT,  
VARIOUS LOCATIONS.**

**WHEREAS**, the Sullivan County Traffic Signal Upgrade Project, Various Locations PIN 9753.58 D032001 (hereinafter “the Project”) in the County of Sullivan, (hereinafter “the Municipality/Sponsor”) is eligible for funding through the American Recovery and Reinvestment Act of 2009 (ARRA) under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-Federal funds.

**WHEREAS**, Bond Resolution No. 41 dated February 19, 2009 has authorized funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature agrees to advance the Project through the County of Sullivan’s resources and authorizes the County Treasurer to appropriate \$205,000 from the capital account to pay in the first instance the full Federal and non-Federal costs of any and all phase(s) or portions thereof, to complete the Project including all phase(s) or portions thereof; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature makes a 100% commitment of the Federal and non-Federal share (if any) of the costs of the Construction and Construction Supervision and Inspection phases of work for the Project or portions thereof, with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreement; and

**BE IT FURTHER RESOLVED**, that upon completion of construction of the Project, or a fully usable portion thereof, the County of Sullivan agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and.

**BE IT FURTHER RESOLVED**, that in the event the full Federal and non-Federal share of the Project exceeds the amount appropriated above, the Sullivan County Legislature shall convene as soon as possible to appropriate said excess amount immediately; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized to: execute all necessary Agreements or certifications on behalf of the County of Sullivan with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement, in such forms as approved by the County Attorney; and providing for the administration of the Project and the County of Sullivan’s first instance funding of the Federal and non-Federal share of project costs and permanent funding of the Local share of Federal-aid and State-aid eligible Project costs; and all Project costs within appropriations therefore that are not so eligible; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 283-09 INTRODUCED BY PUBLIC WORKS COMMITTEE  
TO AUTHORIZE THE SULLIVAN COUNTY SIGN REPLACEMENT PROJECT, VARIOUS  
ROUTES.**

**WHEREAS**, the Sullivan County Sign Replacement Project, Various Routes PIN 9753.57 D032000 (hereinafter “the Project”) in the County of Sullivan, (hereinafter “the Municipality/Sponsor”) is eligible for funding through the American Recovery and Reinvestment Act of 2009 (ARRA) under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-Federal funds.

**WHEREAS**, Bond Resolution No. 41 dated February 19, 2009 has authorized funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature agrees to advance the Project through the County of Sullivan’s resources and authorizes the County Treasurer to appropriate \$108,000 from the capital account to pay in the first instance the full Federal and non-Federal costs of any and all phase(s) or portions thereof, to complete the Project including all phase(s) or portions thereof; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature makes a 100% commitment of the Federal and non-Federal share (if any) of the costs of the Construction and Construction Supervision and Inspection phases of work for the Project or portions thereof, with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreement; and

**BE IT FURTHER RESOLVED**, that upon completion of construction of the Project, or a fully usable portion thereof, the County of Sullivan agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and.

**BE IT FURTHER RESOLVED**, that in the event the full Federal and non-Federal share of the Project exceeds the amount appropriated above, the Sullivan County Legislature shall convene as soon as possible to appropriate said excess amount immediately; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized to: execute all necessary Agreements or certifications on behalf of the County of Sullivan with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement, in such forms as approved by the County Attorney; and providing for the administration of the Project and the County of Sullivan's first instance funding of the Federal and non-Federal share of project costs and permanent funding of the Local share of Federal-aid and State-aid eligible Project costs; and all Project costs within appropriations therefore that are not so eligible; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 284-09 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE FUNDING IN THE FIRST INSTANCE OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A FEDERAL-AID TRANSPORTATION PROJECT.**

**WHEREAS**, a Project for Town Highway 39 over the Neversink River (BIN3356530/CB293) in the Town of Fallsburg, Sullivan County, P.I.N. 9752.59 (the Project) is eligible for funding under Title 23 U.S. Code as amended, that calls for the apportionment of the costs of such program to be borne at a ratio of 80% Federal funds and 20% non-Federal Funds; and

