

**Sullivan County Legislature
Regular Meeting
August 19, 2010 at 2:00PM**

The Regular Meeting of the County Legislature was called to order at 2:05PM by Chairman Rouis with the Pledge of Allegiance.

Roll Call indicated all legislators present.

The Clerk Read the following communications:

1. Copy of Resolution No. 13-2010 adopted by the Town of Callicoon and received on July 20, 2010 for MMTF to hold a public scoping session.
2. Copies of letters dated July 20, 2010 from Manager Fanslau to NYSDOT and NYS police regarding Route 17 East traffic issues
3. Letter dated August 13, 2010 from the New York State Office of Parks, Recreation and Historic Preservation that the Greenfield Preparative Meeting House, NY 55, at Denman Mountain Road in Grahamsville is up for nomination to the National and State Registers of Historic Places
4. Copy of Resolution No. 307 of 2010 adopted by the Fulton County Board of Supervisors demanding that State Legislators reduce unfunded mandates that cause local property tax increases prior to imposing a cap on local property taxes
5. Record Destruction Notifications from the Legislature dated August 6, 2010 and August 13, 2010.

Presentations:

Chairman Rouis stated prior to public comment, we have two special presentations today. He then called Mr. Hiatt and Mr. Armstrong up to the podium. Mr. Hiatt introduced himself and asked Eric Nystrom to stay up here for the presentation as well. In July, Mr. Nystrom contacted him and asked if he would come to the office because there was a gentleman for whom he had applied a long time ago for accommodations earned for the Vietnam War. So he came to the Government Center and he met Mr. Kruckmeyer who spent a lot of time and deserves a lot of credit obtaining these accommodations. When he realized the nature of the accommodations, we are going to give them to him in this office. He wishes we had the citations that accompany the award in detail. We are happy today to honor Mr. Kruckmeyer. He has asked Mr. Armstrong to present them to Mr. Kruckmeyer because Mr. Armstrong is the Army guy, the soldier, who was in combat. Mr. Nystrom and I are old Air Force fellows. Mr. Hiatt read the Certificate of Recognition and then presented Robert W. Kruckmeyer with the following:

In our appreciation of your service to our Country, while in The Republic of Vietnam, serving in the United States Army, the Sullivan County Legislature would like to thank you, for your outstanding commitment, while protecting our freedoms. It would be our honor to acknowledge your prestigious accomplishments by presenting you, with your Awards, in order of precedence:

The Bronze Star Medal, The Purple Heart, The Air Medal, The Army Commendation Medal; 2nd Award, National Defense Service Medal, Vietnam Service Medal; with 3 Bronze Service Stars, Combat Infantry Badge, Republic of Vietnam Campaign Ribbon w/Device(1960), Expert Badge w/Auto Rifle Bar & Machine Gun Bar, Sharpshooter Badge, and Parachutist Badge.

Thank you for your significant contributions to our country and for your years of dedicated service as a member of the Armed Forces.

Congratulations!

Mr. Hiatt stated that Congressman Hinchey who is a Navy Fellow, also sent along his accommodations which read thank you for your dedicated and exemplary military service on behalf of the United States of America during the Vietnam War.

Mr. Kruckmeyer stated thank you. Forty one years is a long time. This is amazing. What is amazing is not the medals but my family and friends are here. Thank you very much.

Legislators presented Certificates to the following who participated in the Sullivan County Beauty Pageant:

Dara Schiff as Miss Sullivan County Pre Teen of 2010

Taylor Murphy Miss Teen Sullivan County International Pageant
Jessica Goins, Miss Sullivan County International of 2010

Those not present:

Natalia Diaz, Young Miss Sullivan County 2010

Jennifer Ferris, Mrs. Sullivan County International Pageant

Public Comment

1. Josh Sommers, Chairman of the Sullivan County Partnership. He wanted to follow up with the legislative board after our CED Meeting. In case you weren't there, there was significant news coverage following and we wanted to continue that discussion. All of you weren't there but he wanted to personally thank all of you. He has done that privately over the last year and a half and he wanted to say thank you for your continued support in the Partnership and Economic Development. What he does when he is not volunteering for the Partnership, he owns a marketing firm that promotes companies and not for profits and various groups throughout the Hudson Valley and Catskills. When times are tough, that is when you market even harder and once again, thank you for that support. We also appreciate the words of support that we received at last Thursday's meeting acknowledging that we are volunteers and many of you have also shared with him that you appreciate that they are working for a stronger Sullivan County. Some of the recent ethics and disclosure discussions related to the Partnership he thinks deserves some context that he wanted to share. First of all, he is very proud to represent a very prestigious board and we have a lot of good people on that board. People like Jerry Skoda and Lou Klugman and Bob Ernst and Suzanne Loughlin are some past chairs. The sad thing is we believe we wouldn't even be having an ethics or disclosure discussion if we were against gas drilling. We of course do so on a very conditional basis. The gas drilling must be safe or we don't want it either. Another aspect of the Partnership's context which is important is a private organization that provides contract services to the county. We are different than the IDA, we are different from the college, we are not a government agency and a lot of conditions of an IDA board don't pertain to their type of not for profit. Yet unlike other vendors of the county that sell services or items like pencils which has been used frequently, we still comply with detailed disclosure requirements that are in the Partnership's contract. That includes information on finances, our activities and governance which actually we recede those requirements every year which Tim McCausland will touch on a little later. We also have Manager David Fanslau on our board of directors. With regard to gas drilling, our support comes with many conditions including safety of the environment and natural resources. We of course as an economic development agency aren't going to determine what those factors and conditions are. We are not going to support gas drilling unless our government can assure the safety of gas drilling. That includes proper regulatory oversight. Regardless the great work that the Partnership has done, and your support of the county funding us as well as the IDA, and the other agencies of Sullivan County, our county unfortunately compares with some of the poorest counties of the south. So there is much more work to do. Tourism isn't what it once was. Agriculture needs help surviving which you may hear more about that today. The second home market greatly helps our economy but it still does not provide enough diversification in middle class jobs that we need and casinos are not going to save us. Natural gas is in the ground and is not something we can ignore. It is coming whether we want it to or not. Sullivan County Partnership is not focused on lobbying for the industry. We are here to make sure that just one side does all the talking. Economic Development needs to be represented in a discussion. Our effort is focused on readiness and education. We want those new jobs to be filled by Sullivan County residents and as many Sullivan County businesses to benefit as possible. Pennsylvania has told himself and Tim McCausland that they didn't fully leverage the potential benefits of gas drilling because they weren't ready. The recent ethics charges that have been brought about the Partnership are broad ethics qualms that lack real facts. As many of you know, and are in support of a deeper look of how to investigate ethics charges, we support deeper ways to do that. Most respectfully, he asks this board to consider the broad implications of giving certain people's comments acceptance by entertaining some of these thoughts because it makes us look bad in the economic development community as we are trying to attract businesses here. So please be assured that the Sullivan County Partnership is acting as it always has with integrity and the best interest of Sullivan County.

Mr. Sorensen stated it gets confusing at times when people come up from a specific agency, he would ask that people coming to speak should state their name, agency and position just

like what Mr. Sommers did. He just wants to make sure that there is no one trying to speak on behalf of an agency that doesn't have the authority to do so.

2. Tim McCausland, President of the Sullivan County Partnership. He just wanted to let you know and to address the language that went into the press, about what our obligations are under our contract and what we actually do. The contract that we have with the county states that we shall submit to the Sullivan County Manager a monthly Treasurer's Report. They do that monthly. At least twice during the term of the agreement at the end of the second quarter and at the end of the fourth quarter, we must submit a report that shall include a statement of the indicators of economic development activities. We do that monthly without request. It also requires the submission of all minutes of the board upon request with the Clerk of the Sullivan County Legislature that would be made available for public review. We do that monthly without request from the county, on our own. We also submit a full document at the end of each year with all their minutes, all their financials, agendas and any other policy statement on a position that we take. This is done on an annual basis. That has been done every year, as long as he has been here. As far as conflicts of interest, he will read a quick letter from Maureen Halaban of the Orange County Partnership which was submitted in their support. (see attached) He also submitted a letter of support from Mike Oates, President and CEO of the Hudson Valley Economic Development Corporation (see attached).
3. Larry Wolinsky stated he is here on behalf of both their law firm for Jacobowitz and Gubits and the Sullivan County Partnership. He will read as quickly as he can and hopefully he will get the points in before the three minute limitation. As you may have seen, our firm has been specifically called out in a Letter to the Editor by Bruce Ferguson which appears in the August 10th edition of the Sullivan County Democrat relating to the Cornell Cooperative Extension Gas Drilling Workshop. We were referred to in that letter as the "gas leasing firm of Jacobowitz & Gubits". As most of you know, we are not a gas leasing firm. We currently represent three or four landowners in gas lease negotiations. We have developed an expertise in gas leasing with a sole objective of getting the best possible deal for landowners if and when a landowner wants to negotiate a land lease. We understand the perplexity of gas leasing including relevant tax and estate planning issues. We have no role professionally or otherwise on the broad issue or whether gas drilling should move forward and they do not participate in getting the permit underway. We were invited to make a presentation at the Cooperative Extension on June 30th regarding leasing issues from landowners and we accepted. We were also asked by Dan Shockey to pay for the costs and we agreed to do that. Notwithstanding what was said in the Democrat, all the costs were paid and there were no taxpayer occurrences that he knows of. We received a bill from Cooperative Extension for printing, postage, advertising and refreshments and paid that bill in full on July 27, 2010. Had Mr. Ferguson taken the time to check that out in advance of writing this letter, perhaps he would not have stated "Shouldn't Mr. Skoda and the firm of Jacobowitz & Gubits be the ones to pay for an event that appears to have been custom-made to bring them customers". He thinks that there are two important issues to be taken away from this: one is credibility of a letter writer that speaks for itself and the second is to remind everyone here that we should not embark on courses of action until facts have been thoroughly investigated. By the way, the purpose of the CCE event was primarily educational, we make no apology for promoting our expertise. We believe that is what businesses in this county are supposed to do. Turning to the Partnership, as many of you are aware, he is also on the Executive Committee there and serve as its general counsel. He has reviewed the County Code of Ethics and he is of the opinion that in its current form, it does not even apply to the Partnership since the Partnership is not a county office or employee. It further appears to be specifically exempted by virtue of its status as a not for profit membership organization. We understand that there may be a consideration for changing that is fine. However, I will tell you that based on his research so far, he does not find that Partnerships for Economic Development are included amongst the agencies that are in most county ethics codes. One last item, there was an accusation today in the River Reporter that at least one of our members had violated a conflict of interest provision of our own bylaws because of his alleged connection with gas drilling. We have reviewed that situation in great detail and determined that there is no violation. Our bylaws require disclosure and abstention from voting where a board member has a contractual relationship relating to a specific economic development project that is pending before the Partnership. Non specific economic development efforts such as casino gambling, gas drilling, Ag business, tourism, green business or any other business cluster cannot legitimately be considered this specific project requiring disclosure or exemption. Otherwise, as a board member, who would contract to install a solar panel on his own house would technically not be able to vote on a resolution relating to a green business effort. That of course, is clearly ridiculous. To conclude, there has been a lot of time and effort and resources directed toward this. He can see as a member of Partnership, it is diverting us from our mission.

We need to get over this as quickly as possible so we can get back to the job that we are appointed to do.

4. Matt Younfrau stated thank you for allowing him to speak today. In these touch times it seems easy to blame the government for all their problems. Mostly you only hear what they are doing wrong. It is a tough job and not many are living up to do it but many line up to complain. I'm not here to complain. I am here to thank four people who have possibly saved my life. I want to publicly thank Legislator Leni Binder, Chairman Jonathan Rouis, Deputy Clerk, Terri Waverla and Clerk AnnMarie Martin. Last week, I had a medical emergency and Leni, Jonathan and Terri made it possible for me to get to Albany Medical Center. There I was diagnosed with cancer and will now get the treatment to beat it. Leni, Jonathan and Terri enabled me to get there. Leni and AnnMarie helped me through the insurance process so that I am covered and get to my treatment. People can complain all they want. I am eternally grateful to Leni, Jonathan, Terri and AnnMarie. Thank you very much. Because of you all, I'll be sticking around for awhile.
5. Dawn Erlwin stated she is the wife of Pete Erlwein and the daughter of Earl Myers. We live on Myers Century Farm in Jeffersonville where our family has been farming since 1842. Pete grew up just down the hill from me on his parents dairy farm and his mom grew up on the Browns dairy farm which has been in that family for over 100 years as well. Our kids are probably some of the very few around who can actually say that pretty much all of their direct descendants have been farms whose sole income has come from farming right here in Sullivan County. Our farm was also the only dairy farm here in this county to have been accepted by the state for the farmland preservation program. While it has been an honor to be recognized as worthy of this award, it hasn't been without its problems. There is a clause where our overseers, whoever they might happen to be, can sue us for whatever they feel is a violation. If they win the lawsuit, we have to pay their expenses, if we win they don't have to pay ours. The incident that really raised a red flag for that was when the photographer from Delaware Highlands Conservancy disregarded most of the wide open views and instead purposely proceeded to take pictures of old arm equipment, our kinds tin and wood shelters for their paintball games and some cow bones that were there because the animals died in the middle of winter when we couldn't bury them. Our industry lives everyday under attack by people who are unreasonable and focused only on their own agenda of shutting down animal agriculture. We've all heard the stories and some of us here have been investigated because of complaints of abuse. One farmer recently told me that when the man investigating came to see if his cows were well fed, he pointed out the bull and only after he told that was a bull and not a cow, did they guy admit that he just comes up from the city and volunteers at the SPCA to go around and investigate complaints. Of course, whenever the fanatical groups can come up with a headline grabbing story or stunt they ensure more donations to their cause which is where their funding for their jobs comes from. Everyday my family, not just me, spends 8 hours in just doing the chores necessary to keep our animals fed, cleaned and milked. If someone is not around due to school, sports, or sickness the ones left pick up the slack. When problems arise in any part of his routine, break downs, sick cows, or even calving more hours can be added to that everyday workday. In between, we have to try to maintain the equipment, fields, buildings and pastures that we need no matter what the weather, to take care of the animals that take care of us in return. Once I had a local artist tie-dye one of our friendliest cows for a fundraiser. It was non toxic paint, she was there for an hour and she was white again by the next day. But when the Times Herald Record ran a photo and small article about the vent, sure enough a lady from Warwick wrote in wanting charges brought up on me, the artist, the organization and the school who was to benefit from the funds raised. Never mind that kids get their faces painted all the time and some people pierce their babies ears. That cow was on the cover of the Jeff Journal publication and it is where the idea for the tie-dyed eagle came from on the Sullivan County's Visitor's Guide a few years ago too. What I am trying to point out is how unreasonable demands are unfair. Our local groups "The Citizens for Safe Energy" and Catskill Mountainkeeper" have gone from trying to ensure safe drilling practices to absolutely none. The "large landowners" that keep being vilified as greedy and selling out for big money have been caretakers of this land for most of our entire lives and generations before us. We're not some big corporation or factory farms. We're family farms just trying to survive by upholding our ancestors legacies through our time, sweat, love and a lot of money into keeping our farms running, especially in these past 2 years where it's costing us more money to make our product than we're getting for that product. Not to many other people would be willing to do that which is why less than 1/2 of a percent of the people in this country are dairy farmers. And it's the dairy farms that will keep the open spaces around here that so many people love. Is it a coincidence that this county's only successful resort is located in the middle of cow country? You can't get to the Villa Roma without going past at least one dairy farm. If my family were all to become

