

**Regular Meeting
Sullivan County Legislature
November 18, 2010 at 2:00PM**

The Regular Meeting of the County Legislature was called to order by Chairman Rouis at 2:04PM, with the Pledge of Allegiance.

Roll Call indicated Mr. Armstrong absent.

The Clerk read the following communications:

1. Notification of record destruction received from the Department of Family Services Accounting Department, dated October 22, 2010.
2. Receipt of Annual Budget Report from the County of Sullivan Industrial Development Agency dated October 29, 2010.
3. Letter received from the New York State Office of Parks, Recreation and Historic Preservation, dated November 5, 2010 informing the County that the Forestburgh Town Hall will be considered for nomination to the National and State Registers of Historic Places by the State Review Board at the December 7, 2010 meeting.
4. Receipt of proposal to reduce the cost of legal services to Sullivan County Family Court from Timothy P. Burke, Esq., dated November 8, 2010.
5. Receipt of letter received on November 8, 2010 from Rebecca Pisall requesting the Chairman of the Sullivan County Legislature to look towards renewable resources other than fracking until other stricter regulations are available.
6. Receipt of the 2011 Sullivan County Tentative Budget from County Manager Fanslau dated November 10, 2010
7. Receipt of substitute page (168) for the Sullivan County 2011 Tentative Budget dated November 15, 2010.
8. Receipt of letter, dated November 16, 2010 from Village of Jeffersonville Mayor Edward Justus requesting the Legislators to give serious consideration of all line items prior to making cuts to the Sheriff's Department budget.
9. Request for review of Solid Waste Fee Appeal denial by John H. Fink from Callicoon, New York dated November 18, 2010.

Public Comment

Chairman Rouis recognized the following speakers:

1. Marcia Fink read the attached letter submitted by her husband, John Fink.
2. Ann Culligan, member of the Concerned Citizens of the Town of Thompson. The Town of Thompson Board and the Town of Thompson Planning Board approximately three years ago approved the Monticello Motor Club on Cantrell Road in Monticello. This was done without a noise study, traffic study, no restrictions etc. Since the approval, the local neighbors have suffered with noise abuse. First the building sound of roaring machines and a constant beeping. We now suffer for 8+ hours of continual excessive noise. Our quality of life has been destroyed and our homes have lost 20-50% value. Who would purchase any home with constant noise. We cannot use our decks in good weather, we live with our doors and windows closed in the middle of April through November 15th of each year. Several times we have had to leave our homes to retain our sanity. When guests and relatives visit us, they cannot understand how this was approved and allowed to happen. We have turned up the air conditioning and televisions and it still doesn't eliminate the noise or the squeal of the brakes. The IDA gave this development \$27,000 for closing costs. Never happens---money not returned. They were given tax breaks and sales tax abatement. Cars coming there are stored in climate controlled garages and are not registered. They do not buy cars that most of us drive. Here in this area where a car is a necessity, we all wince at the sales tax that we pay on new and used cars. Upon checking the taxes paid in 2010, she found that the Monticello Motor Club paid \$55,935.88 in real estate taxes for 661.70 acres. Assessed property was listed at \$1,675,700. The total assessment was \$2,587,954. Her home is 100 feet from their property line and 1200 feet from the straight away. She pays for her

home on .92 acres and 4.7 acres in the back of our home, \$4,812.99. Where is the equity in that? She questions the assessment of the racetrack with a small lake, a \$2.2 million dollar pavilion plus a 4.1 mile track. Upon checking the stats, we feel that the association members can now file either individual or bulk request to have our taxes lowered. We now have approximately 140 signatures and are acquiring more every day. Several of us have pleaded with the Town of Thompson to require proper sound barriers to eliminate the overwhelming noise and squeal of brakes. These sound barriers should have been installed before the track was built. We come before you today to request your help in restoring our peace and quiet in this beautiful county.

3. Jim Culligan stated in a couple of weeks he would be living in this township for over 79 years. During that course of time, he would have never second guessed his wife. He finds at his age, he is allowed to talk and people listen. Whether they do something about it is another thing. These are just a few of his observations living in this area. First of all, he thinks appointments to committees and government offices should not have a family name, be a permanent ticket to an appointed position as we see that more and more. New blood can mean new ideas and term limits should be considered. He would not like to see the return of the Board of Supervisors to run the county. We have a three person government now in Albany and he doesn't think we would want to return to the same thing here in this county. It seems to him that everyone that rides in here on a white horse wearing a thousand dollar suit is going to be a savior and that hasn't happened. What happens is when everything fizzles out, we have to clean up the mess over time. He thinks there should be more time given to the long term tax payers. He wants the legislature to encourage and hear input from all the residents of this county.
4. Cindy Geiger stated she wanted to say The Farmers are Back!. She then read the attached statement.
5. Assemblywoman Aileen Gunther stated Cindy Geiger signed her up and she didn't know she was speaking. It is a pleasure to be here today and we are starting a new year. Mrs. Geiger came to see her in her office and they spent a few hours together. She came here just to give her commitment to the agricultural community in Sullivan County. She is right. It is important to our economy and it is important to open space, water and clean air and we have to on a state level, a federal level, and a local level with our county legislators to find a way to make sure that our small farmers (closest to the dirt) survive. She wants that to happen and she is committed to doing it. She called the Ag Department today because she wanted to see what kind of money is out there, if any. Schuyler County received about \$500,000 in grants and that is what she would like to see in Sullivan County. Two days ago she had a phone call from a farmer who has been part of the farming community for over 70 years. He and his sister called to say that they felt their brother was going to have a heart attack because all the money that he owes and she called a local bank and she spoke to the President of the bank and she asked them to relook at some of the money he does owe to maybe consolidate and lower the payments so this gentlemen can survive in the agricultural community. What we need is grants. They cannot afford to increase their debt. They need grant money to buy equipment. If we all work together including our federal representatives, that this is really a possibility. When she sees some of the payments that they make for hauling and the amount that they get per pound, they really can't survive in their business unless we change the amount of money they are receiving for the hard work they are doing. She thinks we need to stand behind them.
6. Alice Diehl distributed the attached information. She thanked Aileen Gunther for her support and as a matter of fact, her husband did have a heart attack and she knows what stress the farmers are going through. This is a brochure from the National Dairy Producers Organization. When she was here last time, she spoke about a national effort to change the pricing for the dairy farmers. This organization has several tiers. The dairy farmers are in Tier 1, Ag related businesses are Tier 2, and supporters of agriculture are at Tier 3. It is still in the development stage. There is a number to call as well as an access number which is a teleconference call so you can listen to discussion of farmers. Now that you have this information, you are responsible for finding the information that you need to be informed. She further challenges you not to eat another dairy product until you have directly made an improvement in the family farm way of life. She is appointing Dick Riseling as the Food Police. If he finds anyone eating dairy he has to call the hotline at 482-5047. In all seriousness, this issue is very complex. The pricing system is very complex. She encouraged the legislature to be diligent
7. Dan Young stated that Mrs. Geiger spoke to him a few weeks ago and he came to the last meeting. If you don't know him, he owns a farm in Jeffersonville,

NY. He and his wife moved to the county about eleven years ago and built their farm about five years ago. He is in the food industry and he owns a company called Culinary Alliances. He does a couple of million a year in business. He imports food from all over the world. He and Mrs. Geiger have spoken about bringing farmers together in the county. People in the city and in other countries are waiting for products from us. He just recently spoke with a distributor Dairyland and they are in Philadelphia, Miami, New York and Vegas. Right now he is interested in support but we need to come up with a plan. He just distributed a paper with Ben & Jerry's in Vermont has a dairy farm where they produce their ice cream. He then highlighted the paper.