**WHEREAS**, the County of Sullivan desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Construction and Construction Supervision and Inspection work; and

**WHEREAS**, Resolutions 19-03 and 101-09 provided Legislative approval for Preliminary Engineering, Right-of-Way Incidental and Right-of-Way Acquisition work.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby approves of the Project and authorizes the County Treasurer to pay in the first instance 100% of the Federal and non-Federal share of the Construction and Construction Supervision and Inspection work for the project or portions thereof; and

**BE IT FURTHER RESOLVED**, that the sum of \$ 2,995,000 is hereby appropriated in budget for payment of the Construction and Construction Supervision and Inspection work; and

**BE IT FURTHER RESOLVED**, that in the event the full Federal and non-Federal share of the cost of the project exceeds the amount appropriated above, the Sullivan County Legislature shall convene as soon as possible to appropriate said excess amount upon notification by the New York State Department of Transportation thereof; and

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

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 285-09 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE AWARD OF ENGINEERING SERVICES FOR THE SULLIVAN COUNTY AIRPORT GENERAL AVIATION (GA) APRON REHABILITATION – DESIGN PROJECT**

**WHEREAS**, Resolution No. 234-09 authorized the County Manager to apply for and execute AIP Grants, Agreements, Contracts, Certifications and Documentation for Engineering Services; and

**WHEREAS**, a grant has been fully executed with the FAA in the amount of \$79,100; and

**WHEREAS**, the FAA has obligated funding for 95% of the total cost of the project at the Sullivan County International Airport; and

**WHEREAS**, the New York State Department of Transportation share of the cost of the project is 2.5% of the total project cost; and

**WHEREAS**, the County has completed a qualifications-based selection process for an Airport Consultant and has retained Passero Associates and recommends the award of the engineering services to the firm Passero Associates.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature authorizes the County Manager to sign the necessary agreements, contracts and documentation, in such form as the County Attorney shall approve, to retain the services of Passero Associates for a contract amount not to exceed \$74,100 for Engineering services; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be attached to any necessary agreements in connection with this project: and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 286-09 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE A SUPPLEMENTAL AGREEMENT FOR CONSULTANT INSPECTION SERVICES FOR THE COUNTY BRIDGE 293 REPLACEMENT PROJECT (THE PROJECT).**

**WHEREAS**, County Bridge No. 293 on T.H. 39, Grey Road, located in the Town of Fallsburg will be replaced under contract; and

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

**WHEREAS**, the Division of Public Works recommends the award of an agreement for consultant engineering services to the firm of Clough Harbour & Associates LLP on the basis of qualifications.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is authorized to execute a Supplemental Agreement for consulting engineering services with, Clough Harbour & Associates LLP at a cost not to exceed \$250,000, said contract to be in such form as the County Attorney shall approve; and

**BE IT FURTHER RESOLVED**, that the execution of the Supplemental Agreement is contingent upon the receipt of an executed agreement from NYSDOT, which authorizes Federal and State funding for the Project.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 287-09 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE REQUIRING THAT ANNUAL BUDGETS FOR EACH CAPITAL ACCOUNT BE INCLUDED AS A SEPARATE SECTION WITHIN THE TENTATIVE COUNTY BUDGET AND ADOPTED COUNTY BUDGET WITH SPECIFIC DETAILED SPENDING PLANS INCORPORATED THEREIN AND SUBJECT TO MODIFICATION APPROVAL, RECOMMENDED BY THE COUNTY MANAGER, TO BE APPROVED BY THE COUNTY LEGISLATURE**

**WHEREAS**, the County Manager as a means to control County expenditures, had recommended a number of fiscal control policies in 2007 that were adopted by the legislature, including some amendments to the County Charter and Administrative Code, and

**WHEREAS**, the oversight and control of capital accounts were not addressed in those 2007 fiscal control policies, and

**WHEREAS**, once the legislature adopts a bond resolution for a particular purpose and the capital project is thereafter funded, the Division Commissioner and or Department Head has had the ability to expend funds allocated to the project without approval of the Division of Management and Budget or the County Manager, and