vegetarians, we couldn't eat in a lifetime what one cow can eat in a year. The cows are responsible for keeping so much of our land open from the fields to the pastures they are what help us maintain all of the gorgeous views that everyone loves around here. It's why so many want to move or vacation here. Go a little further upstate where the main roads are lined with abandoned barns, whose land is now covered in brush. Soon it will be all woods where the open spaces once were. One woman from North Branch had written a letter stating her belief that her higher taxes help subsidize the farmers so we can do what we love. In reality, it is the subsidies that help keep Americas food prices so low, so the rest of the people can buy homes, cars, dinners out, and vacations and afford higher education. One percent of Americans produce the food for the rest of the people so they can become our doctors, police, researchers, governmental leaders. When Bethel Woods opened, they gave out a pamphlet which stated the prices of different items and the price differences from 1969 to now. A car went from \$3,000 to \$30,000, a house from \$5,000 to \$50,000 (way higher now) and milk which at \$1.40 should be selling for \$14 if it inflated the way every other single thing on that list did. I can think of a lot of improvements I could make on my farm for that type of money, even a personal caretaker for each cow I own. Although the way the federal regulations are no probably the middle man would keep most of the money just like they are allow to now. I believe that anyone who gets paid so unfairly and still tries to hod onto their family farm cannot be labeled as someone who doesn't care for the land they own or its water supply. The gas industry needs to be regulated and it needs to be watched. There is no reason why they shouldn't have to adhere to this country's Clean Water and Clean Air Act just like the rest of us. They should be made to pay into highway funds, hospital improvements, and any other expenses that incurs because of their industry presence. They should also have to pay for a state inspector that would be there whenever the well is being worked on and their chemicals disclosed as well. Have stipulations on when they can drill like form 8am-6pm or 9am to 5pm. As for a million gallons of water, NYC water pipes leak 100s of millions of gallons each day and the only ones outraged by that are the ones whose homes have been affected by it. The inconveniences are just like anything in life we have to deal with, from our influx of summertime visitors to highway improvements. Which brings up another point---practically everyone in this building today drove a car to get here. The auto industry has allowed our area to grow and thrive. In the early 1900's NYS had to deal with 5 million pounds of horse manure a day, which pretty much was dumped right into the rivers and the ocean. Everything has its pluses and minuses. Last of all, I would like you to meet two of my kids, Rianne Elizabeth and Sawyer Earl Peter. Their brother Austin is up in Morrisville State University, two weeks ahead of the other students because of football practice. He's the only Sullivan West graduate putting on a football helmet this year from his class of 120 kids. All three kids have been in the barn almost every day of their lives and have had chores every night when they're in school, some might call that a violation of child labor laws. I feel it has taught them an invaluable work ethic and made us a closer family. They have drank raw milk their entire lives and some would say that is bad. They swim in a pond that has dye in it to limit algae and weed growth. Some don't like that either. They are up to date on all of their immunizations, some people feels that isn't important, so much so that now diseases like whooping cough, mumps and smallpox are making a comeback. I've slathered them in sunscreen at times and let them eat desserts. Rianne has had metal braces on her teeth for purely aesthetic reasons and all of us use toothpaste and deodorant every day. My point is, what some people make an issue over is their choice. I don't deny them their opinions, but I don't think they should attack me for mine when we are all just doing the best we can to live the life we are given.

6. Jim Grier stated thank you legislative members for letting him speak today. He has been watching the papers back and forth and we seem to be getting in more of a struggle every day. But he would like to say this. The oil and gas industry is nothing new to New York State. Some of the best oil wells ever drilled were drilled in New York State. The first pipeline that was ever built in the United States was built here in New York State from Olean up in the western part of the state down to New Jersey. When he was going to high school in Callicoon in the 1940's, some of his classmates didn't have electric yet. They had has lights and gas refrigeration because they lived near a pipeline. We are a nation that is getting more dependent on energy every day. We need to fix this. As he looks at it, we are about 20 to 25 years away from being self sustainable. We need something to bridge this gap. Natural gas is the cleanest energy that we have and we should be using it. He looks at our past practice, 76,000 production gas wells in New York State and no problems. This is something that we can look back on and say, hey all this stuff that they are bringing in is from Texas, Colorado, Pennsylvania. We don't live there, this is New York State. There are water wells over in Ulster County. They had problems in Dimmick, PA a long time ago before they started drilling. We didn't come by horse and buggy, we came by car which uses energy. When we go home at night and it is too hot, we turn on the air conditioner which uses energy. If it is too cold, we turn on

the oil burner. We don't want to drill in New York or off shore and we don't want to drill on land. Where is it going to come from? He would like to say that God gave us this natural resource in the ground and let progress move forward and make them proud.

7. Noel Van Swol introduced himself and he is here as President of the Sullivan Delaware Property Owners Association. We represent 70,000 acres of prime lands of people who want natural gas leases for the best possible terms and the best environmental protections. We are shocked by the attacks on the Partnership of Economic Development. It is obvious that representatives Jill Weiner and Bruce Ferguson of the so called Catskill Citizens for Safe Energy are attempting to intimidate Partnership members like Tim McCausland and Josh Sommers into shutting up unless they support the Catskill Citizens for Safe Energy hidden agenda of no gas drilling in New York State. This is left wing environmental McCarthyism at its worst. The Catskill Citizens concern about nonexistent conflicts of energy is a sham and a fraud and should be ignored by the County Legislature. We agree with Mr. Rouis's statement that it is extremely frightening that the Ethics Board concept be used as a political tool or bully pulpit as the Catskill's Citizens for Safe Energy people want to do. The Sullivan Delaware Property Owners Association is concerned that the Sullivan County Legislature has not aggressively support gas drilling in our region as the Delaware County Board of Supervisors has done. We call on the County Legislature to adopt a resolution supporting gas drilling in New York State and specifically in Sullivan County and also opposing any moratorium on gas drilling in this state. In fact there has been a defect on moratorium on drilling in New York State for the past two years. Enough is enough! Everywhere I go in Sullivan County, he is stopped by people who have relatives and friends in Pennsylvania who are getting rich on fabulous bonus money and lease royalties. We need to move forward and develop these fabulous natural gas reserves in Sullivan County. You'll only have to drive down Broadway here in Monticello to see the urban blight and decay which is destroying our region. Natural gas drilling is the only revenue source which can rebuild and revitalize Monticello, Liberty, Livingston Manor, Fallsburg, Callicoon, Narrowsburg, Roscoe, Jeffersonville, and all the homes farms in between. As far as safety issues are concerned, these are largely overblown and exaggerated. The Marcellus shale in our area is estimated to be 7,000 feet down or the length of five empire state buildings. Our Geologists tell us that this is solid rock with no faulting or fracturing. Thus any chemicals left underground, are completely in tuned and encapsulated and cannot affect the water supply. Companies such as HESS, New Field Exploration and Chesapeake Energy are already telling us that they are prepared to use close loop systems here to recapture all the waste water which reaches the surface which will then be treated and reused in other wells. Members of the county legislature should be aware that they are already using many of the chemicals in fracking fluid in soap, toothpaste, food additives, beverages, household cleaners and cosmetics in far higher concentrations than in fracking fluid. The safety concerns expressed by the radical environmentalists are actually a non issue. Mr. David Sager who is now running for the State Senate against incumbent Senator John Bonacic is not satisfied with the State Senate proposed temporary moratorium on gas drilling and wants a two and a quarter year moratorium. Mr. Sager, he respectfully and he emphasizes respectfully, state that he does not think Mr. Sager understands the back lash of his support for this proposal has generated throughout our State Senate district. You are being perceived as an anti farmer, anti property owner, anti business and anti taxpayer as a result. He urges Mr. Sager to reconsider his position. We would be happy to sit down and meet with him in private about this.
8. Jack Danchak stated he is a resident and taxpayer from Bethel. Please excuse him for reading his statement. When you get his age, you can get a little forgetful. He has a question for our legislators and this board. But let me first explain. There are quite a few of us that are here today that are in favor of gas drilling. We believe it can be done safety and responsibly. It is a tremendous and once in a lifetime opportunity for Sullivan County and our county government to help save our county from the financial crisis we are all in. We are not here with a hostile attitude because we have the deepest respect for our County Manager, our County Officials, and the legislators we have voted for from our respective districts. His question is why are we reading in the newspapers that our legislators have made a statement that there will be no gas drilling on county owned property. If their intentions were to wait until a moratorium time period takes place, then a much more friendly statement should have been made such as we, the legislators of Sullivan County, are in support of safe and responsible gas drilling but will not support the issuing of permits to drill in our county until we understand the safe drilling process. We encourage all gas companies to come and talk to us on the safe drilling procedures. That is his opinion of the statement that they should have made. We taxpayers who are in favor of gas drilling, and especially, on county owned properties that amount to approximately 2,000 acres that are actually owned by taxpayers. We understand that if a gas well is located on a certain property, it will be extra revenue to the property owner

and in this case, the extra monies would be beneficial to our county budget. On behalf of the thousands of people for gas drilling, we are asking you, our legislators, to have a much more friendlier attitude to gas companies and encourage them to come to Sullivan County because we know that safe and responsible drilling for natural gas will definitely help save and be beneficial to our county. The statement that there will be no gas drilling on county properties---it is not friendly, it is not encouraging to gas companies who we desperately need to talk to.

9. Douglas Lee of Livingston Manor stated he wanted to put in a few words on behalf of some of the farmers in the county and our residents who want to make a decent living in this county. Sullivan County is sitting on a mother load of Marcellus shale. It is deep and rich. Two thirds of our county is prospective. Yet Sullivan County is one of the poorest counties in the nation. Why do the environmentalists target our county? He doesn't know why. Other than that, we are close to the city and they want to turn this into their playground. No, this is our land. Our people are entitled to make a living here. The Catskill Mountainkeeper, still on their website, has prime examples of pollution caused by gas drilling. But it is documented as coal mine operations. Do we want to address to recognize the scientific facts in front of us. Statistics that we have and are available to us, in the nation, we have close to 1 million wells drilled for shale gas and we only have a handful of incidents and many of them are just suspected cases. So even if we gave them full credit, there are 13 wells that are polluted. There are 8,000 gallons of fracking fluid that went onto the ground that spilled. Only half percent of that is real frack fluid. So that is only 40 gallons and blew completely out of proportion. Then we have a toxicologist from Ithaca who emphasized 270 cases of pollution documented by DEC. That is nothing. Only a handful of that had anything to do with gas drilling. What do you want to do with this beautiful land of ours? My dear friends, gas development is highly compatible and not going to detract from the scenery. Only about 10 acres per square mile would be developed. He looked at farms in Montrose where they were doing drilling and the farms are beautiful. Meanwhile when he walks down in Livingston Manor, what does he see? He sees rundown. The choice is clear---clean energy, responsible development. Let's let our people make a living here. Let's not force our farmers out of the county or force our young people to the big cities.
10. Al Larson stated he is one of four negotiators representing the Rural Bethel Landowners Coalition. (see attached)He would like to say as a retired Superintendent of Schools, how comfortable he feels following his friend Noel Van Swol since he is so much more used to chasing Superintendents. The Coalition comprises over 14,000 acres of land and 150 families. They certainly anticipate in doubling in size when the gas companies come and start seeking leases. He would like to note that his topic is entitled Environmentalists, Realists, and Skeptics. Every person in his coalition is an environmentalist. We are environmentalists not just because we recycle our garbage and debate the issue. I personally have planted over 4,000 trees, berry bushes and shrubs on my knees over the past thirty years. His friends the farmers, struggle to make their living off their land. He does not know a person in his coalition that does not covet their environment. Yes we are environmentalists but we are also realists. Realists know our Federal Government is trillions of dollars in hock, our State Government is billions of dollars in hock and Sullivan County is the second poorest county in the State of New York. Realists know that unemployment in our area is amongst the highest in the state. Realists know the number of properties lost to foreclosure in our area is frightening. Realists know that our local families have been leaving our area at an alarming rate. Let's look at Sullivan West School District. Being built over 10 years ago, it housed 1,950 students and was projected to grow to 2,600 within 10 years but fell to 1,300 students. The exodus was remarkable. Why? No jobs, low paying jobs, taxes, loss of mortgages---they can't survive in our county. He was an educator for over 40 years and so was his wife. He loved kids and love them enough to say no you can't do that. But it was and still is heartbreaking in September and sees those kids walking in and wearing the same sneakers they left wearing in June, the same blue jeans and same tee shirt. Yes there are those who have the Michael Jordan sneakers with the Gucci jeans but that is not the norm in our county. He doesn't like it when he sees a child with teeth that need dental care with a runny nose and see a doctor once a year. It is time for us to wake up. We have an opportunity. Right now we are looking at our grandchildren paying off the bill. Reality says that something must be done to turn our country, state and local area around. New York State and Sullivan County has at its finger tips the greatest revenue source of anyone he would say in the United States and it is time to take advantage of it. Don't be frightened by those who tell you that your water is going to be polluted. He would say to our elected officials when you go to Albany, when you go to Washington on behalf of us, seeking support for essential jobs and projects and they tell you that the cupboard is bare, the light will go on but for some of our constituents, it will go on to late. Yes we are environmentalists, we are realists, and he knows that the legislature is too. But we are also skeptics. A skeptic is one who questions the validity of something that is purported