8. Sonja Hedlund is a farmer and co founder of the Sullivan County Farm Network. We have some good news and the good news is that the network has partnered with the very successful Sullivan County Farm Market Association and we will now have for the first time an indoor Farmer's Market beginning December 19th in the Youth Center in Callicoon. She hopes to see all of you legislators buying at the Farmer's Market. It will continue twice a month through April. We are very appreciative of the efforts of the Red Meat Plant. We have ample pasture land to raise meat and people willing to do it. She knows that some agencies are looking into that. Cornell will be holding having a program on how you sell red meat off the farm either by retail or wholesale. One thing she would encourage for us to look at is how can we move the red meat slaughter facility on a fast track. She then spoke about a portable business in Delaware County.
9. Brian Rogers stated he intended sending the legislators emails. He is a disabled veteran he is the owner of the Silver Star and several purple hearts. He has seen several of you at Francis Currey Day, at the Veterans Service just recently. One thing that most people in this room do not realize, the military has changed directions in the last 30 years. Our reserve forces are now our primary defense. Are you aware that an active member of the reserves after a year in combat cannot come home and receive a tax credit. The reason why? He is still serving. That is not right. That is an Oxymoron. Mrs. Gunther has received a letter from me and has offered to sponsor legislation, to change this. What he is asking the board to do is very simple. Contact your peers in other counties and explain the situation to them. Have them contact their peers in other counties and ask everyone to contact their peers. All he is asking to send a letter out to the adjacent counties. A Bill could change this.

Chairman Rouis stated we belong to NYSAC which is a vehicle for us to disseminate information to all the counties.

Mr. Sager suggested putting a resolution together so we can send out to other counties and state and federal representatives so it can be taken care of that it have teeth to it. It was decided to have it come out of the Veterans Committee.

10. Barbara Burton stated she will definitely reassure you that I definitely have been very close to the dirt. An old friend taught her that most people are so accustomed to hearing false evidence. We now have Wire Fraud. Nothing should go out over the wire, especially the mouth wire.
11. Victoria Lesser stated she lives in North Branch, New York. She just wanted to follow up with what the farmers are talking about. She doesn't know much about it on this article that was written on Paterson set to approve deal on a casino in the Catskills. When she moved back to New York five years ago, one of the things that was distracting everyone were casinos and power lines. We were so distracted and as a result of that by the time we knew and relieved casinos or power lines were not going to happen, that is when we realized people were signing up for it. Here we have a Governor that has a big secret and making a deal with a Tribe. She is not going to make a statement whether this is right or wrong. She is just wondering if our county legislators had any idea as to what was going on and how you might deal with it at this point. After what we have been going through with the possibility of hydrofracking, she would trade that for a casino any day. It doesn't matter if we are talking about the gas industry, the farming industry, casinos etc. It always seems to be the profits for some is always put ahead for the piece of mind people who continually support this community. She is grateful she is back in New York. Is she concerned that every dime she has ever worked for is being invested into Sullivan County. She absolutely is. She owns the North Branch Inn. She is not leaving and his hoping that our elected officials will continue to stand up for us to make sure that our future is bright not for those who stand to make a profit.

12. Ken Walter stated in regard to the Farm Network they are a prime example of putting a resource together, doing research and giving us information. We should always use resources of the community. There comes a point in time where work conditions are important. You need to think about what is more important, being employed or taking home another \$36 take home pay every two weeks. It is really not going to make difference to anyone's lifestyle. He really hopes that union would consider the good and welfare of the whole as no one should be an individual. The other concern he has is the amount of money we are using from the reserve balance. He has two reasons for this. We should have a tax increase of \$1 million. What is going to happen unfortunately if things don't turn around is you all are going to be for re election and you are going to be going through the same thing that you are now and you are making tough decisions to do the right thing. But if you don't have enough reserve, you are going to have to hit taxpayers for a higher amount and you are going to come out with egg on your face. It is not fair. Because you are doing your job. I always don't agree with you and you always don't agree with him, but we do talk about it. A zero increase sounds good but in the long run, he doesn't think you are making the right decision.

13. Tula Brown stated she thinks that some of the legislators are lucky that she doesn't know where they live. For those of you on the board and don't personally know her, she is the HICAP Coordinator for Sullivan County. This is a Medicaid Project. When she started this in Sullivan County in 1991 Jim Galligan was the Director for the Office for the Aging. She wants the legislature to know how difficult this program has become. This was a bad choice and she knows that. She was the Architecture of the prescription card of Sullivan County and she doesn't know what we are saving the people of this county right now as it was up to almost \$500,000 last year in savings. That has been savings for the people and not out of the budget. She thinks it is to some of her credit that you are getting a \$6,000 bonus this year which is an incentive bonus for performance. She thinks that she has also saved the ones that have been on Medicaid by bringing down the cost of their drugs, she is saving this county a significant amount of money. She gave an example of someone who uses the card and was paying \$1300 a month. She then explained why MRSA is one of the most offensive diseases to treat. The cost of that drug is over \$4,000. Getting back to OFA, she had two staff members there who helped her and they left. From November 15th through April is the enrollment period of the drug plans. Last year we had 49 and this year we had 30. It could take her one half hour to several hours to do just one person. She then explained the entire process of her job. She has been very busy, has an ill husband. Mrs. Goodman gave up her office for her to take conference calls for training. She doesn't want to let her seniors down and next year is voting year and she doesn't think the Legislature should let down the seniors either. She wants the two positions filled.