**WHEREAS**, the language contained in various bond resolutions is broad as it relates to projects, equipment, and vehicles, for practical and prudent purposes of managing the projects and purchases, and

**WHEREAS**, the County Manager has recommended that each Division Commissioner and or Department Head that may have any jurisdiction over a capital project, procurement of equipment, and or procurement of vehicles that may be associated with a capital account, shall be directed to submit a detailed budget for each capital account that is involved with their respective Division and or Department, to the Division of Management and Budget with the submission of their operating budget requests for the upcoming fiscal year's tentative budget, and

**WHEREAS**, the County Manager has recommended that the Division of Management and Budget, the County Manager, particularly in his County Charter role as Budget Officer, and the County Legislature should have greater oversight and control of capital projects, procurement of equipment, and procurement of vehicles that are authorized to be funded through various adopted bond resolutions, and

**WHEREAS**, the adopted bond resolutions are typically funded either by the issuance of Bond Anticipation Notes and or Serial Bonds by the County Treasurer that incurs interest expense and requires annual allocations in the adopted County Budget for debt service payments, and

**WHEREAS**, the County Manager has recommended that the Legislature adopt as County Public Policy, a policy requiring that annual budgets for each capital account be included as a separate section within the tentative County Budget and adopted County Budget, with specific detailed spending plans incorporated therein, and subject to modification approval as recommended by the County Manager to be subject to approval by the County Legislature, and

**WHEREAS**, the County Manager has recommended that justification be required to be submitted to the Division of Management and Budget, thereafter recommended to the County Manager prior to encumbering funds in any capital account or budget line item associated with a capital project, procurement of equipment, or procurement of vehicles that have been funded, in part, by an adopted bond resolution, or appropriated

from any designation within the unreserved Fund Balance of the General Fund, or from the Line-Items of the Operating Budget or the Fund Balance of the Road Machinery Fund or the County Road Fund, or the Enterprise Fund associated with the Adult Care Center, and

**WHEREAS**, the County Manager has proposed the aforementioned policies and procedures based upon the need to maintain financial integrity and promote stability regarding the budget control of the County, and to provide the Legislature with proper controls and oversight of the County's comprehensive expenditures.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature hereby authorizes, directs, and adopts the following as Public Policy of the County of Sullivan:

1. A requirement that annual budgets for each capital account be included as a separate section within the tentative County Budget and adopted County Budget, with specific detailed spending plans incorporated therein, and subject to modification approval, as recommended by the County Manager, and to be subject to approval by the County Legislature.
2. That each Division Commissioner and or Department Head that may have any jurisdiction over a capital project, procurement of equipment, and or procurement of vehicles that may be associated with a capital account, shall be directed to submit a detailed budget for each capital account that is involved with their respective Division and or Department, to the Division of Management and Budget with the submission of their operating budget requests for the upcoming fiscal year's tentative budget.
3. That justification is hereby required to be submitted to the Division of Management and Budget, and thereafter recommended to the County Manager and approved by the County Manager or his designee, prior to encumbering funds in any capital account or budget line item associated with a capital project, procurement of equipment, or procurement of vehicles that have been funded, in part, by an adopted bond resolution, or appropriated from any designation within the unreserved Fund Balance of the General Fund, or from the Line-Items of the Operating Budget or the Fund Balance of the Road Machinery Fund or the County Road Fund, or the Enterprise Fund associated with the Adult Care Center.
4. That the Division of Management and Budget, the County Manager, particularly in his County Charter role as Budget Officer, and the County Legislature shall have greater oversight and control of capital projects, procurement of equipment, and procurement of vehicles that are authorized to be funded, in part, through various adopted bond resolutions.
5. That any deviation of the approved spending plan for a capital project, the procurement of equipment, and or the procurement of vehicles shall be justified by the Division Commissioner and or Department Head to the Division of Management and Budget, recommended by the County Manager, and subject to approval by the legislative committee with jurisdictional oversight and final approval by the County Legislature.
6. That this resolution shall supersede any former resolutions that provided authority to Division Commissioners and or Department Heads that would be in conflict with the intent and requirements of this resolution.
7. Any and all verbal authority or "past practice" of the County that provided authority to a Division Commissioner and or Department Head to expend or encumber funds allocated to a capital project, the procurement of equipment, or the procurement of vehicles without approval of the Division of Management and Budget and the County Manager is hereby revoked.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 288-09 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT WITH L-1 ENROLLMENT SERVICES FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT TO BE USED FOR THE PAYMENT OF LIVE SCAN FINGERPRINT SERVICES REQUIRED IN CONNECTION WITH CRIMINAL HISTORY RECORD CHECKS REQUIRED OF CERTAIN COUNTY EMPLOYMENT POSITIONS BY THE NEW YORK STATE DEPARTMENT OF HEALTH**