to be the truth. Be careful when it comes to believing everything that you are told. What you read and what is produced for you to see. The gas companies have deep pockets and their business is to make money. They will tell you how hunky dory everything is. Look for information from an outside agency. It is there to be had. The paid environmentalist employees and their constituents support the party line—no drilling. They may say that is not true. Challenge them. Ask them to tell you how it can be done right. They will tell you that dirty word, fracking. It will cause a disaster, your wells will be infected. Fear is born from ignorance and misinformation. The real truth about drilling for natural gas is somewhat similar to the stories we received from the gas companies and the environmentalists. It lies somewhere in between and we skeptics have to go to seek the truth. Skeptics wonder if there is far more to the story of no drilling than meets the eye. Is it true that a good chunk of the money supporting environmental organizations comes from individuals who made and in some cases still making their money in the oil industry? Would they like to see U.S. natural gas begin to take over their market? He is a skeptic and he would like to know more on that. The skeptics wonder if there is more to the stalling or stopping the drilling than meets the eye. The longer it takes, the more property it hits the cheap foreclosure market. Skeptics wonder why anyone who voices their support for natural gas is ostracized and now it has come to having their job status threatened. Could that be the Sullivan County Partnership for Economic Development? Surely our county does not need people who strive to attract economic development. Excuse his sarcasm. Drilling for natural gas will come to our area sooner or later. Believe him, it will. We must gain the knowledge necessary to help to see to it that it is done safely. He does believe that drilling can be done safely but that does not mean it will be without quality oversight, strong leases and stiff penalties hanging over the responsible parties heads. Hopefully, all of our elected officials are conscious of our environment, understand reality and are skeptics. At this point, he advises his constituents do nothing. Let our government officials face the realities of our economic circumstance and he believes they will do the right thing.

George Manno Mileses stated he has attended many of the meetings here and it was always the anti drillers that go the attention. Dave Sager seems to be to be carrying the banner of the anti drillers as evidence by the Sullivan County Democrat. There is a movie out called Gas Land and the anti drillers are fusing this. He then read a little bit of an article in the New York Times which is a very liberal paper. George Soros is continuing on America's Gas Industry. His latest step is to mobilize George Soros is continuing his assault on America's shale gas industry. His latest step is to mobilize MoveOn.Org, a so-called 527 group that he liberally funds, to join forces with the very left-wing Working Families Party of New York in an effort to stop the process of hydrofracking: a crucial, and safe, technology used to tap our nation's abundant natural gas reserves:

The New York Observer [reports](#):

The 4.2 million member strong online community [MoveOn.org](#) is sending out an email urging its supporters to sign a Working Families Party petition that would place a one-year moratorium on hydrofracking.

The WFP delivered 22,000 signatures to the Senate last night. If the Senate passes the moratorium, the Assembly is expected to follow suit. The Assembly did pass one.

11. Cornelius Alexy stated he is from the Town of Bethel. He has lived here for over 25 years and he moved here with his family to stay here. He is heartbroken and disappointed that only one of his three children decided to stay in this county because of the lack of jobs. He wants to donate his three minutes to the lady who has the farm in Jeffersonville. He is disappointed in seeing what has been going on from our legislature, reprimanding the Sullivan County Partnership because they are simply doing their job and pursuing economic development. About a year and a half ago, some of his friends and neighbors got together to investigate natural gas drilling. We all had several meetings and signed up with his friends and neighbors that are here. You heard a couple of weeks ago from the Catskill Mountainkeepers. Today, you are hearing from the Catskill Mountain Owners. We own large pieces of land. We all struggle with our taxes, we are all here to stay and we all vote. So please listen to these people and reconsider reprimanding the Partnership.
12. Pete Grosser stated his family has a long history. He resides in Cohecton, New York. His family has a long history of over 50 years in the Town of Cohecton and Lake Huntington. I am a retired Farm Service Officer from the Department of Agriculture. He retired in 2008. He built his house in 2005 on property owned by his father. He called

the other landowners, members of the association and he considers himself a Stewart of the land. Just like all the other landowners, responsible for the natural resources. He is here to tell you that his is pro drilling, provided that it is safe and is economically beneficial as well as being regulated. As we have seen with the Draft Environmental Impact Assessment, he has tried to read through it as there are 170 pages, but you have to be an engineer to understand some of the contents of the report. It is certainly going to be regulated. He would like to read a letter from a neighbor of his. He resides in New Jersey and has property on State Route 97 in Cochection. He read this letter previously at a town board meeting/planning committee. It is a pro drilling response and being environmentally safe and have cooperation between the anti drilling groups and the pro drilling groups. He travelled for some time with the Secretary of Agriculture when he was working and whenever he would go abroad and tried to negotiate agreements, he would always say to his counterparts overseas, working together works. The natural gas under the ground in Cochection is a treasure. When abstracted and delivered to market, this treasure will truly benefit all of the communities; the township, the county, the state and the nation. The economic benefits are obvious and many and we have heard many economic benefits that it will bring to Sullivan County. With that said, there are some people expressing real fears pertaining to the process of potential hazards to the environment. These fears must be addressed and alleviated and these fears are either addressed through the environmental impact statement. These moratoriums now seem to go on and on and must be addressed in a very responsible manner. Strict standards and regulations and potential severe fines must be imposed on the drilling companies to assure that the drilling and all of its auxiliary activities are undertaken in a highly reliable and trustworthy manner. Both sides, both pro and con of drilling, should lay down their swords, stop fighting against and amongst each other and come together to work on a solution that will both alleviate the fears that are associated with this and encourage the benefits of drilling. Working together is the answer and he implores both sides to take this worthy endeavor.

13. Dennis Nearing stated he lived in Sullivan County his entire life. His father started a business in Cochection in 1956. His grandchildren are the sixth generation in Sullivan County. He believes that gas drilling would be a boost to the local economy. It will help keep the forest, lands, and farms beautiful which has drawn so many people to the area. The current economy has had such a negative impact in our county that the country sides would be growing weeds, brush, shacks, barns, it would be terrible. All the bad stories that we hear about drilling problems are not true. Most people would be happy to welcome the new industry to our area. Most of who are opposed to gas drilling, are Johnny Come Latelys or those who settle here in our area in retirement or make their livelihood elsewhere and visit the county such as seasonal residents. They do not have a clear understanding of how difficult it is to make a living in this area and what economical benefits gas drilling would bring. Damascus recently did a survey and there were 22 anti gas drilling supporters. Of the 22 anti gas drilling supporters, they owned 117 acres and could you imagine the thousands of acres of local residents and landowners owned compared to them. It is a shame that a small minority can govern what happens in this area. A reputable well driller mentioned that there is methane in Bradford County and Susquehanna for years. This is not a new occurrence. We have the DEC here to regulate our drilling to protect our property owners, regardless of the negative information people are circulating by anti gas supporters. The people in Dimmick who supposedly have methane in their wells, are looking for a financial reward. It is obvious by the lawsuits filed that they will be looking for financial gain. Some citizens are concerned about the road damage. A resident in Pennsylvania had his whole road rebuilt by a private contractor prior to drilling to be safe. They put a gas pad in and they were courteous in its best road that the Town of Damascus has. Over in Dimmick, they went and fixed the bad roads first. They were down 18 inches. They don't do like the town and county does, six inches and put a pie crust on it and it is done. He spoke briefly about truck traffic and taxes. Trucks should have more right to the road than the cars because they are the ones that are paying to support the roads. If you don't believe so, go to someone's private business and ask them to show you their bills. Elections are coming up soon and please remember cast your vote for the representative who will keep in mind interest of the environment while still looking forward to utilize natural gas that we have available to us.
14. Liz Bucar stated she is pro moratorium advocate. She is here as a nurse, a Town of Delaware resident. She received a phone call today after giving an old farmer a bath. This man is very ambulatory. The old farmer whose family has been tending the land in this county almost as long as the Erlwins. The call she got was from a governmental county agency saying that rumor has it that 200 county employees are going to have positions unfilled. Usually she likes to get all her facts straight before she comes. If this is not accurate, she apologizes. Rumor has it that 200 positions will remain unfilled in the County of Sullivan. Some of those positions will be in agencies that take care of our

15. Tom Shepstone stated he is not a resident of this county but he was born here 59 years ago. He has spent 40+ years working here in various capacities for both private and public clients. He is a member of the Sullivan County Partnership. Jerry Skoda talked him into paying his \$350 and he joined a couple of years ago and he expects something for that \$350. He expects them to advocate for economic development no matter where their money comes from. That is one of the reasons why he is here today. There is a lot of rank autocracy on the part of people who are accusing the Partnership who is doing wonderful work and exactly what it is supposed to do. They are accusing this Partnership of somehow affecting public policy and using public money at the same time. That accusation is being made by the Catskill Citizens for Safe Energy, which on its website clearly indicates that it partners with the Catskill Mountainkeeper. Partners with them for an immediate campaign which involves billboards on Route 17 and a whole bunch of yard signs and other things that directly attack the possibility of having gas drilling in this area. We all know that the Catskill Mountainkeeper is part and parcel of the Open Space Institute. There is no separate organization. It is one in the same. The rank autocracy comes in when you look at their 990 returns and he is going to leave these with the County Manager. Those are the ones for 2007 and 2008. If you go to those tax returns, you will see that the Open Space Institute, re: the Catskill Mountainkeeper got a \$25 million dollar loan from of all people, the Empire State Development Corporation. They are out using their resources to run against economic development and gas drilling. He doesn't know what is more outrageous that the Empire State Development Corporation gave them \$25 million to an explicitly anti development corporation or the fact that people who are taking advantage of that money have the nerve to accuse the Partnership of trying to establish public policy with public money. That is the reality and somebody should be asking how much of that money—we all know that money is fungible--- \$25 million was a loan taken out in 2007 and was supposed to be paid back in 2010 and he has no idea whether it was or not. It is on page 21 of their Financial Statement attached to the 2008 return. It is also in the 2007. For them to use that loan and then accuse the Partnership for doing this is just outrageous. One has to ask, given that money is fungible, how much of that state money made its way onto billboards opposing gas in this county and going directly against economic development. That is the real issue.
16. Robert Kaplan stated he is a poultry farmer in Glen Wild in the Town of Fallsburg along with his brother, Phil. They are babies in the farm industry in Sullivan County and only have been here for about 70 years. What he wanted to talk to you about is that he has been reading some articles that have been in the newspaper about a group of people that have been appearing before you and he has no clue who they are, representing an organization that he has never heard of, that is coming before you and talking about what

is best for agriculture in Sullivan County. He said to himself, are they members of Cornell Cooperative Extension who are in charge of educating farmers and keep them abreast of what has been going on and to keep them profitable. Are they a member of the Partnership where he was one of the founding directors for two or three terms representing agriculture, do they represent the Partnership. Who do they represent that they are speaking for me? He has no clue who they are and that upsets me. He also gets upset of the fact that we have some environmental extremists in our county who insult his intelligence by telling him that there is no such thing as environmentally safe drilling. Give me a break! They point out all the flaws and all of the mistakes that have happened and yes there are mistakes that have happened. A couple of weeks ago a plane crashed and a lot of people were hurt and killed. Does that mean we should stop flying? Let's use some common sense here and put everything into perspective. He attended meetings here quite a few years in the County Planning Department, when Chris Cunningham was Chairman of this board, we discussed open space initiatives and farmland preservation. There is absolutely nothing better for farmland preservation than profitability of the farm. That is the only thing that is going to save our farms. If gas leasing is additional revenue to keep those farms in business, that is what we need. He would like to express the fact that he and his brother are in full support of gas leasing that is environmentally safe for Sullivan County.