**RESOLUTION NO. 494-10 INTRODUCED BY EXECUTIVE COMMITTEE,
CHAIRMAN OF THE LEGISLATURE TO SCHEDULE DATES FOR
PUBLIC HEARINGS ON THE COUNTY TENTATIVE BUDGET FOR
FISCAL YEAR 2011**

WHEREAS, the Tentative Budget for the County of Sullivan for the fiscal year beginning January 1, 2011 will be reviewed by the Sullivan County Legislature in accordance with Rule 50(c) of the Rules of the County Legislature; and

WHEREAS, the County Legislature will hold public hearings on said Tentative Budget on Tuesday, December 7, 2010 at 5:30PM and Thursday, December 16, 2010 at 1:50PM, in the Legislative Chambers of the Sullivan County Government Center, 100 North Street, Monticello, New York;

NOW, THEREFORE, BE IT RESOLVED, that the Clerk to the County Legislature is hereby authorized and directed to publish a notice of hearing in the official newspapers of the County; and

BE IT FURTHER RESOLVED, that at least five days shall lapse between the first publication of such notice and date specified for the hearing pursuant to Section 359 of the County Law.

Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

Daniel Brey January 1, 2011 – December 31, 2012
Active Farmer

Fred Michel January 1, 2011 – December 31, 2012
Agricultural Land Preservation Organization Representative

Harold Russell January 1, 2011 – December 31, 2014
Active Farmer

John Gorzynski January 1, 2011 – December 31, 2014
Active Farmer

BE IT FURTHER RESOLVED, that at the end of any of the above mentioned terms, a new member shall be appointed or the current member reappointed for a four-year term.

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 497-10 INTRODUCED BY MANAGEMENT AND BUDGET COMMITTEE TO MODIFY THE 2010 COUNTY BUDGET

WHEREAS, the County of Sullivan 2010 Budget requires modification,

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

Moved by Mr. Wood, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 498-10 INTRODUCED BY THE PERSONNEL COMMITTEE TO CREATE AND ABOLISH POSITIONS IN THE OFFICE FOR THE AGING

WHEREAS, the Director of the Office for the Aging (OFA) has requested a restructuring as a result of recent retirements within the OFA, and

WHEREAS, the Commissioner of the Division of Health and Family Services has recommended that the requested OFA restructuring be adopted, and

WHEREAS, the County Manager concurs with the request of the Director of the OFA and the recommendation of the Commissioner of the Division of Health and Family Services, and recommends that the County Legislature effectuate same.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby abolishes and creates the following positions:

ABOLISH:

A-7610-89	RSVP PROGRAM COORDINATOR	TEAMSTERS 445 CBA GRADE X
A-7610-87	AGING SERVICES SPECIALIST	TEAMSTERS 445 CBA GRADE VII
A-7610-87	AGING SERVICES SPECIALIST	TEAMSTERS 445 CBA GRADE VII
A-7610-87	FULL CHARGE BOOKKEEPER	TEAMSTERS 445 CBA GRADE XI

CREATE:

A-7610-89	SUPERVISOR, RSVP PROGRAM	TEAMSTERS 445 CBA GRADE VII
A-7610-87	EISEP CASE MANAGEMENT SPEC	TEAMSTERS 445 CBA GRADE VII
A-7610-87	AGING PROGRAM EXAMINER	TEAMSTERS 445 CBA GRADE VII
A-7610-87	FISCAL COMPLIANCE COORDINATOR	M/C \$49,000

Moved by Mrs. Binder, seconded by Mr. Wood, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 499-10 INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE AND ELWIN WOOD, VICE CHAIRMAN OF THE LEGISLATURE AUTHORIZING THE CREATION OF THE SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION (THE "SCLDC"), APPROVING THE FORM OF THE CERTIFICATE OF INCORPORATION, DESIGNATING THE SCLDC ALONG WITH THE COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY AS ISSUERS OF RECOVERY ZONE FACILITY BONDS AND AUTHORIZING THE SCLDC TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS INCLUDING ACTIVITIES ASSOCIATED WITH THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT AND JOB CREATION AND THE ISSUANCE OF OTHER BONDS ON ITS BEHALF

WHEREAS, it the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, Sullivan County (the "County") is tasked with the responsibility and burden to promote the health, safety and general welfare of the residents of the County by among other things preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, it is essential for the County to support the operation by both for-profit entities and not-for-profit corporations within the County to increase the employment opportunities for residents of the County and the ability to provide financing through the issuance of tax exempt and taxable bonds to projects of for-profit entities and not-for-profit corporations is essential to the continued development, construction, improvement and operation of projects by for-profit entities and not-for-profit corporations; and

WHEREAS, in furtherance of the public purposes set forth above, the County wishes to form the Sullivan County Local Development Corporation (the "SCLDC"), a local development corporation authorized under Section 1411 of the New York State Not For Profit Corporation Law (the "NFPCL"), and

WHEREAS, a proposed certificate of incorporation (the "Certificate of Incorporation") has been prepared for review by the County Legislature and a copy of such proposed Certificate of Incorporation is attached hereto as Schedule A; and

WHEREAS, in furtherance of the public purposes set forth above, a local development corporation formed under the NFPCL is empowered to take all actions authorized pursuant to the Certificate of Incorporation and the NFPCL, including, but not limited to, the following actions: (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the burdens related to same, and to facilitate the ability of for-profit entities and not-for-profit corporations to access capital for projects that enhance, create and preserve employment opportunities for residents of the County, the County desires to task the SCLDC with such burdens and responsibilities and authorize SCLDC to issue bonds on behalf of the County, including but not limited to RZFBs as defined herein, for such public purposes; and

WHEREAS, the American Recovery and Reinvestment Tax Act of 2009 (the "ARRA") created a new type of exempt facility bond entitled Recovery Zone Facility Bonds ("RZFBs"), which, among other things, must be issued on or before December 31, 2010; and

WHEREAS, RZFBs are designed to assist counties and large municipalities with local job creation and economic development activities by providing access to tax-exempt financing for certain kinds of business development activities which historically would not qualify for such low-cost financing (e.g. large manufacturing plants, distribution centers, hotels, research parks, etc.); and

WHEREAS, pursuant to the ARRA, the County received authority to issue up to \$1,216,000 of RZFBs (the "Allocation"); and

WHEREAS, the County lacks the authority under the Laws of New York State to issue RZFBs for the benefit of private entities, and the failure by the County to designate the County of Sullivan Industrial Development Agency (the "Agency") and SCLDC exclusively as the issuers of RZFBs will likely cause the County to lose the Allocation and its ability to avail itself of this significant benefit of the ARRA; and

WHEREAS, in furtherance of its public purposes, the County has supported the provision of taxable and tax exempt financing by the Agency and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities; and

WHEREAS, by Resolution No. 435-09, the County previously designated the Agency the exclusive issuer of the County for purposes of issuing RZFBs; and

WHEREAS, the County expressly wishes to modify such designation of the Agency as the sole issuer of RZFBs and instead now designate both the Agency and SCLDC exclusively as issuers of the County for purposes of issuing RZFBs such that either entity may issue RZFBs on behalf of the County; and

NOW, THEREFORE, BE IT RESOLVED, the County authorizes the creation of SCLDC and the County Legislature approves the form and substance of the Certificate of Incorporation presented at this meeting and attached hereto as Schedule A, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman (or Vice Chairman) and the County Attorney shall approve; and be it