**WHEREAS**, the New York State Department of Health (hereinafter "DOH") requires that Criminal History Record Checks be performed with respect to applicants for certain positions in Public Health and the Adult Care Center, and

**WHEREAS**, the DOH recently advised the County that they were implementing a Live Scan Fingerprinting system in order to perform these Record Checks, and

**WHEREAS**, the County does not presently have the facilities to perform Live Scan Fingerprinting itself, and

**WHEREAS**, the DOH has advised all counties in the State that a single private vendor, L-1 Enrollment Services, will be responsible for operating and managing Live Scan stations Statewide, for making appointments with applicants and taking the Live Scan fingerprints, and

**WHEREAS**, the County has been informed that L-1 Enrollment Services has advised all counties that they will only perform such services where payment is made at the time of the fingerprint, i.e., that they will not bill the County for the services, and

**WHEREAS**, the New York State Legislature enacted this requirement that requires the employer to pay for all costs associated with the Live Scan Fingerprinting system in order to perform these Record Checks, without any ability to have prospective employees to fund this State mandate, and

**WHEREAS**, the DOH has advised the County that L-1 Enrollment Services will only accept payment by one the following methods: establishment of an escrow account, a credit card, a debit card, a business check, or cash. Payment will be accepted at the time the appointment is made if it is made by a credit card or debit card. Payment by any of the other methods will be at the time the employee is fingerprinted, and

**WHEREAS**, the County Manager has recommended that the county not utilize a credit card or a debit card for this purpose, particularly to satisfy county policy and sound audit and control practices, and

**WHEREAS**, the County Manager and the Deputy County Manager/Commissioner of Management and Budget have determined that, for Sullivan County, given the anticipated volume of transactions over the course of a year, the practical and programmatic considerations involved, and given the need to pay for such services in a manner which provides the best method of providing an audit trail for the County's Auditor, the so-called escrow account method would be the preferred option,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Sullivan County Legislature hereby authorizes the County Manager to enter into an agreement, in a form to be approved by the County Attorney, with L-1 Enrollment Services for the establishment of an escrow account to be used for the payment of Live Scan Fingerprint services required in connection with Criminal History Record Checks required of certain County employment positions by the DOH.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 289-09 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO AGREEMENTS FOR THE PROVISION OF FOOD STAMP NUTRITION EDUCATION PROGRAM RELATED SERVICES FROM OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010**

**WHEREAS**, the County of Sullivan, through the Department of Family Services, is able to access federal funding for the purpose of a Food Stamp Nutrition Education Program and desires to contract for the provision of those services; and

**WHEREAS**, the Eat Smart New York program is endorsed by New York State Office of Temporary and Disability Assistance (NYS OTDA) as satisfying the program requirements of the federal Food Stamp Nutrition Education Program; and

**WHEREAS**, the Cornell Cooperative Extension of Sullivan County New York administers the Eat Smart New York program in Sullivan County New York and will provide those services for the Department of Family Services at the NYS OTDA approved amount, with half the cost paid with federal dollars by the department.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreements with Cornell Cooperative Extension of Sullivan County for the provision of Food Stamp Nutrition Education services through the Eat Smart New York program during the period from October 1, 2009 through September 30, 2010; and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 290-09 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO EXECUTE AGREEMENTS WITH OUT- OF- NEW YORK STATE FOSTER CARE SERVICE PROVIDERS**