17. Harold Russell stated thank you for letting him speak today. He is a dairy farmer and what does he know. He knows business, he knows common sense and he knows what is right. What is right, is throwing support behind the Partnership and the Extension because these are the people that were depending on folks for economic development in our county and education to the property owners, farmers and landowners as well as business. Now let's take business. You folks are here to run the business of the county. He understands business. He has been in business for over 43 years and it has been a hard business. But he has been able to do something that he loves for 43 years and he hopes everyone in this room gets to do the same thing. But business only survives with good economics. He belongs to the Bethel Landowners Coalition which consists of 14,000 acres. If we got \$5,000 an acre, that is \$70 million that would go into the hands of our landowners. He sees many people in here that aren't farmers but own land. Think of the business aspect of that \$5,000 and they wouldn't have to pay taxes on that \$70 million. Let's say we did have to pay taxes and were left with \$45 million. Do you think everyone is going to leave Sullivan County? No. They will invest that money back into Sullivan County. He would invest all of his money back into the farm. That is what keeps the economy moving. He sees some faces in here that are looking at him like he has got two heads. Think about it folks. If you take \$45 million and put it in the hands of the people, not the government but in the hands of the people, you would blacktop your driveway, put a new roof on your house or an addition. Maybe you would take that well deserved vacation you couldn't afford before. You will invest that money. Money will go to electricians, plumbers, carpenters, contractors, excavators, and they are making money and then they invest. Money makes money and only the rich seem to manage that. But let us become that aspect of our economy. Let's be the ones who generate the economy of Sullivan County. Urge your legislators and politicians to support proper gas drilling. None of us want to pollute the land or the water. None of us want to pollute the air. He made his living off the land and no one in their right mind, would sign a lease that would intentionally pollute your water. He doesn't understand what this big debate is about. It is all about common sense. We are supposed to be supporting our legislators who are supposed to be supporting us, the silent majority, because there was a poll taken that 63% percent of the people on the western side of the county support gas drilling. He doesn't know about the other side of the county because the poll wasn't taken over there. We need to become the not so silent majority. If they don't represent us, we have to come out and do it ourselves. He applauds Josh Sommers and the Extension. He will support any organization that will step forward to educate us, the people, the landowners. I know common sense and he knows what is right. He doesn't make a prepared speech, I speak from my heart and please support us. He knows the legislature won't do something that is not right. Do what is right and quit sending the negative message out that Sullivan County is against gas drilling. Sullivan County should say we are for economic development for proper guided gas drilling.
18. Barbara Burton stated she is going to say something silly here. But on behalf of the best county in the entire universe, my personal thank you for all sharing your thoughts. She had a momentary pleasure. Nice to see you Mr. Hiatt.
19. Jerry Skoda stated he is a retired educator. He has been involved in the issues that have been facing Sullivan County for 40 years. He is here today to help you understand the gas drilling potential and the diverse activities that are going on. The question that he gets asked a lot is who are these environmentalists that don't want gas drilling in Sullivan County. We did a little checking up on that. Probably you think he will start with Bruce Ferguson because he put his name in the paper last week. He is not going to start there

because it is bigger than that. It starts with a group of people that have more money than you and I do. They live in a quarter of Sullivan County and he will name just a few of them. John Adams is the President of the Natural Resource Defense Council. He has a big house up in Lew Beach. Now keep in mind that this is the same group that sued you folks in Washington in considering to have casinos. What was their argument? Casinos will harm the environment. His compensation in 2005 from the Natural Resource Defense Council was \$640,188. This compensation was just from one organization. Guess what? He is the Chairman of the Open Space Institute. His son is Ramsey Adams. He is the Executive Director of Catskill Mountainkeeper. The same OSI document says that Ramsey Adams was paid \$64,837 in wages and benefits in 2007 from the Open Space Institute. Now, Mr. Ferguson. People ask him who is Mr. Ferguson? We ought to be honored. Do you realize he is a 60 Minutes producer? That is what he did for a living. Producers get paid for producing entertainment and not necessarily factual reporting. Some people title that being the Spin doctor. We should be impressed by having this type of important person protect us in Sullivan County. His new mission is creating environmental hysteria. That is what he is doing. He is doing that to you and I. And you know what? His gang is succeeding. They have people believing their crap. Oh by the way, Bruce Ferguson was a producer for Dan Rather who has a home up in Lew Beach also. Mr. Ferguson was involved with the promotion of the Gasland movie. He is behind that. Gasland has been proven to be a fairy tale. Did you realize that the flaming faucet wasn't even on a natural gas well. It was on a well drilled in a coal mining area. But I am telling you that people are going to look at that movie and they think that every well is going to be polluted and every well can torch the faucet. That is the kind of job that these guys are doing to you. Now I will give you a little lesson on how you create NIMBY psychology on people and this of course is 101. When your story and facts don't hold water, change your strategy. Attack the establishment, pick on the trusted organizations in Sullivan County. Isn't that what you are reading? You are being used. The Partnership Board held a meeting for their membership with a speaker from the gas industry and that was classified as a waste of taxpayer money. How dare they educate their membership so they can make money and jobs. Let me give you some economic advice. When gas drilling comes to Sullivan County, every Sullivan County businessman will benefit, plus the farmers, plus the hunting clubs, plus the taxpaying landowners for preserving farms and open space. Now, he held a meeting at Cornell Cooperative Extension. I only worked for them for 40 years. I guess it is possible for me to have a meeting there. What do you do? You read the baloney in the newspaper about using the name, reputation, and funds of the facility by local businessmen for financial gain. He is a retired professional educator. He spent 40 years teaching the material that Cornell University creates and bringing it to the people of Sullivan County. You don't need to bring a professor here every time you teach a topic. We have learned a lot about gas leasing because one of the things that he does since he retired, he is still helping farm families. He has an Agricultural Consulting Business. He does farm tax returns. He has seven of his customers that have signed leases in 2008 in Pennsylvania. He has learned a lot from those. What he wanted to do was have a workshop for the people who haven't signed leases to help them so they don't make some of the mistakes that other people have made. There were 100 people that attended that workshop and most of them left there and thanked us. It will help them sign more intelligent leases and that is what it was all about. He can also tell you that there are over 100,000 acres represented in Sullivan County right now where the owners are prepared to sign leases. That is 1/6 of Sullivan County. The presenters at that session covered a wealth of information on leases and years of experience. We were billed and paid Cornell cash expenses including room rental prior to Mr. Ferguson's hyped up expose that he had to put in the paper last week. You know what, Commissioner Aragon is probably next. The Planning Department is daring to educate people about gas leasing. However, he hasn't been named yet because Mr. Ferguson sits on your committee to help plan it. Most of the sessions are anti gas drillings—you will be alright for awhile. That is the way spin doctors work! You need to have your picture taken with Mr. Ferguson. He is famous. He is really creating an environmental hysteria here in Sullivan County. Let's talk about his devious \$25 million that Tom Shepstone talked about. Did you know that he is connected to that? He probably won't want to talk about that. In the document that Mr. Shepstone gave to our County Manager, in their 2008 Mission Statement, they say citizen action program coincides with citizen action groups including Catskill Mountainkeeper which protects the air, water quality, wildlife habitat and natural resources of the Catskill region. That was in 2008. If you go to their website, the Catskill Citizens say we now have joined a partnership between Gas Land, Catskill Mountainkeeper, Catskill Citizens for Safe Energy and the Earth Institute. Know what they are doing? They are funding highway signs along Route 17 to tell people how bad it is to drill for gas and you know what? He thinks that is taxpayer money. He doesn't know how he can pick on our organization and try and make them look bad. Let me tell you about the real impact of jobs and economic

development, tax revenues, business expansion with some possible environmental impacts. He has to emphasize possible because when he talks to people in Sullivan County, most people will tell you that if you drill a well, frack it, you will pollute the water. That is bull. This is the kind of stuff that people are putting out there because there are thousands of wells that have been fracked in Pennsylvania already and every well didn't pollute the water. The ones that have some problems are methane which is associated with coal regions. Methane has been there for 40 years and they didn't go through it properly or seal it properly and that is what created some of the problems. It wasn't the fracking process itself. Let me tell you about one of my Delaware County farm families who signed a lease in 2008. They put a new roof on all their barns and houses. They bought a new round baler, a new pick-up truck, a new handicap van, a forage wagon, two hay wagons, machinery storage, a snow blower. Did they take their money and run as some of them would like to believe. They also paid up their feed bills and paid substantial dollars in income tax in both federal and state. He was talking to Lloyd Brucher yesterday from Fosterdale Equipment and he asked him the question, what do you think about gas leases. Mr. Brucher couldn't be here today because he is a one man show. He said that in 2009, 70 percent of his new machinery sales came from farmers with leases and companies working on gas production. However, Mr. Brucher still had to eliminate employees and without gas, the doors may have closed. That is economic impact folks. He will make a prediction. Gas drilling and leasing will be the biggest farmland preservation program in Sullivan County. He also will be willing to point out that that program has been around for 10 or 12 years and we have not saved a single farm with all the big salaries we have paid to government employees and others to foster that program, we have not preserved a single farm in the Farmland Preservation Program yet in Sullivan County. He will say commercial farm because there was one property but that wasn't a commercial farm. So what are these manipulators doing to you? They are giving you chicken little stories is his idea. Uh the sky is falling. You go out and associate anything with gas drilling, the sky is going to fall on you. Every gas well is going to pollute your water. Gas drilling will ruin the environment, ruin the roads and tourism and make property worthless. We don't want industrialization in the county. What is industrialization? The millennium pipe line was built two years ago right through Sullivan County and he hasn't heard anyone mention that today. That was put there to buy the gas from our landowners. It is like having the market there before you have the product there. It is the greatest thing that could have happened. When that line went down through there, there was a lot of activity. There were tractor trailers, there were farmers selling hay to the millennium people over much. There was a lot of economic activity. You couldn't rent a room in the western part of the county. You go there today, it is done. The pipeline is there, it is a great thing and a great economic development tool and it didn't ruin Sullivan County. He would bet that most of the people in the county couldn't say where it even is because they haven't driven over there to see the path that it took through the county. Go to Parksville, which is a disaster area. It is industrialized. Why? Because they are building a road. When the road is done people are not going to say it industrialized Parksville. Go down Route 17 and sit in line for an hour for the construction that is going on there. That is about the same thing with gas drilling. For a month while it is being drilled, you will see activity that that activity brings jobs and income. After it is drilled, you will see a pipe coming out of the ground and the farmer is going to cut all the hay around it and that is the process. He hears the legislature saying that gas drilling will decimate agriculture. You better listen today and do some homework. Farmers and landowners will lease their land and move out when they retire. There is no mention of jobs, unemployment, economic development, we are the poorest county in New York State. Bill Liblick reported last week that 14,500 people are receiving public assistance. There are 27,000 households in Sullivan County and that is a little more than half of the households receiving it. The majority of the real people in Sullivan County want jobs, food on their table, they want healthcare, want retirement. However, our elite environmental manipulators hang out on the environment: protect our trees, our fish, our water, don't bring traffic here and now they are comparing us to the Gulf well crisis. Let me give you a lesson in risk. Everyone says we can't afford to take this risk. Everybody drove here today. Yesterday, 117 people were killed in the United States driving cars. That adds up to 42,000 people are killed every year driving cars and this has been true for the last ten years. The Catskill Mountainkeeper and Bruce Ferguson should promote banning cars. That is serious stuff. But that is only a problem for traffic from creating jobs like casinos might affect their environmental pipeline. Thank you.

20. Lou Klugman stated he is a member and former Chairman of the Partnership for Economic Development. As a member of the Sullivan County Partnership and a lifelong resident of the county, the Partnership's main goal is to bring in business into the county. Environmentally safe business into the county. This gas drilling is going to happen. It is not up to the Partnership to put the seal on whether it is environmentally safe. Our job is

Chairman Rouis thanked everyone and stated we appreciate your comments. Some of his colleagues may want to share some of their views before you all have to leave. He would like to remind everyone that this is not a debate and you had your opportunity to speak and please allow them to same opportunity.

Mr. Sager it is interesting to question whose spin doctor is better. Just because someone stands up here and says someone else is spin doctoring, it doesn't mean that they are not doing the very same thing themselves. In terms of questioning his dedication to agriculture is absolutely ludicrous. The fact is that natural gas drilling and agriculture are completely independent industries and he apologizes to any farmer who has suffered because our state and federal government hasn't done enough to make the farmers profitable and to make sure that they can succeed and he has done everything he can at a county level during my tenure to make that happen but he doesn't want to confuse the issue of agriculture and natural gas drilling. They are completely opposite entities and one has nil to do with the other. He has been a sitting member on the Cornell Cooperative Extension who actually shows up to meetings. He has been on the Soil and Water District Board and actually shows up to meetings. He donates a lot of his time to the betterment of the agriculture community. He lives in an agricultural district and have supported some very controversial additions to the Ag districts in Sullivan County. So we can spin, but we need something based in reality and he has been completely dedicated to farmers. Now if you want to be mad at me because of a stance he has taken on natural gas drilling industry, be mad at him for that. But don't ever say that he hasn't supported and will not continue to support agriculture. The fact is, if it can be done safely, it at all likely will be done safely but we haven't reached that point. We are not even close to that point. When you want to talk about the SGIS, when 2000 union employees that work for the DEC who by in large are probably earth scientists in biology and are experts and have a little background in science that say that the SGIS is so flawed that it should be revamped. Yet the bureaucrats in Albany who are in charge of Mineral Resources Division say we don't need to listen to them because they don't know what they are talking about, some 2000 employees with a science background that say that, he has to pause and he has to worry when in 2008 when this all first came to light, he has to pause when Brad Field is sitting here and telling me and he was the first regional official to stand up on this issue, because he is telling us that these open fracking pits are a standard procedure----now we have been through how many 100 year floods. He should be 750 years old right now by the number of how many floods we have had. His office is flooded in Jeffersonville and yet he still maintains a business there and he is trying to do the best through these things. When you are telling me that these kinds of things are safe and still preaching the same kind of terms since 2008, he doesn't want the Division of Mineral Resources being the one that tells me that it is safe for the region. In his responsibility as a person who is dually elected to do for the greater good, it is his responsibility to make sure that he is carrying out the greater good. Last time he checked, we didn't base our society as a society of democracy based on acreage. This is not one acre one vote this is one man one vote. So this land banking mentality that you can dictate to everyone else simply isn't the case. If you want to put it to public referendum, he is all for that. Like casinos, he really believes in democracy and he is all about that. He is not going to take some of the attacks out here today and he doesn't want you to confuse the two issues. He will do anything that he can, whether at the county level or state level that he should be fortunate to serve, and if you want to vote me out in a year and a half, you get to do that too. He will always be dedicated to agriculture. So don't confuse the issues and don't try to taint it with some kind of sensationalism and McCarthyism. He is not an elitist. He doesn't have a tremendous amount of money. Lord knows that the record has printed a few articles on how underfunded he is in this State Senate race. It is not like he has some big windfall. He is doing the best he can and quite honestly, the history of Sullivan County and its politics has been one of back room deals of conflicts of non disclosure. He believes that there needs to be disclosure on things. When you are going to financially benefit from something, you do need to disclose that on certain boards. It doesn't mean that you can't vote on things, it means that we get to determine the level of the objectivity of how much we are going to gauge your statements. It doesn't preclude you from speaking. He hopes that he has made his points on this issue. Gas drilling may or may not happen in this county. If it can be done safely—he thinks we are putting the cart before the horse and that is what he said about the Partnership. There are a lot of steps that need to be taken to make sure that it can be done safely and that it doesn't put undue risk. Honestly, he doesn't think it is up to government to allow the private landowner to be the one signing these leases that are going to be protecting the greater good, it is up to government to actually do that and protect the

greater good. Thank you. He knows he will not get the applause that the rest of you had gotten but I appreciate your listening.