FURTHER RESOLVED, that in addition to its designation below as an RZFB issuer, the SCLDC is hereby designated as an on behalf of issuer of the County for the purposes of issuing bonds with authority to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the County, which such powers shall include, but not be limited to, those powers described in NFPCL Section 1411 and the SCLDC's Certificate of Incorporation, with the power to issue tax exempt and taxable bonds, notes, or other obligations on behalf of the County in furtherance of its purposes, provided however that any obligations issued by the SCLDC shall never be a debt of the State of New York, the County or any political subdivision thereof (other than SCLDC) and neither the State of New York, the County or any political subdivision thereof (other than SCLDC) shall be liable thereon; and be it

FURTHER RESOLVED, that the County hereby designates the Agency and SCLDC exclusively as the issuers of the County for the purposes of issuing RZFBs and to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the RZFBs, provided however that any obligations issued by the Agency or SCLDC shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the Agency or SCLDC as the case may be) and neither the State of New York, the County or any political subdivision thereof (other than the Agency or SCLDC as the case may be) shall be liable thereon; and be it

FURTHER RESOLVED, that the County is hereby authorized to covenant and agree with SCLDC and/or the Agency in a transaction contemplated by this resolution for the benefit of SCLDC and/or the Agency and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively, the "Securities") issued by SCLDC and/or the Agency that the County will not limit or alter the rights of SCLDC and/or the Agency to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders of the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. Authorized representatives of the County are hereby granted the power to make such a covenant to and agreement with

SCLDC and/or the Agency and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. SCLDC and the Agency are hereby authorized to assign to or for the benefit of the holders of their Securities any covenant or agreement made by the County pursuant to the foregoing provisions; and be it

FURTHER RESOLVED, that the County Manager or his designated representative is hereby authorized and directed for and in the name and on behalf of the County to do all acts and things required of the County or provided for by the provisions of the ARRA with respect to the County in connection with the issuance of RZFBs, including but not limited to, granting all approvals in connection with the use of the RZFBs and the ultimate beneficiaries of such RZFBs, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the County Manager or his designated representative, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the County with all of the terms, covenants and provisions of the ARRA with respect to the County in connection with the issuance of RZFBs; and be it

FURTHER RESOLVED, that these resolutions shall take effect immediately.

A:\60140-005v2.DOC

Moved by Mrs. Binder, seconded by Mr. Wood, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

SCHEDULE A

FORM OF CERTIFICATE OF INCORPORATION

CERTIFICATE OF INCORPORATION

OF

SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION

A Not-For-Profit Local Development Corporation
under Section 1411 of the Not-For-Profit
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, hereby certifies as follows:

FIRST: The name of the corporation shall be "Sullivan County Local Development Corporation" (hereinafter referred to as the "Corporation").

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law of the State of New York and, as provided in Section 1411 of the Not-For-Profit Corporation Law, will be a Type C Corporation as defined in Section 201 of the Not-For-Profit Corporation Law. The Corporation shall serve as a supporting organization for, but operate separate and apart from Sullivan County, New York (the "County").

THIRD: The purposes for which the Corporation is to be formed and operated are exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as

amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, improve and maintain job opportunities, and lessen the burden of government and act in the public interest. In furtherance of said purposes, the Corporation's powers shall include:

(a) To foster the creation, retention and expansion of jobs and economic opportunities for the benefit of the County, New York State and local economies; and

(b) To construct, acquire, rehabilitate and improve for use by others, facilities in the territory in which its operations are principally to be conducted, to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain and/or lease such facilities on its behalf or for others in such territory; to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto;

(c) To acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein;

(d) To apply for loans and borrow money without limit as to amount; to make, draw, accept, endorse, execute and issue negotiable bonds, debentures, notes and other obligations therefor;

(e) To sell, lease, mortgage or otherwise dispose of or encumber any such facilities or any of its real or personal property or any interest therein upon such terms as it may determine;

(f) To enter into covenants and agreements and to comply with all the terms, conditions and provisions thereof, and otherwise to carry out its corporate purposes and to foster and encourage the location or expansion of facilities and related businesses in the territory in which the operations of the Corporation are principally to be conducted;

(g) To apply for and make grants and loans and to execute any and all documents necessary in connection therewith;

(h) To do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors, officers or any private person.

(i) In general, to perform any and all acts and things, and exercise any and all powers which may now or hereafter be lawful pursuant to the laws of the State of New York for the Corporation to do or exercise under and for the purpose of accomplishing any of the foregoing purposes of the Corporation.

FOURTH: The Corporation's mission and public objective, which the Corporation's purposes will achieve, include, but are not limited to, the lessening of the burdens of government by undertaking and promoting economic development initiatives in Sullivan County, New York that will include real estate leasing, acquisition, development and management, real estate project finance, and other community-based economic development activities permissible under the Not-For-Profit Corporation Law.

FIFTH: The operations of the Corporation will be principally conducted within the territory of Sullivan County, New York.

SIXTH: Pursuant to the requirements of Section 1411(e) of the Not-For-Profit Corporation Law:

(a) All income and earnings of the Corporation shall be used exclusively for its corporate purposes with the intent being that all income and earnings will be expended or deposited in appropriate reserves for corporate purposes; to the extent not so used, the income and earnings will accrue and be paid to the Job Development Authority to the extent required by Section 1411 of the Not-for-Profit Corporation Law.

(b) The property of the Corporation is irrevocably dedicated to its corporate purposes. No part of the income or earnings of the Corporation shall inure to the benefit or profit of, nor shall any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, the Corporation shall be dissolved in accordance with the provisions of paragraph (g) of Section 1411 of the Not-For-Profit Corporation Law upon the repayment or other discharge in full by the Corporation of all such loans.

SEVENTH: (a) The Corporation shall not attempt to influence legislation by propaganda or otherwise, or participate in or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation shall not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors shall, after paying or making provision for the payment of all debts and liabilities of the Corporation of whatsoever kind or nature, ¹¹ distribute all of the remaining assets and property of the Corporation to the County for furtherance of the purposes set forth in Section 1411 of the Not-for-Profit Corporation Law. Any of such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York pursuant to Section 1008 of the Not-For-Profit Corporation Law.

NINTH: The office of the Corporation shall be located in Sullivan County, New York.