**WHEREAS**, the County of Sullivan, through the Department of Family Services, is mandated to make available Foster Care services as needed for children/youth; and

**WHEREAS**, various providers are approved by the state, they are located within, are capable and are willing to enter into agreement to provide Foster Care services for Sullivan County children/youth under New York State model contract language incorporated to the standard County of Sullivan, New York model contract and at rates approved by the state they are located within.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreements with other than New York State approved Foster Care related service providers for Sullivan County youth during the period from July 1, 2009 through June 30, 2010; and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 291-09 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO CONTRACT WITH AUTHORIZED STATE EDUCATION DEPARTMENT PROVIDER(S)**

**WHEREAS**, Sullivan County provides mandated Early Intervention and Developmental Educational Services to eligible children from Sullivan County; and

**WHEREAS**, the Service Provider(s) listed below have applied for and have been accepted by the authorized State Agency for delivery of said services; and

**WHEREAS**, Sullivan County is mandated to pay for Early Intervention Services and Developmental Educational Services at state-set rates for eligible children from Sullivan County.

**NOW, THEREFORE, BE IT RESOLVED** that the County Manager be authorized to execute a **Pre-School contract(s)** with the following approved State Education Department service provider(s) for the period 8/1/09 to 6/30/12, and

**BE IT FURTHER RESOLVED**, that the form of such contract(s) be approved by the Sullivan County Department of Law.

**NYS Education Department (SED) provider:**

Sullivan West School  
PO Box 308  
Jeffersonville, NY 12748  
Services: Speech Therapy services

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 292-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, bids were received for Equipment/Installation of Radio Equipment, and

**WHEREAS**, KJBL Electronics, Inc., 3127 State Route 52, PO Box 157, White Sulphur Springs NY, 12787, is the lowest responsible bidder for such work, and

**WHEREAS**, the Division of Emergency Management approves said bid and that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute a contract with KJBL Electronics, Inc., at a contract price not to exceed \$85,298.00, and in accordance with Bid #B-09-39, dated May 29, 2009, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 293-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO ENTER INTO CONTRACT FOR AUDIOLOGY SERVICES FOR SULLIVAN COUNTY PUBLIC HEALTH SERVICES' LONG TERM HOME HEALTH CARE PROGRAM**

**WHEREAS**, Sullivan County Public Health Services Certified Home Health Agency is certified to provide audiology services to patients admitted to its Long Term Home Health Care Program, and

**WHEREAS**, Catskill Regional Medical Center (CRMC) has appropriately credentialed professional(s) to provide *clinic-based* audiology services and has responded to the recently issued Request for Proposal (RFP).

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be authorized to execute a contract with **Catskill Regional Medical Center, PO Box 800, Harris, NY 12742** to provide *clinic-based* audiology services at the rate of \$ 80/visit to patients of the Long Term Home Health Care Program for the period 7/1/09 through 12/31/12, as well as two annual contract extensions thereafter at the same conditions/rates, if both parties agree (per the RFP issued on 5/1/09), and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 294-09 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANGER TO EXECUTE A CONTRACT WITH ZUBATKIN OWNER REPRESENTATION, LLC, FOR A PEER REVIEW OF THE SULLIVAN COUNTY JAIL PROJECT**

**WHEREAS**, the County has executed a contract for architectural services and construction management services for the proposed new County Jail, and

**WHEREAS**, said contract stipulates that the construction management firm shall report to the architectural firm for the duration of the Sullivan County Jail Project, and

**WHEREAS**, the County Manager has recommended that the County obtain the services of an Owner's Representative for the Jail Project, which would include an evaluation of the work completed to date, the schedule for the project's development and a thorough assessment of all project issues, scope of the work, development costs and expenditures, and

**WHEREAS**, this analysis will apprise the County Manager and the Legislature of the project status and issues as well as the items that will need further clarification and evaluation to ensure that the project is moving forward in the most cost effective manner, and