Mr. Wood stated he would like to thank Al Larsen and he has known him for his whole life. He believes what he said about the Environmentalists, Realists and Skeptics. He was one of the kids that went to school with the same shoes when he started but that was in the 70's. He is a business man here. He believes that we need to move Sullivan County forward safely. He knows a lot of people sitting here in the room. He was speaking to a man on the lower part of Bradford County who had a farm who also owned a dealership and is losing his dealership. Now two years later, he is back and he has invested his money back into the area so he believes that there is a fine line that we do have to do it safely but we cannot look at this coming year and let it pass us by like a lot of things have passed us by. Hopefully we can come to an understanding and move forward and make it a better Sullivan County.

Mrs. Goodman stated she wanted to add to Mr. Wood's comments. Liberty was one of the first districts that held a forum on this issue and there were roughly 800 people that attended. It was quite an interesting forum. She has to admit, she walked away very confused. There are a lot of facts to gather. What was nice through the process was that there was a lot of information that came forward that the DEC had to learn to listen on how to do it right and how to protect our government. For those of you in the audience, it says don't make a fool out of us and say it can't be done correctly. It can be done correctly. It is nice that everyone has a positive attitude. There are some people in society that will always have the "no". She read Mr. Shepstone's email and thought it was incredible information and it really opened up her eyes. The reason she is making all these comments—for those of you not at the meeting last week, many of us supported the Partnership and the attitude that it was a very strong volunteer base and Mrs. Binder stated very well that is their mission statement without quoting their mission statement that it is to embrace and look into economic development and that is what they did. It was a hard line to take and they did it well. In the audience, you might feel that we are all in agreement and we are all anti or pro but many of us don't agree on a lot of the issues and this is one of them. If you want to see us privately to know where we stand, but she believes at last week's meeting it was pretty clear.

Mr. Sorensen stated he knows that there was discussion to revamp the county's ethics law which is something he still continues to support. While it came up as part of the Partnership discussion, he wants to make it clear that his call for the update of the county's ethics law is not directed at the Partnership. We have run into issues over the years where the current policy requires several members of the legislature to have their name drawn out of a hat to then deal with a potential ethics charge against another legislator. That policy just doesn't work in practice and back when the issue came up initially, three out of the four people who had their names initially drawn said they can't participate because they had a conflict. There should be an independent Board of Ethics that can deal with that particular issue. He also thinks with an independent Board of Ethics, though we have one, he is talking about the context of a new local law, he would like to see the powers of the Board of Ethics expanded so that a member of a board or county staff is uncertain as to whether they may be faced with a conflict of interest, could get a binding opinion from the Board of Ethics. In terms of the whole issue of disclosure, he had the opportunity as he was sitting here to look through the tax returns for the open space and he would say during their discussion last week, the fact that the subsidiary had received state funding was never disclosed. The thing that jumped out at him as he was looking through this, and he would like to know the full story behind it, they are showing OSI buying 374 acres in the Watershed for \$2.1 million and turning around and selling it to city DEP for \$7.7 million. He is not sure that is an appropriate use of state funds but maybe that helps to explain some of the state financial distress that we are currently in. He wants to emphasize with the gas drilling that a number of valid points were made today. If the appropriate safeguards are put in place, he thinks it is something that can be done safely. He believes with the appropriate oversight from DEC, there is an opportunity for this to proceed safely. He thinks it would be incumbent upon the legislature, especially due to our current fiscal crises, to revisit the resolution on the coalition against drilling on county properties. He thinks there is a way to go before we revisit that but he does believe in the process. He thinks there is still more work that needs to be done but appreciates the input provided today.

Chairman Rouis stated it is always nice to hear and is always interesting to hear both sides of a view having sat through a lot of the casino debates. These issues are very complicating and can be divisive but one thing that comes to mind is working together really works. Let's keep that in the back of our minds. When we do sit down and work together and try to collaborate that we can do this probably safely and do this where people can reap the benefit that they have been waiting for and at the same time turn on our water faucets and drink our water and not have to worry about. One exception that he does want to take is the county as government and the county as a board really has little to do with regulatory process when it comes to gas drilling. We have been very cautious not to get caught up in the hysteria of one side of this issue or the other. We

have had educational forums and we have had speakers speak on both the safe practices and economic benefits and detriments. He thinks it is a program that he has heard from his constituents that these forums have been very educational and very well received as an educational component. He continues to encourage his board to continue the county as the lead educator on objective information on an issue that has spin doctors and has a lot of money behind either side. There is another forum tonight and the topic is economic benefits. If we keep our heads together, we can continue to work together.

Mr. Hiatt stated that nurse that spoke earlier and left, he wanted to thank her for putting together a kind of back drop where we are with all this budget situation. We can't afford waste or carelessness and we are looking to laying people off. Everyone here is a friend of the college but we can disagree about policies and how it is run. He doesn't like being contentious and he prefers to find agreement. In 1967, Martin Luther King gave a speech and what he talked about was national issues that really don't apply here. But why he talked was important. He said that silence over a long enough period of time ripens into some sort of approval of certain policies. He takes his cue from Martin Luther King. He has tried to be quiet to see how things would play out. This is all budgetary in a situation that is very difficult. There is this 800 lb gorilla sitting right on that table over there and nobody has really discussed it. He wasn't elected to just shake hands and make friends and look the other way. If you don't want to get walked on, you have to stand up. So he is here to stand up and speak from his heart. He is not trying to be contentious but will talk about how he feels. The backdrop of what that nurse was talking about, he is afraid that the administration at the college has been involved just in that. This business with the wind tower and the contracting just roared him up. It is hard to say---he goes from the County Attorney's report. It is all in here, it is factual and not accusatory but when he reads it, it reads like an indictment. It says when this millions of dollars contract was entered into, the administration stated we don't have money for attorneys. He doesn't quite know how one labels that attitude. Cavalier is polite. Contracts were signed---incidentally not the same contracts as the one originally put up, as he understands it, there were places throughout that were blank. Somebody can go and fill the blanks in later. These are millions of dollars in contracts. He does not know how to label that. Negligence is not enough. Reckless disregard is what he would call it. Reckless disregard with other people's money. The administration sits as he sees it in a fiduciary capacity. We trust them with this money. We trust them with the students. He wouldn't say it is criminal, but there is a section of the law called tort. When somebody has a duty of due care to someone else, and they breach that duty, and that person is harmed, that brings about liability. That is tort. That is a private wrong. He doesn't know about liability in this case about money; if there are defenses, if there is immunity. But as far as he is concerned there is responsibility and nobody wants to look at that responsibility or acknowledge that responsibility and it troubles him. He has heard administration say we have a Geo Thermal Plant is going to make up the difference. It is not a problem. It is okay. He believes what we do should be reality based. And it is a problem and it is not okay. We are talking about hundreds of thousands of dollars a year, unnecessarily spent and by whom he doesn't know. He is troubled by that. To try and shunt the blame or divert attention, he thinks is wrong. It needs to be looked at. When they presented us with their budget, they gave us a document which everyone got a hold of talking about maintenance of effort, 8 NYCRR Section 602.10 (1) says "Student revenues that exceed one-third of the college's net operating budget must be placed in a reserve if the county reduces what it pays. He asked the County Attorney to take a peek at it and when he got out of the hospital he asked him and County Attorney Yagur stated it doesn't say that. It doesn't say that. This section down below that is in quote has nothing to do with 8 NYCRR. He asked the County Attorney where did it come from and he doesn't know because he couldn't find it. He then asked the County Attorney if he asked the administration. County Attorney Yagur stated yes and they didn't get back to me. It could very well be that this is so but he doesn't know where it came from. He is talking to his fellow legislators. This causes issues of trust. Who is he to believe. It might be so. But to just put it out there and put it in quotes with no citation---he could in a kind way call this disingenuous. It troubles me and it brings a lack of confidence in the administration in me. He doesn't know if you know but it wasn't that long ago that the faculty, heart and soul of the college had an unusual and extraordinary vote and they voted a no confidence in the administration. That doesn't happen all the time and there is not much publicized. He is sitting in the same place as the faculty and he agrees with them. He has a confidence issue. The County Treasurer and he often times disagree about things. But the County Treasurer has talked about this particular problem and he can speak for himself but he said that there ought to be consequences and there should be consequences. He doesn't know what the consequences could be. He is just sitting here and thinking of Dr. King and the only consequences he can think of is that if he stands up and says this is wrong. This bothers me. He is going to sleep tonight and he is just letting you know how he feels. He could tell you that it is not all so bleak. There is hope and there is an answer. The answer that he sees is the trustees of the college. He knows a lot of them and likes a lot of them and he respects a lot of them. He understands that they are starting to assert more of their authority. He respects their background, experience, their intelligence and their concern about the college. He would like to see more of that. There is, he is going to call it

the Harolds of Hope. Harold Gold and Harold Diamond who were trustees from a long time ago talked to him about this. They worked at the college together and they loved the college. They said, there used to be a system of committees. They would look at finance, the institution itself, the facilities etc and they would be involved and they would tell the administration what they feel but when this administration came along, this system kind of like disappeared and went away. He would suggest and his hope lies with the trustees that they consider that in the future. Theirs is the authority. They can work in conjunction with the administration and use the administration's experience and understanding of academia and education and do it together as partners. The tail shouldn't wag the dog. His hope lies with the trustees, that they continue what they are doing, be involved. He has great faith in them. He wishes them luck and courage and believes they are equal to the tax. It is just not himself who relies on the trustees but it is the faculty, it is the other people who work at the institution, the people in the county who have to pay for it and also the students. He just had to speak because he couldn't stand it anymore.

Mrs. LaBuda stated she is so happy that Mr. Hiatt is back. She missed him. She is so glad that Mr. Hiatt addressed Ms. Bucar because some of the information that she spoke about was totally inaccurate. First of all she says she got a call from a government official who stated that we are laying off 200 people. That is absolutely not true. The second thing she said and she didn't want to panic because she saw two of our reporters here but we are not laying off any nurses because we have to have the nurses for our seniors. So, that is off the table. She was a little offended when Ms. Bucar stated that the DPW doesn't need more vehicles. Well, you know what folks, we laid off 57 people from the DPW and they need vehicles to make sure our roads are safe for our seniors and children when they drive to school. She also wants to address the college. Just earlier today at 2:00PM, we honored our Sullivan County Pageants. These young people are our future. Whether the accusations you make or Mr. Walter make about the college, why would we punish our students. She wishes we could make it mandatory that every student after high school graduation would have to attend Sullivan County Community College. If that college was not there, there would be so many people not getting a two year education and also would not have a job in the county. The young people are our future. We must fund the college and let it grow. It is an asset.

Mr. Sorensen stated obviously the issue with Atlantic Energy Systems (AES) has been a concern. We have discussed it in committee and County Attorney Yasgur has been working with the college to address that issue. Unfortunately from a budgetary standpoint, the consequence of the AES project falling through is an additional expense in the operating budget of the college of \$400,000. He does recognize that a portion of that \$400,000 is going to the debt service of components of that AES Project that were actually completed. He had asked for a breakdown of the difference between what was going to the wind turbine and Geo Thermal system. He estimated what the difference was which was \$132,000 a year for the debt service of the wind turbine which never came to be. Hopefully the lesson coming out of this, is more attention---the college board and administration focus on the core mission of the college which is to educate the students. He knows it is somewhat exciting sometimes because of those type of projects because they are on the cutting edge come with risk. He thinks that is the one lesson learned here. The Geo Thermal has been tried and true in the early part of the decade and has realized cost savings. It is his understanding that a portion of the Geo Thermal that has been completed as part of this project is also realizing cost savings and we should recognize that point. As we go through the budget process, the one thing that concerned me because of the procedural thing and he knows that it is state law and there is not a lot we can do to change it. As a legislature we appropriate a lump sum of money. We are not approving a line item budget for the college and we do it in good faith. If we approve the \$4 million request, we were provided a line item budget in good faith there is an expectation that the budget as presented will be carried through. He knows through the county our budget committees, whenever there is a modification to the adopted county budget, there is a resolution that has to be passed. He thinks if that is currently not protocol at the college, it would be something he would suggest to the board of trustees to put in place. If there are going to be budget modifications that goes through a monthly committee and that there is a resolution approving this budget modification. He is not saying that nothing should change but he thinks there needs to be a check and balance put in place so that those decisions are made unilaterally and the changes made are still supportive of the policy direction that is presented by the Board of Trustees.

Mr. Wood stated he agrees with Mrs. LaBuda. We have to look at the whole picture of the college and what it is of the economic factor that it does do for Sullivan County. One of the programs that is excellent there and has changed the life of many Sullivan County residents is the nursing program. We have taken young people and have trained them to come out with a degree. In nursing there is a shortage in Sullivan County and if we could take one person that is working as a CNA and they are able to go through this program and become RN's and the economic factor for that family of going from a \$25,000 to a \$30,000 year position to maybe a \$60,000 a year position is a great impact and we do need to support the college.