TENTH: The offices of the Corporation shall be functionally separate from those of the County or any of its affiliated entities (collectively, the "County Entities"). The Corporation at all times shall:

- (a) maintain separate accounting records and other corporate records from those of the County Entities;
- (b) not divert the Corporation's funds to any other person or for other than the use of the Corporation and not commingle any of the Corporation's assets with those of the County Entities;
- (c) pay any employee, consultant or agent of the Corporation, or any other operating expense incurred by the Corporation, from the assets of the Corporation and not from the assets of any of the County Entities;
- (d) maintain its own deposit account or accounts, separate from those of the County Entities, with commercial banking institutions and/or trust companies;
- (e) to the extent that the Corporation contracts or does business with vendors or service providers where the goods and services provided are partially for the benefit of any other person, the costs incurred in so doing shall be fairly allocated to or among the Corporation and such persons for whose benefit the goods and services are provided, and the Corporation and each such person shall bear its fair share of such costs;
- (f) conduct its business in its own name and conduct all material transactions between the Corporation and the County Entities only on an arm's-length basis;
- (g) observe all necessary, appropriate and customary corporate formalities, including, but not limited to, holding all regular and special members' and directors' meetings appropriate to authorize all corporate action, keeping separate and accurate minutes of such meetings, passing all resolutions or consents necessary to authorize actions taken or to be taken, and maintaining accurate and separate books, records, and accounts, including, but not limited to, intercompany transaction accounts. Regular members' and directors' meetings shall be held at least annually;
- (h) ensure that decisions with respect to its business and daily operations shall be independently made by the Corporation (although the officer making any particular decision also may be an employee, officer or director of the County Entities);
- (i) act solely in its own corporate name and through its own authorized officers and agents, and use its own stationery;
- (j) other than as expressly provided herein, pay all expenses, indebtedness and other obligations incurred by it;
- (k) not enter into any guaranty, or otherwise become liable, with respect to any obligation of the County Entities;
- (l) cause any financial reports required of the Corporation to be prepared in

accordance with generally accepted accounting principles and be audited annually and be issued separately from, although they may be consolidated with, any reports prepared for any member of the County Entities; and

(m) ensure that at all times it is adequately capitalized to engage in the transactions contemplated herein.

ELEVENTH: The types or classes of Membership in the Corporation and the number of Members of the Corporation shall be described in the Corporation's By-laws. The initial Member of the Corporation shall be the County acting by and through the County Manager.

TWELFTH: The Corporation shall be managed by a Board of Directors consisting of nine (9) Directors. Any subsequent increase or decrease in the size of the Board of Directors will require the unanimous approval of the Members and the affirmative vote of a majority of the Directors.

THIRTEENTH: The names and addresses of the initial Directors of the Corporation will be as follows:

Name	Address
Elwin Wood	PO Box 52, Roscoe, New York 12776
Harold Gold	PO Box 478, South Fallsburg, New York 12779
Raymond Walter	PO Box 159, Yulan, New York 12792
Edward T. Sykes	PO Box 181, Callicoon, New York 12723
Charles Barbuti, Jr.	74 Dwyer Avenue, Liberty, New York 12754
Harris Alport	PO Box 952, South Fallsburg, New York 12779
Suzanne Loughlin	492 Old Sackett Road, Rock Hill, New York 12775
Cindy Garlinghouse	312 Reynolds Road, Loch Sheldrake, New York 12759
Steve White	PO Box 482, Mongaup Valley, New York 12762

FOURTEENTH: The duration of the Corporation shall be perpetual.

FIFTEENTH: The Corporation shall indemnify each Member, each Director, each officer, and, to the extent authorized by the Board of Directors, each other person authorized to act for the Corporation or on its behalf, to the full extent to which indemnification is permitted under the Not-For-Profit Corporation Law.

SIXTEENTH: The Secretary of State of the State of New York is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him is as follows: Sullivan County Local Development Corporation, One Cablevision Center, Ferndale, New York 12734.

SEVENTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the Directors of the Corporation.

EIGHTEENTH: The Corporation will not do any of the following:

(a) Without the affirmative vote of all Members of the Corporation and the affirmative vote of a majority of the Directors, increase or decrease the number of Members of the Corporation or increase or decrease the number of Directors of the Corporation.

(b) Without the affirmative vote of a majority of the Directors of the Corporation and all of the Corporation's members, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consenting to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit of creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph.

(c) Without the affirmative vote of all of the Directors of the Corporation and all of the Corporation's members, merge or consolidate with any other corporation, company or entity or, except to the extent contemplated by paragraph THIRD hereof, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

IN WITNESS WHEREOF, this certificate has been subscribed this ____ day of November, 2010.

David P. Fanslau

A:\60140-004v2.DOC

CERTIFICATE OF INCORPORATION

OF

SULLIVAN COUNTY LOCAL DEVELOPMENT CORPORATION

233948 1385186 (Under Section 1411 of the Not-For-Profit Corporation Law of the State of New York)

Filed by: Garigliano Law Offices, LLP
PO Drawer 1069
449 Broadway
Monticello, New York 12701
Attn: Walter F. Garigliano, Esq.

**RESOLUTION NO. 500-10 INTRODUCED BY SULLIVAN COUNTY DISTRICT 9
LEGISLATOR SORENSEN REQUESTING THAT THE NEW YORK STATE LEGISLATURE
ENACT A LAW BANNING THE SALE OF SYNTHETIC CANNABIS**

Whereas, Synthetic Cannabis is being sold to minors in retail store, and

Whereas, it is widely reported that Synthetic Cannabis has caused serious adverse medical conditions in persons ingesting the substance, and

Whereas, it is in the public interest that the State of New York ban the sale of Synthetic Cannabis and related substances which may be injurious to members of the public.

Now Therefore Be It Resolved, the Sullivan County Legislature hereby requests that the New York State Senate and Assembly adopt Legislation banning the sale of Synthetic Cannabis in New York State.

Moved by Mr. Sorensen, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

**RESOLUTION NO. 501-10 INTRODUCED BY EXECUTIVE COMMITTEE AUTHORIZING
SULLIVAN COUNTY COMMUNITY COLLEGE TO REQUEST FUNDS FROM THE STATE
UNIVERSITY OF NEW YORK COMMUNITY COLLEGE CAPITAL FUND**

WHEREAS, Sullivan County Community College (SCCC) has received a federal grant in the amount of \$284,435.00 to update its Emergency Management Plan; and

WHEREAS, Sullivan County as sponsor of Sullivan County Community College may accept funds other than county funds as its match for state capital funds; and

WHEREAS, the New York State enacted budget for community college capital program included \$400,000 for emergency equipment for SCCC; and

WHEREAS, to fully implement the college's Emergency Management Plan safety equipment for the campus is needed;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Sullivan County Community College approves this project and the use of the federal grant as the County's match for approved State capital funds; and

BE IT FURTHER RESOLVED, that the Board of Trustees by this resolution requests that the Sullivan County Legislature adopt a resolution authorizing Sullivan County Community College to request matching funds in the amount of \$284,435.00 from the State University of New York Community College

Capital Program Fund.

BE IT FURTHER RESOLVED, that no funds from the County's General Fund should be committed for this purpose.

Moved by Mrs. LaBuda, **seconded** by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

Mrs. LaBuda moved to table the following resolution until we get more information, seconded by Mrs. Binder, agreed and carried.