**WHEREAS**, the County Manager has recommended that Zubatkin Owner Representation, LLC conduct a Peer Review for the Sullivan County Jail Project, in accordance with the scope of work contained in Schedule "A" that is attached hereto, and

**WHEREAS**, it is in the best interest of the County to authorize the County Manager to execute a contract with Zubatkin Owner Representation, LLC, for a peer review of the Sullivan County Jail Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Sullivan County Legislature hereby authorizes the County Manager is authorized to execute a contract with Zubatkin Owner Representation, LLC, for a peer review of the Sullivan County Jail Project in an amount up to \$60,000, in addition to reasonable and normally incurred project expenses associated therewith, in a form acceptable to the Law Department. The scope of work for the Peer Review is attached hereto as Schedule "A" and made a part hereof.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 295-09 INTRODUCED BY JONATHAN ROUIS, LEGISLATIVE CHAIRMAN, TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF THOMPSON**

**WHEREAS**, on May 19, 2009 the County entered into a mitigation agreement with the Seneca Nation of Indians and the Seneca Catskills Corporation regarding the proposed Class III gaming project and hotel in Bridgeville, NY, and

**WHEREAS**, the County and the Town of Thompson desire to enter into an inter-municipal agreement pursuant to which the County would make certain payments to the Town out of mitigation monies received by the County from the Nation/Seneca

Corporation for the purpose of dealing with all claims for mitigation in and for the Town, and

**WHEREAS**, the County and the Town have agreed upon the annexed inter-municipal agreement,

**NOW THEREFORE BE IT RESOLVED THAT**

1. The County Manager is hereby authorized the execute the annexed inter-municipal agreement with the Town of Thompson pursuant to which the County would make certain payments to the Town out of mitigations payments received by the County from the Nation/Seneca Corporation and the Town will, in consideration thereof, utilize such monies to mitigate any impacts of the Nation/Seneca Corporation Project, in and for the Town, other than to the Monticello Joint Fire District which will enter into a separate agreement with the Nation, and it is further Resolved that
2. The aforesaid inter-municipal Agreement shall be in a form to be approved by the County Attorney.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 296-09 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO AMEND THE CONTRACT BETWEEN SULLIVAN COUNTY ADULT CARE CENTER AND MIA NEWMAN-KOERNER**

**WHEREAS**, the Adult Care Center has a need to amend contract for Occupational Therapy services; and

**WHEREAS**, Mia Newman-Koerner desires to amend contract and provide occupational therapy services to the Adult Care Center; and

**WHEREAS**, this contract began 12/1/08 and expires 12/31/11 with a maximum amount of \$30,000/year; and,

**WHEREAS**, contract needs to be amended to increase the total amount from \$30,000/year to \$60,000/year for 2009, 2010 and 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is hereby authorized to amend contract with Mia Newman-Koerner to provide occupational therapy services.

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 297-09 INTRODUCED BY PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO CORRECT TAX ROLL**

**WHEREAS**, an application dated March 17, 2009 having been filed by Daniel and Eileen McCort with respect to property assessed to said applicant on the 2009 tax roll of the Town of Highland Tax Map #11.-1-31.2 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the applicants veteran exemption not being entered on the 2009 tax roll.

**WHEREAS**, the Director of Real Property Tax Services has duly investigated the application and filed her report dated June 30, 2009 recommending this Board approve said application; and

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

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

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

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

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion July 16, 2009.**

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**RESOLUTION NO. 298-09 INTRODUCED BY THE PERSONNEL COMMITTEE TO ABOLISH AND CREATE POSITIONS WITHIN THE DEPARTMENT OF GRANTS ADMINISTRATION AND THE OFFICE OF MANAGEMENT AND BUDGET**

**WHEREAS**, the Deputy County Manager/Commissioner of the Division of Management and Budget has requested the authorization to restructure job duties within the Department of Grants Administration, and