Mr. Armstrong stated as far as the college goes, it is an asset that this county needs to care for. It has provided for many of the people living here in the county a way up and a way forward. He is very proud to say that his wife graduated from the first nursing program and graduated with a 4.0 and was Valedictorian of her class. She has gone on to receive her masters and is now working for the VA so my vote for the college is cautious and a reminder of what kind of responsibilities it takes to run the place. He wants you to know that his vote is strictly for the students, for the college and for those people looking for an education because it is an asset. It is not in any way an endorsement of the administration. In fact, it is just the opposite.

Mr. Sager stated he doesn't know if it is the pain meds talking, but he absolutely agrees with what Mr. Hiatt stated. At the same time, he doesn't know that what he said contradicts anything that has been on this side of the room. He doesn't know if Mr. Hiatt said which way he is going to vote on this issue and here lies the rug. None of us want to see students suffer. He firmly agrees with what Mr. Hiatt and what Mr. Armstrong said. He believes that there has been dereliction of duty and responsibility and oversight. He doesn't want to see the students suffer for that. As you can see a bunch of angry people came here today and spoke because of his position on something. He is going to expect and he is going to be held to the fireboat this election cycle and next year if he choose to run again for this legislature. The reality is we are going to be holding your feet to the fire now to take a more active and responsible role with what goes on at that college because he doesn't want to hear the same stories that he has been hearing for the past couple of years, coming into committee meetings and kind of an arrogance that we are not going to be supplied with reliable and timely information. That is going to end. He is sure that he will not be the only one holding your feet to the fire. He is going to side with Mrs. LaBuda and the others on this. He is not going to make the students suffer because of your lack of responsibility. Your day of reckoning is coming. So, hear it now.

Chairman Rouis stated he is compelled to say a few things. He is sorry that Mr. Hiatt was not able to be at the meetings and clearly we have had some productive discussions on this issue. He may be one of few here but he is willing to give them the benefit of the doubt. It is very easy to sit back and have a revisionist history. After a course of events and course of actions to then look back and weave a web and a story that fits, it is something that is difficult. He thinks there were definitely things that the college understands and will do very differently given the same set of circumstances again as there are times when he would do things very differently given the same set of circumstances. He doesn't think that anyone up here thinks that endorsing the college's budget is condoning any type of behavior that will be construed as reckless or irresponsible. Because he doesn't think anyone up here would ever do that. He doesn't think anyone at the college would sit up there and perform actions that they knew were detrimental and or not in the best interest of the college and its students. There will be a greater sense of accountability. He also cautions everyone on what our role is and isn't and where we have the ability to impart and help them where we don't. Again working together works and we are going to get much further with a less confrontational role when it comes to the community college. When you take certain statements made by people, it may be out of context. He did follow up with the County Attorney regarding the Maintenance of Effort. He went on to say that while there is very little clarity, he doesn't think there was ever a situation that he could find where that clause had to be----- He doesn't want to sit here and be the test case on what is and how does one describe the maintenance of effort and find out at the end of the year students are the ones that are suffering. He will say that he is frustrated. If the state would have lived up to what its obligation was to community colleges, in the same way that this county board sometimes painstakingly, sometimes having to choose to fund that organization over others, we wouldn't be sitting here. So if you are frustrated as he is perhaps direct that frustration at where it is best. This was a joint effort between community colleges, county sponsors, and the State of New York. The State of New York has failed the colleges, the county and the students. That is what we need to focus on.

RESOLUTION NO. 397-10 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO ADOPT THE 2010-2011 SULLIVAN COUNTY COMMUNITY COLLEGE BUDGET

WHEREAS, the Sullivan County Community College Board of Trustees has filed its 2010-2011 Operating Budget with the Sullivan County Legislature, and

WHEREAS, the proposed Budget for 2010-2011 has appropriations in the amount of \$17,095,121 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 2010-2011 Operating Budget be approved in the amount of \$17,095,121 and the County's share to be levied and assessed against the taxable real property of Sullivan County on the 2011 tax rolls at \$4,000,000.

WHEREAS, the Commissioner of the Division of Management and Budget has formulated a corrective action plan to fix the problems listed in the management letter.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby approves the Corrective Action Plan.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and **declared duly adopted on motion** August 19, 2010.

RESOLUTION NO. 401-10 INTRODUCED BY EXECUTIVE COMMITTEE TO RESCIND RESOLUTION NO. 336-10

WHEREAS, the Sullivan County Legislature adopted Resolution No. 313-10 at a special meeting on June 3, 2010 authorizing the issuance of a Request for Proposal for a Master Developer, in furtherance of the redevelopment of the Apollo Plaza and Landfill Site.

WHEREAS, the Sullivan County Legislature adopted Resolution No. 336-10 which is the same exact resolution again at its regular meeting on June 17, 2010.

WHEREAS, Resolution 336-10 is unnecessary, duplicative and needs to be rescinded.

NOW, THEREFORE BE IT RESOLVED, that the Sullivan County Legislature hereby rescinds 336-10.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and **declared duly adopted on motion** August 19, 2010.

RESOLUTION NO. 402-10 INTRODUCED BY THE PERSONNEL COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH JAMES GALLIGAN TO SERVE AS THE FULL-TIME LICENSED ADMINISTRATOR OF THE ADULT CARE CENTER AND FIXING THE COMPENSATION FOR SAID POSITION

WHEREAS, the New York State Department of Health regulations require that there be a Full-Time Administrator on-site at the Adult Care Center, and

WHEREAS, the Temporary Interim Administrator, James Galligan, had been appointed on a part-time basis, to provide the required licensure was effective July 31, 2010, and

WHEREAS, James Galligan has agreed to accept the position of Administrator of the Adult Care Center, effective September 2010, and

WHEREAS, the upon acceptance by the New York State Department of Health, James Galligan shall be required to maintain his license with the New York State Department of Health in good standing, as a condition of his employment, and

WHEREAS, the County Legislature must fix the compensation for the Full-Time Administrator of the Adult Care Center, in accordance with its powers and duties detailed in the County Charter, and

WHEREAS, the Commissioner of the Division of Health and Family Services has recommended that Mr. Galligan be employed as the Full-time Administrator of the Sullivan County Adult Care Center; and

WHEREAS, the County Manager has concurred with the recommendation of the Commissioner of the Division of Health and Family Services, and recommends that the County Legislature authorize the execution of an agreement with James Galligan to serve as the Full-time Administrator of the Sullivan County Adult Care Center, in consideration of the salary and working arrangements detailed herein, and

WHEREAS, said working arrangements will avoid significant costs associated with health, dental, and vision insurance that would otherwise be afforded to said position, but which Mr. Galligan does not desire to receive.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby fixes the compensation of the Full-Time Administrator of the Adult Care Center at \$80,000 on an annual basis, pro-rated, and

BE IT FURTHER RESOLVED by the Sullivan County Legislature that the County Manager is hereby authorized to execute an agreement with James Galligan to serve as the Full-time Administrator of the Sullivan County Adult Care Center as follows:

1. The salary shall be \$80,000 per annum, pro-rated.
2. The weekly work hours shall be 35 hours, scheduled throughout the week to provide for a flexible schedule as authorized by the Commissioner of the Division of Health and Family Services and the County Manager.
3. The position shall be exempt from the federal FLSA requirements.
4. The position shall not be entitled to receive health, dental, or vision insurance benefits otherwise afforded to an active full-time senior management employee.
5. The position shall be afforded twenty (20) vacation days per annum, pro-rated.
6. The position shall receive other paid leave accruals that are otherwise afforded to senior management employees.

; and

BE IT FURTHER RESOLVED that Mr. Galligan shall keep his New York State Nursing Home Administrator License in good standing during the term of his employment, and the failure to keep said license in good standing shall be cause for the immediate termination of said employment.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 403-10 INTRODUCED BY THE PERSONNEL COMMITTEE TO SET THE SALARY FOR THE ACTING FULL-TIME ADMINISTRATOR OF THE ADULT CARE CENTER FOR AN EXTENDED PERIOD OF AN ADDITIONAL FORTY-FIVE (45) DAYS

WHEREAS, the New York State Department of Health regulations require that there be an Acting Full-Time Administrator on-site at the Adult Care Center , and

WHEREAS, a new Temporary Interim Administrator has been appointed on a part-time basis, to provide the required licensure and will be effective July 31, 2010, and

WHEREAS, this temporary Acting Full-Time Administrator was assigned for a time period not to exceed ninety (90) days, commencing retroactively to April 30, 2010, and

WHEREAS, there is a need to continue said temporary Acting Full-Time Administrator for an additional time period not to exceed forty-five (45) days, commencing retroactively on July 31, 2010, and

WHEREAS, the County Legislature must set the salary for the Acting Full-Time Administrator of the Adult Care Center, in accordance with its powers and duties detailed in the County Charter.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby sets the salary of the Temporary Acting Full-Time Administrator of the Adult Care Center at \$74,294 on an annual basis, pro-rated, or \$40.6645 per hour , and

BE IT FURTHER RESOLVED that this Temporary Acting Full-Time Administrator position shall continue to be effective retroactively to July 31, 2010, and shall be hereby abolished 45 days thereafter, or upon the appointment of a new Full-Time Administrator of the Adult Care Center, whichever occurs first.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 404-10 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO AMEND THE SULLIVAN COUNTY PROCUREMENT POLICY

WHEREAS, pursuant to Resolution No. 333-09 adopted by the Sullivan County Legislature on 8/20/2009, the County of Sullivan adopted a Procurement policy, and

WHEREAS, it is necessary to amend the Procurement policy in order to accommodate the special circumstance and needs that arise when the County engages professional services in the field of Risk Management, and

WHEREAS, the professional service contracts that are retained through the Office of Risk management include, but are not limited to the services of a Third Party Administrator (TPA), and

WHEREAS, it may be in the best interests of the County to retain the services of a third party administrator without the required necessity of a request for proposals, and

WHEREAS, the Director of Risk Management acting cooperatively with the Director of Purchasing & Central Services and the County Manager possess the expertise and knowledge necessary to determine when it is in the County's best interest to contract directly with the third party administrator without a request for proposal and when it is in the best interest of the County to provide for a request for proposal, and

WHEREAS, in order to allow for direct contracting with a third party administrator it will be necessary to amend the Procurement policy.

NOW THEREFORE BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes an amendment to the Procurement policy by inserting a new sub section D to section 140-3.4 of the Procurement Policy; which shall read as follows;

"D. Procurement of Third Party Administrator. Department of Risk Management Professional Service contracts, for a TPA to work with the Dept. of Risk Management shall be acquired at the most advantageous price and condition. In order to determine what is the most advantageous price and condition the Director of Risk Management in cooperation with the Director of Purchasing & Central Services and the County Manager shall determine when a request for proposal process or the offering of a contract to one particular vendor is in the best interest of the County. If a direct contract is the preferable option, all three county officials must agree and execute a written document to that effect, and

BE IT FURTHER RESOLVED, that the Director of Purchasing & Central Services is hereby directed to amend the Procurement policy as provided for herein above.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 405-10 INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A STIPULATION OF SETTLEMENT BETWEEN THE NEW YORK STATE OFFICE OF THE MEDICAID INSPECTOR GENERAL ("OMIG") AND THE SULLIVAN COUNTY ADULT CARE CENTER ("ACC")

WHEREAS, the Law Firm of Ruffo Tabora Mainello & McKay, P.C. represents the Adult Care Center on the OMIG audit and has provided the Sullivan County Attorney's Office with a proposed Stipulation of Settlement ("Stipulation"), and

WHEREAS, the Stipulation is to settle the amount of Medicaid overpayments owed by the ACC as the result of a trace back adjustment associated with the Adult Day Health Care ("ADHC") program for the period January 1, 2002 through December 31, 2004, and

WHEREAS, the total Medicaid overpayment associated with the ADHC trace back adjustment for the period from January 1, 2002 through December 31, 2004 is hereby accepted by the ACC and the OMIG in the amount of \$65,730.00 (sixty-five thousand seven hundred thirty dollars), and

WHEREAS, the ACC has paid \$49,206.00 (forty-nine thousand two hundred six dollars) to date. The ACC agrees to pay and the OMIG agrees to accept, the additional sum of \$16,524.00 (sixteen thousand five hundred twenty-four dollars) in full satisfaction of all of the overpayments more specifically identified in the Stipulation, and

WHEREAS, the sum of \$16,524.00 (sixteen thousand five hundred twenty four dollars) will be paid by the ACC within 30 days of the date of execution of the Stipulation, and

WHEREAS, Raul Tabora, Esq. represents that in his opinion it would be in the best interest of the County to execute the Stipulation with the OMIG.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute the Stipulation with the OMIG and said Stipulation to be in a form approved by the County Attorney's Office, and

BE IT FURTHER RESOLVED, that the ACC is authorized to pay the sum of \$16,524.00 payable to the New York State Department of Health.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and **declared duly adopted on motion** August 19, 2010.

RESOLUTION NO. 406-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE ACCEPTING THE RECOMMENDATIONS OF THE SULLIVAN COUNTY USER FEE GRIEVANCE COMMITTEE

WHEREAS, the Sullivan County Legislature ("Legislature") adopted Local Law No. 7 of 2009 which established a solid waste user fee, and

WHEREAS, Local Law No. 7 of 2009 provided for a Sullivan County User Fee Grievance Committee ("Committee") to review written appeals from property owners, and

WHEREAS, the Committee wishes to report its recommendations to the Legislature, and

WHEREAS, the Committee reviewed and denied various appeal applications and subsequently met with those applicants who requested to discuss their matters with the Committee personally, and

WHEREAS, the Committee has reviewed said appeals and it recommends approving reduction/elimination of the user fee for properties detailed on the Recommended Approval List attached hereto as Appendix "A" and made a part hereof, and

WHEREAS, the Committee has reviewed said appeals and it recommends denying reduction/elimination of the user fee for properties detailed on the Recommended Denial List attached hereto as Appendix "B" and made as part hereof.

NOW, THEREFORE, BE IT RESOLVED, that the Legislature acknowledges receipt of the Committee's recommendations detailed on Appendix "A" and Appendix "B" and hereby ratifies said recommendations contained on Appendix A and B.