RESOLUTION NO. INTRODUCED BY THE EXECUTIVE COMMITTEE URGING THE GOVERNOR AND NYS LEGISLATURE TO ENACT LEGISLATION REDUCING OTB STATUTORY PAYMENTS TO RACETRACKS FOR ALL OFF-TRACK BETTING CORPORATIONS AND ALLOCATE NYCOTB INTERNET AND ACCOUNT WAGERING TO REGIONAL OFF-TRACK BETTING CORPORATIONS

WHEREAS, the Governor has called for special legislation to address the plight of the bankrupt NYC Off-Track Betting Corporation, and

WHEREAS, through participation in the Catskill Off-Track Betting Corporation, member counties have received more than \$236 million dollars as their share of wagering activities conducted by the Corporation through 2010, and

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

WHEREAS, the Catskill Off-Track Betting Corporation has generated more than \$285 million for the support of horse racing in the State of New York, and

WHEREAS, the Catskill OTB has paid over \$39 million to participating counties in the years since 2005 and the State has ignored the plight of the off-track betting corporations and diverted much needed revenues available for participating county governments to prop up failed and failing raceways and racinos, and

WHEREAS in 2010 Governor Paterson's Task Force on the Future of Off-Track Betting, and the NYS Comptroller both recommended statutory reform to cease the diversion of off-track betting revenues from counties to NYS harness tracks; and

WHEREAS, in 2008, the State amended off-track betting statutes to take over the NYC Off-Track Betting Corporation, and its temporary President is lobbying for amendments to the OTB laws to bring back city monies diverted to the purposes of the already failed and failing racetracks and raceways in New York State, and

WHEREAS, Catskill OTB and the counties that participate in its revenues are not aided by such NYC OTB efforts and remain affected by state laws and practices in need of correction; and

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

WHEREAS, participating county governments and especially Sullivan County are opposed to any additional "state takeover" or privatization initiatives by the Governor and State Legislature of New York.

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

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

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor David A. Paterson, Majority Leader of the Senate, Assembly Speaker Silver, Assemblywoman Aileen Gunther, Senator John Bonacic and President of the Catskill Off-Track Betting Corporation.

RESOLUTION NO. 502-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO DENY APPLICATION TO CORRECT THE 2010 TAX ROLL OF THE TOWN OF TUSTEN TAX MAP #12.-10-1.2

WHEREAS, an application dated May 3, 2010 having been filed by Sandra Goldin a/k/a Sandra Zaccagnino with respect to property assessed to said applicant on the 2010 tax roll of the Town of Tusten Tax Map #12.-10-1.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error on said tax roll resulting from an incorrect entry of square footage of the residence on the rolls since 1990, that just came to the attention of the property owner after the filing of the 2010 tentative assessment rolls; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated October 22, 2010 recommending this Board deny said application; and

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

- (a) That the application be denied because the facts do not meet the criteria of correctable errors under the definitions of RPTL 550 and that the issue at hand is one of value which, once the tentative assessment roll is filed can only be resolved by first filing a petition with the Board of Assessment Review.

NOW, THEREFORE, BE IT RESOLVED, that the application be denied 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 denial to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature.

Moved by Mr. Sorensen, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 503-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO DENY APPLICATION TO CORRECT THE 2009 TAX ROLL OF THE TOWN OF TUSTEN TAX MAP #12.-10-1.2

WHEREAS, an application dated May 3, 2010 having been filed by Sandra Goldin a/k/a Sandra Zaccagnino with respect to property assessed to said applicant on the 2009 tax roll of the Town of Tusten Tax Map #12.-10-1.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error on said tax roll resulting from an incorrect entry of square footage of the residence on the rolls since 1990, that just came to the attention of the property owner after the filing of the 2010 tentative assessment rolls; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated October 22, 2010 recommending this Board deny said application; and

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

- (a) That the application be denied because the facts do not meet the criteria of correctable errors under the definitions of RPTL 550 and that the issue at hand is one of value which, once the tentative assessment roll is filed can only be resolved by first filing a petition with the Board of Assessment Review.

NOW, THEREFORE, BE IT RESOLVED, that the application be denied 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 denial to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature.

Moved by Mr. Sorensen, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION 504-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO DENY APPLICATION TO CORRECT THE 2008 TAX ROLL OF THE TOWN OF TUSTE TAX MAP #12.-10-1.2

WHEREAS, an application dated May 3, 2010 having been filed by Sandra Goldin a/k/a Sandra Zaccagnino with respect to property assessed to said applicant on the 2008 tax roll of the Town of Tusten Tax

Map #12.-10-1.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error on said tax roll resulting from an incorrect entry of square footage of the residence on the rolls since 1990, that just came to the attention of the property owner after the filing of the 2010 tentative assessment rolls; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated October 22, 2010 recommending this Board deny said application; and

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

- (a) That the application be denied because the facts do not meet the criteria of correctable errors under the definitions of RPTL 550 and that the issue at hand is one of value which, once the tentative assessment roll is filed can only be resolved by first filing a petition with the Board of Assessment Review.

NOW, THEREFORE, BE IT RESOLVED, that the application be denied 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 denial to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature.

Moved by Mr. Sorensen, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 505-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT & REAL PROPERTY COMMITTEE TO DENY APPLICATION TO CORRECT THE 2007 TAX ROLL OF THE TOWN OF TUSTEN TAX MAP #12.-10-1.2

WHEREAS, an application dated May 3, 2010 having been filed by Sandra Goldin a/k/a Sandra Zaccagnino with respect to property assessed to said applicant on the 2007 tax roll of the Town of Tusten Tax Map #12.-10-1.2 pursuant to Section 556 of the Real Property Tax Law, to correct an error on said tax roll resulting from an incorrect entry of square footage of the residence on the rolls since 1990, that just came to the attention of the property owner after the filing of the 2010 tentative assessment rolls; and

WHEREAS, the Director of Real Property Tax Services has duly investigated the application and filed her report dated October 22, 2010 recommending this Board deny said application; and

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

- (a) That the application be denied because the application was filed with the County Director of Real Property Tax Services in excess of the three years allowed by RPTL Section 556.

NOW, THEREFORE, BE IT RESOLVED, that the application be denied 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 denial to the applicant and file a copy of the records of this proceeding with the Clerk of the County Legislature.