**WHEREAS**, the Grants Administration has demonstrated a need for a Grants Writer and a Research Assistant, and

**WHEREAS**, the Deputy County Manager/Commissioner of the Division of Management and Budget has determined that a vacant Budget Analyst position may be abolished in the Office of Management and Budget, and

**WHEREAS**, the funding for these positions are available in the 2009 county budget, which will have a zero-net impact on the budget, and

**WHEREAS**, the County Manager has reviewed the request from the Deputy County Manager/Commissioner of the Division of Management and Budget, and concurs with the merits of the request, and

**WHEREAS**, the realignment of job duties as proposed by the Deputy County Manager/Commissioner of the Division of Management and Budget will increase the efficiency, productivity, and potential revenues of the Grants Administration Department, and

**WHEREAS**, it is in the best interest of the County of Sullivan to abolish and create the following positions.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the creation and abolishment of the following positions within the Department of Grants Administration and the Office of Management and Budget, and placed upon the associated grade on the Teamsters Union pay scale:

**CREATE:**

A-1341 XIII	GRANTS WRITER	GRADE
A-1341 IV	RESEARCH ASSISTANT	GRADE

**ABOLISH:**

A-1340	BUDGET ANALYST, POSITION 2539	\$47,032
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**Moved by Mr. Sager, seconded by Mr. Hiatt, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

STATE OF NEW YORK)

§:

COUNTY OF SULLIVAN)

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this 16th day of July, 2009.

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CLERK TO THE SULLIVAN COUNTY LEGISLATURE

**RESOLUTION NO. 299-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, bids were received for Reconstruction of County Bridge 293, Town of Fallsburg and

**WHEREAS**, Sullivan County Paving & Construction, Inc. is the lowest responsible bidder for such work, and

**WHEREAS**, the Division of Public Works approves said bid and that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be and hereby is authorized to execute a contract with Sullivan County Paving & Construction, Inc., at a contract price not to exceed \$2,440,165.94, and in accordance with Bid #B-09-01, dated June 19, 2009, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 300-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, proposals were received for land surveys for the Greater Catskills Flood Remediation Program; and

**WHEREAS**, Conrad, Close & Ewald, P.C., 161 Jersey Ave., Port Jervis, NY 12771 is the lowest responsible bidder for such work; and

**WHEREAS**, award is subject to approval by State Historic Preservation Office; and

**WHEREAS**, the Division of Public Safety, Office of Emergency Management approves said proposal and recommends that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manger be and hereby is authorized to execute a contract with Conrad, Close & Ewald, P.C., at a contract price not to exceed \$17,700.00, and in accordance with the RFP # R0836 dated December 15, 2008, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 301-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, bids were received for residential demolition services for the Greater Catskills Flood Remediation Program; and

**WHEREAS**, M & K's Landscaping of Liberty, 25 Steiglitz Road, Liberty, NY 12754 is the lowest responsible bidder for such work for thirteen out of fourteen properties; and

**WHEREAS**, award is subject to approval by State Historic Preservation Office; and

**WHEREAS**, the Division of Public Safety, Office of Emergency Management approves said bid and recommends that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manger be and hereby is authorized to execute a contract with M & K's Landscaping of Liberty at a contract price not to exceed \$153,531.84, and in accordance with the Bid #B0870 dated October 17, 2008, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 302-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, a proposal was received for title searches and insurance for the Greater Catskills Flood Remediation Program; and

**WHEREAS**, Southern Tier Title Agency, LLC, 548 Broadway, Monticello, NY 12701 is the responsible bidder for such work; and

**WHEREAS**, award is subject to approval by State Historic Preservation Office; and

**WHEREAS**, the Division of Public Safety, Office of Emergency Management approves said proposal and recommends that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manger be and hereby is authorized to execute a contract with Southern Tier Title Agency, LLC, at a contract price not to exceed 15,100.00, Said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 303-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, a proposal was received for environmental site assessments for the Greater Catskills Flood Remediation Program; and

**WHEREAS**, Team Environmental Consultants, 30 Industrial Drive, Middletown, NY 10941 is the responsible bidder for such work; and