BE IT FURTHER RESOLVED, that the Legislature hereby authorizes the Sullivan County Treasurer, on behalf of the Committee to notify the property owners regarding approval/denial of their respective appeals.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote with Mr. Sager abstaining, resolution carried and **declared duly adopted on motion** August 19, 2010.

Aug-10 **APPENDIX "A"**

Recommended Approval List

TOWN	SBL	Class Code	PRIMARY OWNER	Address	Twn/St/Zip
Callicoon	105.-3-20	100	Sager, David A.	4895 st Hwy 52, PO Box 48	Jeffersonville, NY 127
Liberty	106.-2-10.1	441	Asphalt Dist. Corp. Beaverkill Valley Volunteer	PO Box 6501	Syracuse, NY 13217-6
Rockland	2.-1-9.2	210	Fire	1524 Beaverkill Rd.	Livingston Manor, NY

Impact (509.70)

APPENDIX "B"

Recommended Denial List

TOWN	SBL	Class Code	PRIMARY OWNER	Address	Twn/St/Zip
Callicoon	20.-1-29.1	210	Perez, Joseph & Rosemary	135 Bay 7 St.	Brooklyn, NY 11222
Delaware	14.-5-44.3	482	Conrail Rail Corp.	110 Franklin Rd. SE 8849 St. Rt 97 PO	Roanoke, VA 24042
Delaware	25.-1-4.69	411	Fink, John H. & Marcia J.	Box 203 8843 St. Rt 97 PO	Callicoon, NY 12723
Delaware	25.-1-4.70	210	Fink, John H. & Marcia J.	Box 203	Callicoon, NY 12723
Forestburgh	17.-6-5.1	260	Devitt, Mary A. & William J.	7 Boxwood Lane	Montgomery, NY 125
Highland	25.-1-12	582	Lander, Marie Joan	RD 2	Narrowsburg, NY 127
Liberty	32.-3-2.3	240	Benton, Carol	63 Scheibe Rd.	Liberty, NY 12754-31
Liberty	112.-5-9.2	485	Catskill Soc/Model Engineers Girl Scout Council of Bergen	PO Box 468	Ferndale, NY 12734-0
Lumberland	9.-1-4	581	Co.	300 Forest Ave.	Paramus, NJ 07652
Lumberland	15.-1-1.24	270	Decker, John N. & Donna L. Morris Area Girl Scout	789 County Rt 31	Glen Spey, NY 12737
Lumberland	23.-1-3.2	581	Council	1579 Sussex Tpke	Randolph, NJ 07869-1
Mamakating	23.-1-32.16	210	Antognini, Marino & Orsola	283 Nashopa Rd.	Bloomington, NY 12
Mamakating	27.-2-20.2	210	Bellomo, Philip & Rita Beaverkill Valley Volunteer	225 Burlingham Rd.	Bloomington, NY 12
Rockland	2.-1-9.2	210	Fire	1524 Beaverkill Rd.	Livingston Manor, NY
Rockland	48.-2-6	444	Rogers, Gary W. & Patricia D.	13 Grooville Rd.	Livingston Manor, NY
Rockland	48.-2-7	483	D.	13 Grooville Rd.	Livingston Manor, NY
Thompson	8.A-1-6	210	Rothberger Eli & Barbara	112 Racine Ct.	Monticello, NY 12701
Thompson	17.-1-29.4	417	Roth, Jacob	527 E 9th St.	Brooklyn, NY 11218
Thompson	18.-1-81	417	Roth, Jacob	527 E 9th St.	Brooklyn, NY 11218
Thompson	29.-1-17.1	546	Patson Properties, LLC	211 Clark A Rd.	Woodbourne, NY 127

RESOLUTION NO. 407-10 INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE A SUPPLEMENTAL AGREEMENT FOR THE SULLIVAN COUNTY BRIDGE PAINTING ECONOMIC RECOVERY PROJECT.

WHEREAS, the Sullivan County Bridge Painting, 22 Structures, Sullivan County, PIN 9753.54, Economic Recovery Project (hereinafter “the Project”) in the County of Sullivan 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 the ratio of 100% Federal funds and 0% non-Federal funds.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature has previously adopted Resolution No. 184-09 which agreed to advance the Project through the County of Sullivan’s resources and authorizes the County Treasurer to appropriate \$2,225,000 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 authorizes the County Treasurer to appropriate that the sum of \$26,241 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 phase 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 Projects 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 form 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 that this Resolution shall take effect immediately.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 408-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE AWARD OF ENGINEERING INSPECTION SERVICES FOR THE SULLIVAN COUNTY AIRPORT GENERAL AVIATION (GA) APRON AND TAXILANE CONSTRUCTION PROJECT

WHEREAS, the unnumbered Resolution to be adopted by Sullivan County Legislatures shall authorize the County Manager to apply for and execute AIP Grants, Agreements, Contracts, Certifications and Documentation for Engineering Services; and

WHEREAS, the County has been given verbal correspondence from the FAA that a grant offer will be issued in the amount of \$1,326,658.00 for the project; the construction inspection services total \$98,300.00. The FAA stipulated that there are time constraints for the execution and return of the grant offer; and

WHEREAS, the FAA has indicated that they will allocate 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 would be 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 inspection services to the firm Passero Associates.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature authorizes the County Manager to execute a contract in such form as the County Attorney shall approve, to retain the services of Passero Associates for a contract amount not to exceed \$98,300.00 for Engineering inspection services contingent upon the execution of a grant agreement with the FAA; and

BE IT FURTHER RESOLVED, in the event that the County does not receive the above referenced funding the County shall have no obligation to proceed forward with the contract with Passero Associates; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the NYSDOT by attaching it to any necessary agreements in connection with this project.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 409-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE EXECUTION OF AIRPORT GRANT AGREEMENTS, CONTRACTS, CERTIFICATIONS AND DOCUMENTATION FOR ENGINEERING, CONSTRUCTION AND CONSTRUCTION INSPECTION SERVICES FOR THE SULLIVAN COUNTY AIRPORT GENERAL AVIATION (GA) APRON & TAXILANE CONSTRUCTION PROJECT

WHEREAS, the County of Sullivan desires to receive AIP grants at Sullivan County International Airport from the Federal Aviation Administration (FAA) and the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Sullivan has received a verbal correspondence from the FAA that a grant may be issued in the amount of \$1,326,658.00 with time constraints for the execution and return of the grant agreement to the FAA; and

WHEREAS, the FAA has indicated that they will allocate funding for 95% of the total cost of the project at the Sullivan County International Airport; and

WHEREAS, the New York State Department of Transportation share would be 2.5% of the total project cost.

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

BE IT FURTHER RESOLVED, that the Sullivan County Treasurer be authorized to advance monies from the General Fund for this project in an amount not to exceed \$1,326,658.00 contingent upon the execution of the grant agreement.

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 410-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CONVEY PROPERTY IN THE TOWN OF MAMAKATING KNOWN AS MAMAKATING 57.-15-11, ACQUIRED BY THE COUNTY OF SULLIVAN BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDING FOR THE 2008 LIEN YEAR

WHEREAS, property located in the Town of Mamakating designated on the Sullivan County Real Property Tax Map as Mamakating 57.-15-11, Class 314, being .08 +/- acres, located on Jersey Road, is owned by the County of Sullivan and formerly owned by Peter S Ackerman; and

WHEREAS, there were delinquent taxes due and owing for the 2008 and 2009 for which the County of Sullivan took title to by Deed dated March 9, 2010 and recorded in the Sullivan County Clerk's Office on March 10, 2010 as Instrument #2010-53607; and

WHEREAS, this matter was discussed by the Real Property Advisory Board who advised it is in the best interest of the County of Sullivan to convey the parcel to Nancy Terranova for \$100.00 because this parcel was not bid on at the June 2010 auction and she was the successful bidder on 2 adjoining parcels; and

WHEREAS, the purchaser will be responsible for ten percent of the purchase price (auctioneers fee), the 2010 Town and County taxes, recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes, water and sewer charges; and

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Sullivan County Legislature is hereby authorized to execute the necessary documents in order to convey the aforesaid premises to Nancy Terranova, and upon her payment to the County Treasurer; and

BE IT FURTHER RESOLVED, the purchaser will be responsible for the recording fees and any other applicable charges, including but not limited to, omitted & pro rata taxes and water and sewer charges, if any.

BE IT FUTHER RESOLVED, in the event this conveyance has not been consummated on or before October 4, 2010, then this resolution is void.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and **declared duly adopted on motion** August 19, 2010.

RESOLUTION NO. 411-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2010 TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #17.-1-12.1

WHEREAS, an application dated July 14, 2010 having been filed by New Hope Community, Inc. with respect to property assessed to said applicant on the 2010 tax roll of the Town of Fallsburg Tax Map #17.-1-12.1 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the property having been assigned an incorrect property classification that led to the extension of an incorrect solid waste fee against the referenced property that was used by said property owner for residential purposes; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated August 3, 2010 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. Goodman, seconded by Mrs. LaBuda, put to a vote with Mrs. Binder abstaining, resolution carried and **declared duly adopted on motion** August 19, 2010.

RESOLUTION NO. 412-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2010 TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #17.-1-12.24

WHEREAS, an application dated July 14, 2010 having been filed by New Hope Community, Inc. with respect to property assessed to said applicant on the 2010 tax roll of the Town of Fallsburg Tax Map #17.-1-12.24 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the property having been assigned an incorrect property classification that led to the extension of an incorrect solid waste fee against the referenced property that was used by said property owner for residential purposes; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated August 3, 2010 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. Goodman, seconded by Mrs. LaBuda, put to a vote with Mrs. Binder abstaining, resolution carried and **declared duly adopted on motion** August 19, 2010.

**RESOLUTION NO. 413-19 INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO CORRECT THE 2010
TAX ROLL OF THE TOWN OF FALLSBURG FOR TAX MAP #50.-2-10.2**

WHEREAS, an application dated June 25, 2010 having been filed by NYS Assoc. for Retarded Children, Inc. with respect to property assessed to said applicant on the 2010 tax roll of the Town of Fallsburg Tax Map #50.-2-10.2 pursuant to Section 556 of the Real Property Tax Law, to correct a clerical error on said tax roll resulting from the property having been assigned an incorrect property classification that led to the extension of an incorrect solid waste fee against the referenced property that was used by said property owner for residential purposes; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated August 3, 2010 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. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and **declared duly adopted on motion** August 19, 2010.

**RESOLUTION NO. 414-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE TO ACCEPT AN OFFER FOR
A FLOOD REMEDIATION PROPERTY**

WHEREAS, pursuant to Resolution No. 287-10 adopted by the Sullivan County Legislature on May 20, 2010 the County of Sullivan accepted offers on nine parcels of real property acquired in the flood remediation program; and

WHEREAS, one of the flood remediation parcels designated on the Town of Rockland Tax Map as 46-1-13 (“Property”) was to be sold to Jaco Funeral Properties, Inc. (“Jaco”); and

WHEREAS, Jaco withdrew its offer and the closing did not occur; and

WHEREAS, Jaco has sent a new offer for the Property in the amount of \$897.57; and

WHEREAS, the Real Property Advisory Board unanimously approved accepting the new offer.

NOW, THEREFORE BE IT RESOLVED, that the Sullivan County Legislature authorizes the transfer of the Property to Jaco under the terms described above; and

BE IT FURTHER RESOLVED, that the portion containing the previous offer in Resolution No. 287-10 be rescinded.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

A. RESOLUTION NO. 415-10 INTRODUCED BY THE GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT WITH STUDIO D’ARC ARCHITECTS, P.C. TO DESIGN THE VISITOR’S CENTER FOR THE UPPER DELAWARE SCENIC BYWAY, INC.

WHEREAS, according to Resolution No. 276-10, the Sullivan County Division of Planning and Environmental Management administered a grant program for the conceptual design for a visitor’s center for the Upper Delaware Scenic Byway, Inc.; and

WHEREAS, an RFP was issued and proposals were received for a conceptual design of the visitor’s center; and

WHEREAS, studio d’ARC architects, P.C., 139 South 22nd Street, Pittsburgh, PA 15203, is the firm whose proposal met the needs of the RFP; and

WHEREAS, the Upper Delaware Scenic Byway Board and the Commissioner of Planning has reviewed and approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with studio d’ARC architects at a contract price not to exceed \$25,000 and in such form as the County Attorney shall approve.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 416-10 INTRODUCED BY GOVERNMENT SERVICES COMMITTEE TO AUTHORIZE AWARD & EXECUTION OF CONTRACT

WHEREAS, a bid was received for a Forensic Pathologist, and

WHEREAS, Kunjlata Ashar, MD, 320 Cedar Drive West, Briarcliff Manor, NY 10510, is the lowest responsible contractor for such work, and

WHEREAS, the Division of Emergency Management approved said proposal and recommends that a contract be executed.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute a contract with Kunjlata Ashar, MD, at a contract price not to exceed \$70,000, and in accordance with the bid, R-10-25, dated July 12, 2010 said contract to be in such form as the County Attorney shall approve.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 417-10 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO A CONTRACT BETWEEN SULLIVAN COUNTY PROBATION DEPARTMENT AND ROY STREEVER OF CORRINE/ROY INVESTIGATIVE SERVICES AND POLYGRAPH (C.R.I.S.P.)