Moved by Mr. Sorensen, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 506-10 INTRODUCED BY THE PLANNING ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO SETTLE LITIGATION COMMENCED BY CONGREGATION TEFILAH LEMOSHE FOR PROPERTY DESIGNATED AS THOMPSON SBL #4.-1-33

WHEREAS, the County of Sullivan is a named party to litigation commenced by Congregation Tefilah Lemoshe against the Town of Thompson, County of Sullivan and Monticello Central School District

pursuant to CPLR Article 78 seeking to overrule a decision of the Town of Thompson Assessor and Board of Assessment Review denying a tax exemption; and

WHEREAS, the County of Sullivan Submitted opposition to the petition in the form of a Verified Answer, dated August 11, 2010; and

WHEREAS, the Town of Thompson has approved a stipulation of settlement based upon investigation of evidence submitted in support of the tax exempt application and petition. The proposed stipulation of settlement mandates a reduction in assessment for this parcel by 50% for the year 2010 with an anticipated finding of tax exemption commencing 2011. The stipulation of settlement has been executed by the Town of Thompson Attorney, upon resolution of the Town of Thompson Board.

WHEREAS, the Petitioner, Congregation Tefilah Lemoshe, has additionally executed said stipulation of settlement.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Department of Law is hereby authorized to execute the stipulation of settlement as set forth above and approved by the Town of Thompson and the Petitioner.

Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

**RESOLUTION NO. 507-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE
RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR THE AIRPORT RESCUE AND FIRE FIGHTING (ARFF) BUILDING – DESIGN PROJECT ,
PIN 9902.66 AT THE SULLIVAN COUNTY INTERNATIONAL AIRPORT**

WHEREAS, the County of Sullivan applied for and received a grant to fund the ARFF Building Design only Project for the Sullivan County International Airport; and

WHEREAS, Resolution No. 129-10 authorized the County Manager to execute AIP grants with the Federal Aviation Administration (FAA) for 95% Federal funding and the NYSDOT for 2.5% State funding; and

WHEREAS, the NYSDOT has offered NYS PIN 9902.66, a matching grant of 2.5% of the total project cost to the Federal grant AIP #3-36-0060-26-10; and

WHEREAS, the County of Sullivan desires to advance the Project by committing funds for the local match, the funding shares being Federal (FAA) \$64,030; State (NYSDOT) \$1,685; County (local) \$1,685 for a total project cost of \$67,400 for the ARFF Building Design Project; and

WHEREAS, if the County of Sullivan and/or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the Project based on increased eligible costs and has authorized the proportionate increase in local funding, the State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature approves the Project and authorizes the County Manager to execute all necessary agreements in such form as the County Attorney shall approve, on behalf of the County with the NYSDOT, in connection with the Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Projects; and

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

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

**RESOLUTION NO. 508-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE
TO AUTHORIZE THE ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR PREPARTION OF A WILDLIFE HAZARD MANAGEMENT ASSESSMENT ENGINEERING PROJECT, PIN 9902.67 AT THE SULLIVAN COUNTY INTERNATIONAL AIRPORT (SCIA)**

WHEREAS, the County of Sullivan applied for and received a grant to fund the Wildlife Hazard Management Assessment – Engineering Project for the SCIA; and

WHEREAS, Resolution No. 130-10 authorized the County Manager to execute AIP grants with the Federal Aviation Administration (FAA) for 95% Federal funding and the NYSDOT for 2.5% State funding; and

WHEREAS, the NYSDOT has offered NYS PIN 9902.67, a matching grant of 2.5% of the total project cost to the Federal grant AIP #3-36-0060-28-10; and

WHEREAS, the County of Sullivan desires to advance the Project by committing funds for the local match, the funding shares being Federal (FAA) \$60,990; State (NYSDOT) \$1,605; County (local) \$1,605 for a total project cost of \$64,200 for the Wildlife Hazard Management Assessment – Engineering Project; and

WHEREAS, if the County of Sullivan and/or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the Project based on increased eligible costs and has authorized the proportionate increase in local funding, the State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature approves the Project and authorizes the County Manager to execute all necessary agreements in such form as the County Attorney shall approve, on behalf of the County with the NYSDOT, in connection with the Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Projects; and

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

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

**RESOLUTION NO. 509-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE
RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR THE GENERAL AVIATION (GA) APRON REHABILITATION – CONSTRUCTION PROJECT, PIN 9902.68 AT THE SULLIVAN COUNTY INTERNATIONAL AIRPORT**

WHEREAS, the County of Sullivan applied for and received a grant to fund the GA Apron Rehabilitation – Construction Project for the Sullivan County International Airport; and

WHEREAS, Resolution No. 409-10 authorized the County Manager to execute AIP grants with the Federal Aviation Administration (FAA) for 95% Federal funding and the NYSDOT for 2.5% State funding; and

WHEREAS, the NYSDOT has offered NYS PIN 9902.68, a matching grant of 2.5% of the total project cost to the Federal grant AIP #3-36-0060-28-10; and

WHEREAS, the County of Sullivan desires to advance the Project by committing funds for the local match, the funding shares being Federal (FAA) \$1,260,325; State (NYSDOT) \$33,166; County (local) \$33,167 for a total project cost of \$1,326,658 for the GA Apron Rehabilitation – Construction Project; and

WHEREAS, if the County of Sullivan and/or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the Project based on increased eligible costs and has authorized the proportionate increase in local funding, the State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature approves the Project and authorizes the County Manager to execute all necessary agreements in such form as the County Attorney shall approve, on behalf of the County with the NYSDOT, in connection with the Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York

State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Projects; and

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

Moved by Mrs. LaBuda, seconded by Mr. Sorensen, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 510-10 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO A CONTRACT BETWEEN SULLIVAN COUNTY ADULT CARE CENTER AND PRIME REHABILITATION SERVICES, INC.

WHEREAS, the Adult Care Center is required to provide therapy services; and,

WHEREAS, Prime Rehabilitation Services, Inc., desires to continue to provide these services to the residents of the Adult Care Center; and

WHEREAS, the cost of services will be 57% of the rehab allowance for Medicare Part A per RUG group; 64% of the therapy fee screen for Medicare Part B; \$66.15/hr for PT, \$64.20/hr for OT; \$62.12/hr for Speech/Language pathologist for Private pay/private insurance residents and \$10/unit for Medicaid residents; and

WHEREAS, this contract will begin 12/1/10 and will expire 12/31/11 with a maximum amount of \$500,000/year for the total therapy contracts for physical, occupational and speech therapy and may be terminated by either party with 30 days written notice.

NOW, THEREFORE BE IT RESOLVED, that the County Manager is hereby authorized to enter into a contract with Prime Rehabilitation Services, Inc. to provide therapy services.