**WHEREAS**, award is subject to approval by State Historic Preservation Office; and

**WHEREAS**, the Division of Public Safety, Office of Emergency Management approves said proposal and recommends that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manger be and hereby is authorized to execute a contract with Team Environmental Consultants at a contract price not to exceed \$29,000.00, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

**RESOLUTION NO. 304-09 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT**

**WHEREAS**, bids were received for residential demolition services for the Greater Catskills Flood Remediation Program; and

**WHEREAS**, Wheat & Sons, 301 Dingle Daisy Road, Monticello, NY 12701 is the lowest responsible bidder for one property out of fourteen; and

**WHEREAS**, award is subject to approval by State Historic Preservation Office; and

**WHEREAS**, the Division of Public Safety, Office of Emergency Management approves said bid and recommends that a contract be executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manger be and hereby is authorized to execute a contract with Wheat & Sons, at a contract price not to exceed \$11,376.75 and in accordance with the Bid # B0870 dated October 17, 2008, said contract to be in such form as the County Attorney shall approve.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 305-09 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE A CONTRACT MODIFICATION FOR THE COORDINATION OF THE HEALTH INSURANCE INFORMATION COUNSELING AND ASSISTANCE PROGRAM (HICAP)**

**WHEREAS**, the Sullivan County Office for the Aging is funded by the New York State Office for the Aging to provide Health Insurance Information, Counseling and Assistance to all Medicare and dual eligible (Medicare-Medicaid) enrollees in the County, and

**WHEREAS**, by Resolution No. 195-08, adopted by the Sullivan County Legislature on May 15, 2008, and by Resolution 138-09, adopted by the Sullivan County Legislature on April 12, 2009 Tula Brown has served and is presently serving as the Coordinator of Health Insurance Information Counseling and Assistance Program, for the period April 1, 2008 through March 31, 2009, at a cost not to exceed \$12,600.00 plus reimbursement of additional expenditures made in the performance of the duties of coordinator of the program for travel, mileage, training conferences, postage, printing, partial telephone and internet connection charges; and

**WHEREAS**, a contract modification agreement is necessary to include the additional expenses incurred with travel expenses, which include but are not limited to meals, tolls, and overnight stays, subject to the approval of the office of the County Manager.

**NOW THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to execute a Contract Modification to the agreement with Tula Brown to include the additional expenses incurred for travel expenses, subject to the approval of the office of the County Manager, and

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

**Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion July 16, 2009.**

**RESOLUTION NO. 306-09 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO AMEND RESOLUTION NO. 17-09 TO AMEND THE ANNUAL CONTRACT BETWEEN THE COUNTY OF SULLIVAN AND THE VISITORS ASSOCIATION FOR THE PROMOTION OF THE SULLIVAN COUNTY BICENTENNIAL**

**WHEREAS**, the County has executed a contract with the Sullivan County Visitors Association (SCVA) to provide the promotion of Sullivan County for the calendar year 2009, and

**WHEREAS**, the SCVA has been requested to assist with promoting the Sullivan County Bicentennial, and

**WHEREAS**, the County Manager has recommended that the contract between the County and the SCVA be amended to provide up to \$30,000 to the SCVA for promotion of the Sullivan County Bicentennial, and

**WHEREAS**, it is in the best interest of the County of Sullivan to contract with the SCVA for the promotion of the Sullivan County Bicentennial.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby amends Resolution No. 17-09 to authorize the County Manager to execute an amendment the annual contract between the County of Sullivan and the Visitors Association for the promotion of the Sullivan County Bicentennial in an amount not to exceed \$30,000.

**Moved by Mrs. Binder, seconded by Mrs. LaBuda**, put to a vote, unanimously carried and **declared duly adopted on motion** July 16, 2009.

There being no further business, Mrs. Goodman moved to adjourn, seconded by Mrs. Binder, put to a vote and carried. The Regular Meeting was declared closed at 3:10PM subject to the call of the Chairman.

ANNMARIE MARTIN, Clerk of the Legislature