WHEREAS, the Sullivan County Probation Department has a need to provide polygraph testing to sex offenders under probation supervision, and

WHEREAS, Roy Streever of Corrine/Roy Investigative Services and Polygraph is qualified and will provide polygraph testing to sex offenders at \$300 per test, and

WHEREAS, Roy Streever of C.R.I.S.P. will continue to provide this service from 7/01/10-6/30/11 and

WHEREAS, the new contract will begin 7/01/10 and expire 6/30/11 and may be terminated by either party with 30 days written notice,

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and is hereby authorized to enter into a contract with Roy Streever of C.R.I.S.P., 20 Grosso Court, Montgomery NY 12549, for polygraph testing with the Sullivan County Probation Department. The total of the contract will not exceed \$5,400.00, and

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 418-10 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO ENTER INTO CONTRACT(S) WITH AUTHORIZED STATE EARLY INTERVENTION AND STATE EDUCATION DEPARTMENT PROVIDERS

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

WHEREAS, the Service Provider(s) listed below has applied for/has been accepted and approved by the authorized State Agency for delivery of said services, and

WHEREAS, the Service Provider(s) listed below has existing "agency" Early Intervention and Pre-School contracts in place, however, due to NYS Department of Health regulations recently changing and requiring agency providers to have a certain number of qualified personnel on staff, it has become necessary for the provider to revert back to her prior status of an "individual" contractor.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be authorized to execute contracts with the following approved State Early Intervention provider(s) for the period 9/1/10 to 12/31/13; and with the following approved State Education Department provider(s) for the period 9/1/10 to 6/30/13.

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

NYS Dept. of Health Early Intervention Services AND NYS Education Department provider:

Rita Lee
382 Hysana Road
Liberty, NY 12754
Services: Speech Therapy

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 419-10 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, 2010 THROUGH SEPTEMBER 30, 2011

WHEREAS, the County of Sullivan, through the Department of Family Services (“DFS”), 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 DFS.

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, 2010 through September 30, 2011; and

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 420-10 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO AGREEMENT(S) FOR THE PROVISION OF PREVENTIVE SERVICES

WHEREAS, the County of Sullivan (“County”), through the Department of Family Services, desires to contract for the provision of preventive services; and

WHEREAS, funding to acquire such services has been approved by the New York State Office of Children and Family Services (OCFS) at sixty-two percent state share with thirty-eight percent local share match by the County; and

WHEREAS, the County, through the Department of Family Services, desires to move the contract for the provision of preventive services with Sullivan County Unit - Town of Wallkill Boys and Girls Club contract cycle to the federal fiscal year; and

WHEREAS, the Sullivan County Unit - Town of Wallkill Boys and Girls Club, is capable and willing to provide such services at a cost not to exceed amounts funded.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to execute an agreement with the Sullivan County Unit - Town of Wallkill Boys and Girls Club at a cost not to exceed \$11,917 for a one month period from September 1, 2010 through September 30, 2010 and to execute a twelve month contract for the period from October 1, 2010 through September 30, 2011 in an amount not to exceed the amount approved by OCFS; and

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 421-10 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO AMEND THE CONTRACT WITH CATSKILL ORAL SURGERY, P.C. FOR SERVICES TO SULLIVAN COUNTY ADULT CARE CENTER

WHEREAS, the Sullivan County Adult Care Center has a need to amend the contract for oral surgery; and

WHEREAS, Catskill Oral Surgery, PC desires to amend the contract and provide oral surgery to the residents of the ACC; and,

WHEREAS, the original resolution (354-08) was approved for a maximum of \$5,000/year for a total contract price of \$10,000 to begin 1/1/09 and expire 12/31/11 and resolution (239-10) increased the amount of the contract for 2010 to \$7,500; and,

WHEREAS, due to the significant amount of services already having been provided, the contract needs to be amended to increase the total intended amount from \$7,500 to \$10,000 for 2010 year.

NOW, THEREFORE, BE IT RESOLVED, that the County Legislature does hereby authorize the County Manager to execute a modification agreement with Catskill Oral Surgery, PC to provide oral surgery at a total cost not to exceed \$10,000 for 2010 and \$5,000 for 2011; and,

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 422-10 INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ACCEPT A GRANT AWARD FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES.

WHEREAS, the New York State Division of Criminal Justice Services has awarded the Sullivan County Sheriff's Office \$5,500 as a legislative member item through Senator Bonacic, and

WHEREAS, this funding will be utilized for criminal justice initiatives as determined by the Sullivan County Sheriff, and

WHEREAS, the contract period for this grant is March 31, 2010 through March 31, 2011,

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and is hereby authorized to execute any and all necessary documents to accept the grant award, in such form as the County Attorney shall approve.

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 423-10 INTRODUCED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO AUTHORIZE THE PREPARATION OF AN APPLICATION THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE DEPARTMENT OF TRANSPORTATION FOR THE 2010 COMMUNITY PLANNING PROGRAM GRANT AND THE TIGER II PLANNING GRANT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the Community Challenge Planning Grants in

conjunction with a portion of the Department of Transportation's (DOT) National Infrastructure Investment grants; and

WHEREAS, the Community Planning Program Grant seeks to foster reform and reduce barriers to achieving affordable, economically vital, and sustainable communities; and

WHEREAS, the Tiger II Planning grant seeks to fund the planning, preparation, and design of surface transportation projects; and

WHEREAS, HUD and DOT have decided to issue this NOFA jointly in order to better align transportation, housing, economic development, and land use planning; and

WHEREAS, the project request is \$800,000 (\$500,000 HUD/\$300,000 DOT), with a twenty percent County match pertaining to the request to HUD, said match in the form of in-kind services in the amount of \$100,000, and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Division of Planning & Environmental Management shall be authorized to prepare applications under the Community Challenge Planning Grant and Tiger II Planning grant, and

BE IT FURTHER RESOLVED, the Sullivan County Legislature does hereby authorize the Division of Planning and Environmental Management to apply for, accept and administer funding from HUD & DOT in a total amount of \$800,000, and to provide the in-kind services necessary to administer this funding.

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute any and all necessary documents to accept the grant award, should one be secured, in such a form as the County Attorney shall approve; and

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

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 424-10 INTRODUCED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO AUTHORIZE THE DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT TO ISSUE A REQUEST FOR PROPOSALS SEEKING TECHNICAL ASSISTANCE IN AREAS RELATED TO THE PRESERVATION, PROMOTION AND DEVELOPMENT OF AGRICULTURE AND FARMLAND IN SULLIVAN COUNTY

WHEREAS, the County of Sullivan ("County") seeks to engage the services of a consultant to provide technical assistance to the Division of Planning and Environmental Management in matters related to the advancement of Agriculture in Sullivan County; and

WHEREAS, the Division of Planning and Environmental Management has primary responsibility for agricultural issues, farmland preservation and economic development related to these issues; and

WHEREAS, the outcome of the Economic Development Charrette in December 2009 identified several agricultural initiatives and actions for implementation that the consultant will address; and

WHEREAS, the County, through its Division of Planning and Environmental Management seeks assistance to provide technical and targeted support to the Agricultural Community with regard to diversification, niche marketing and promotion.

NOW, THEREFORE BE IT RESOLVED, that the County authorizes the issuance of a request for proposals in order to seek a consultant to provide technical assistance in areas related to the preservation, promotion and development of agriculture and farmland in Sullivan County.

Moved by Mrs. Goodman, seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. 427-10 INTRODUCED BY THE CAPITAL PLANNING AND BUDGETING COMMITTEE ADOPTING THE 2011 – 2016 CAPITAL PLAN FOR SULLIVAN COUNTY

WHEREAS, the Charter of the County of Sullivan, section C2.02 (N) requires that the County Legislature adopt a capital plan that establishes the recommended capital programs of the county, and

WHEREAS, the County Manager received requests of all County divisions, offices, agencies, and contracted services, regarding the 2011 – 2016 capital plan by the 1st day of June, in accordance with section C3.07(N) of the Charter of the County of Sullivan, and

WHEREAS, the County Manager, in accordance with section A3-3(P) of the Administrative Code of the County of Sullivan, has developed comprehensive information inclusive of all County divisions, offices, agencies, and contracted services, and he has made recommendations regarding the capital plan, and

WHEREAS, the County Legislature in accordance with the policy established by resolution number 479 of 2006, shall adopt a multi-year capital plan by the 1st day of September of each year , and

WHEREAS, the County Legislature has reviewed the County Manager’s recommendations for the 2011 – 2016 Capital Plan, and hereby adopts or amends those recommendations, as attached hereto as Schedule “A”.

NOW, THEREFORE, BE IT RESOLVED that the County Legislature hereby adopts the attached Schedule “A”, to be incorporated herein, as the Sullivan County 2011 – 2016 Capital Plan, and

BE IT FURTHER RESOLVED, that the County Manager is hereby directed to incorporate the recommended programs in 2011, to be funded by the operating budget of the county, into the tentative budget for 2011.

Moved by Mrs. Goodman, seconded by Mrs. Binder, put to a roll call vote, unanimously carried and declared duly adopted on motion August 19, 2010.

[See Attached.](#)

RESOLUTION NO. 428-10 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO APPORTION MORTGAGE TAX

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

WHEREAS, the County Clerk and the County Treasurer have submitted a quarterly report, for the period of April 2010 to June 2010, to the Clerk of the Legislature, and

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

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

TOWNS

Bethel	31,251.24
Callicoon	8,033.52
Cochecton	9,867.96
Delaware	6,014.40
Fallsburg	28,020.54
Forestburgh	4,463.25
Fremont	3,081.18
Highland	9,592.50
Liberty	17,670.09
Lumberland	12,411.19

Mamakating	54,270.27
Neversink	7,892.22
Rockland	8,313.52
Thompson	30,174.46
Tusten	30,440.94

VILLAGES

Bloomington	692.07
Jeffersonville	393.85
Liberty	3,091.61
Monticello	3,146.88
Woodridge	1,299.68
Wurtsboro	2,299.88

TOTAL **272,421.25**

Moved by Mrs. Goodman, seconded by Mr. Armstrong, put to a vote, unanimously carried and declared duly adopted on motion August 19, 2010.

RESOLUTION NO. NO. 429-10 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO ENACT A LOCAL LAW OF 2010 TO PARTICIPATE IN THE 2010 NEW YORK STATE RETIREMENT INCENTIVE PROGRAM PART A – CHAPTER 105, LAWS OF 2010

WHEREAS, proposed Local Law entitled “A Local Law to Participate in the 2010 New York State Retirement Incentive Program Part A – Chapter 105, Laws of 2010.” was presented to the Sullivan County Legislature at a meeting held on August 19, 2010 at the County Government Center, Monticello, New York to consider said proposed local law and notice of public hearing have been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deemed to be heard, and

WHEREAS, when enacted this proposed Local Law shall be Local Law No. 3 of 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt Local Law 3 of the year 2010, County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by Mrs. Binder, seconded by Mrs. LaBuda, put to a roll call vote, unanimously carried and declared duly adopted on motion August 19, 2010.

A Local Law to Participate in the 2010 New York State Retirement Incentive Program
Part A – Chapter 105, Laws of 2010

A LOCAL LAW electing a retirement incentive program as authorized by Part A of Chapter 105 of the Laws of 2010, for the eligible employees of the County of Sullivan.

BE IT ENACTED by the Legislature of the County of Sullivan, as follows:

1. The County of Sullivan hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Part A of Chapter 105 of the Laws of 2010.
2. The commencement date of the retirement incentive program shall be September 1, 2010.
3. The open period during which eligible employees may retire and receive the additional retirement benefits, shall be 45 days in length and shall terminate on October 15, 2010.
4. Pursuant to subsection (g) of Section 1 of Part A of Chapter 105 of the Laws of 2010, the Sullivan County Manager shall determine what titles shall be considered eligible for the additional retirement benefits and what titles shall be considered not eligible for the additional retirement benefits. The determination of eligibility shall be in compliance with Section 2 of Part A of Chapter 105 of the Laws of 2010.

5. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Sullivan for each employee who receives the retirement benefits payable under this local law.
6. This act shall take effect upon the filing of this local law with the Secretary of State, but in no event shall that filing occur later than August 31, 2010.

RESOLUTION NO. 430-10 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO ENACT A LOCAL LAW OF 2010 TO PARTICIPATE IN THE 2010 NEW YORK STATE RETIREMENT INCENTIVE PROGRAM PART B – CHAPTER 105, LAWS OF 2010

WHEREAS, proposed Local Law entitled “A Local Law to Participate in the 2010 New York State Retirement Incentive Program Part B – Chapter 105, Laws of 2010.” was presented to the Sullivan County Legislature at a meeting held on August 19, 2010 at the County Government Center, Monticello, New York to consider said proposed local law and notice of public hearing have been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deemed to be heard, and

WHEREAS, when enacted this proposed Local Law shall be Local Law No. 4 of 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt Local Law 4 of the year 2010, County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a roll call vote, unanimously carried and **declared duly adopted on motion** August 19, 2010.

A Local Law to Participate in the 2010 New York State Retirement Incentive Program
Part B – Chapter 105, Laws of 2010

A LOCAL LAW electing a retirement incentive program as authorized by Part B of Chapter 105 of the Laws of 2010, for the eligible employees of the County of Sullivan.

BE IT ENACTED by the Legislature of the County of Sullivan, as follows:

7. The County of Sullivan hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Part B of Chapter 105 of the Laws of 2010.
8. The commencement date of the retirement incentive program shall be October 1, 2010.
9. The open period during which eligible employees may retire and receive the additional retirement benefits, shall be 90 days in length and shall end on December 29, 2010.
10. Pursuant to subsection (b) of Section 5 of Part B of Chapter 105 of the Laws of 2010, the Sullivan County Manager or the Sullivan County Legislature may deny participation in the retirement benefit provided for in subsection (a) of Section 5 of Part B of Chapter 105 of the Laws of 2010, if the County Manager or the Sullivan County Legislature determine that an employee holds a position that is deemed critical to the maintenance of public health and safety.
11. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Sullivan for each employee who receives the retirement benefits payable under this local law.
12. This act shall take effect upon the filing of this local law with the Secretary of State, but in no event shall that filing occur later than September 1, 2010.

There being no further business, Mr. Wood moved to adjourn, seconded by Mrs. Goodman, put to a vote and carried. The Regular Meeting was declared closed at 4:42PM subject to the call of the Chairman.

ANNMARIE MARTIN, Clerk of the Legislature