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

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 511-10 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO ENTER INTO CONTRACT WITH DAYSPRING ELDER CENTER

WHEREAS, Dayspring Elder Center, a Sullivan County Social Model Adult Daycare Center, has recently opened in Sullivan County, NY, and

WHEREAS, Sullivan County Public Health Services has a Long Term Home Health Care Program and would like to contract with Dayspring Elder Center to provide Adult Daycare Services to Long Term Home Health Care Program patients.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and is hereby authorized to enter into a contract with Dayspring Elder Center, PO Box 653, Jeffersonville, NY 12748, to provide Adult Daycare Services to Long Term Home Health Care Program patients for the period January 1, 2011 through December 31, 2013, and

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

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 512-10 INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE TO RENEW CONTRACTS WITH AUTHORIZED NEW YORK STATE EARLY INTERVENTION PROVIDERS FOR SERVICES RENDERED

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

WHEREAS, Sullivan County has several existing Early Intervention contracts (which will expire 12/31/10) with the approved/authorized New York State Early Intervention service providers below:

- a) Greene & Jensen Speech & Behavior Services
300 Viscomi Road, Grahamsville, NY 12740
- b) John Pasquale
110 Beaverkill Road
Livingston Manor, NY 12758

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be authorized to execute contract renewals with the authorized New York State Early Intervention service providers listed above for the period beginning January 1, 2011 through December 31, 2013, and

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

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

Authorized NYS Early Intervention service providers:

*Includes both EI Services and EI Evaluations contracts

****Acker, Rebecca**

122 Fish Cabin Road
Glen Spey, NY 12737
Services: Occupational Therapy

****Austin Physical Therapy**

9 Rockland Road
Roscoe, NY 12776
Services: Physical Therapy

****Barrett, Dawn**

PO Box 673
Sparrowbush, NY 12780
Services: Speech Therapy

****Center for Discovery**

(Sullivan Diagnostic Treatment Center)
PO Box 840
Harris, NY 12742

****Center for Spectrum Services**

PO Box 657
Lake Katrine, NY 12449

****Children's Unit for Special Programs**

PO Box 6000
Binghamton, NY 13902

Developmental Pediatrics

7B Johnson Road
Crossroads Center Plaza

Latham, NY 12110

****Doyle, Tami**

301 Lt. Brender Highway
Ferndale, NY 12734
Services: Physical Therapy

****Easter Seals NY, Inc.**

(Project Excel)
555 Auburn Street
Manchester, NH 03103

****Family Empowerment Council**

225 Dolson Avenue, Suite 403
Middletown, NY 10940

****Hamburger, Leah**

25 Estate Drive
Fallsburg, NY 12733
Services: Special Education

****Hebrew Academy for Special Children**

5902 14th Avenue
Brooklyn, NY 11219

****Hibian, Maureen**

RD 1, Box 395
Hawley, PA 18428
Services; Special Education

****Karp, Sherry**

523 Route 17M
Middletown, NY 10940
Services: Occupational Therapy

****Katskill Kids, PT & SLP, LLC**

101 Klothe Drive
Grahamsville, NY 12740
Services: Occupational Therapy

Vivian Liff Speech Therapy, PC

Drawer L
Kauneonga Lake, NY 12749
Services: Speech Therapy

****McDonald, Nancy**

Best Friends Services, Inc.
504 Southwoods Drive Monticello, NY 12701
Services: Speech Therapy

****McMillan-Humphrey, Aundria**

PO Box 273
Grahamsville, NY 12740
Services: Speech Therapy

****Miller, Eileen**

20 Bowers Drive
Hurleyville, NY 12747
Services: Physical Therapy

****Mulhare, Laura**

145 Front Street
Port Jervis, NY 12771
Services: Physical Therapy)

****Novogrodsky, Dorothy**
PO Box 153
Woodridge, NY 12789
Services: Special Education

****O'Malley, Edward**
333 Chestnut Street
Liberty, NY 12754
Services: Occupational Therapy
& Special Education

****Orange County Association for the Help of Retarded Children**
379 Mount Hope Road
Middletown, NY 10940

****Orange County Cerebral Palsy (INSPIRE)**
2 Fletcher Street
Goshen, NY 10924

****Padawer, Leah**
164 Laurel Park Road
Fallsburg, NY 12733
Services: Speech Therapy

****Sullivan ARC**
934 East Broadway
Monticello, NY 12701

****Scott, Karen Sue**
PO Box 48
Smallwood, NY 12778
Services: Speech Therapy

****Walker, Sarah**
33 Woodland Avenue
Liberty, NY 12754
Services: Special Education

**RESOLUTION NO. 513-10 INTRODUCED BY HEALTH AND FAMILY SERVICES
COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO AMEND CONTRACT
BETWEEN SULLIVAN COUNTY ADULT CARE CENTER AND PRIME REHABILITATION
SERVICES, INC.**

WHEREAS, the Adult Care Center wishes to increase total amount of contract for therapy services; and

WHEREAS, Prime Rehabilitation Services, Inc. can provide the Adult Care Center with those services for therapy; and,

WHEREAS, the contract was approved for \$270,000/year and there is a need to amend the contract to increase the total amount from \$270,000/year to \$330,000 for 2010; and

NOW, THEREFORE, BE IT RESOLVED, that the County Legislature des hereby authorize the County Manager to amend contract with Prime Rehabilitation to provide therapy services not exceed \$330,000; and,

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

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 514-10 INTRODUCED BY THE MANAGEMENT AND BUDGET COMMITTEE OF THE SULLIVAN COUNTY LEGISLATURE TO EXTEND EXISTING CONTRACT WITH HARBRIDGE CONSULTING GROUP, LLC FOR GASB 45 VALUATIONS.

WHEREAS, The County is required to retain the services of an actuary to perform an actuarial valuation of its postretirement health benefits plan for the purpose of determining its obligations and cost in accordance with the Governmental Account Standard No. 45 (GASB 45) Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, and

WHEREAS, Harbridge Consulting Group, LLC (“Harbridge”), One Lincoln Center, Syracuse, NY 13202-9972 has provided the above referenced services to the County for the last four years and has agreed to provide said services for 2011 and 2012, and

WHEREAS, Harbridge has agreed to extend the current contract rates for an additional two years at a total contract price not to exceed \$19,000. The existing rate structure will continue through December 31, 2012, and

WHEREAS, the Department of Risk Management recommends that the County extend Harbridge’s contract for two additional years, and

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a two year extension with Harbridge for actuarial valuation of its postretirement health benefits plan, such agreement to be in a form approved by the County Attorney.

Moved by Mrs. Binder, seconded by Mr. Sager, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

RESOLUTION NO. 515-10 INTRODUCED BY THE PLANNING, ENVIRONMENTAL MANAGEMENT AND REAL PROPERTY COMMITTEE TO AUTHORIZE CONTRACTS FOR THE HISTORICAL AND CULTURAL ASSISTANCE PROGRAM (HCAP)

WHEREAS, the Sullivan County Legislature established and allocated funding for the creation of the Economic Development Assistance Program (EDAP) in 1998; and

WHEREAS, the Sullivan County Legislature changed the name of the program in 2007 to the Historical and Cultural Assistance Program (HCAP); and

WHEREAS, funds have been allocated in subsequent years to continue the HCAP; and

WHEREAS, the Sullivan County Legislature has authorized that \$4,750.00 be allocated in FY2009 and that \$4,750.00 be allocated for FY2010; and

WHEREAS, eligible program activities include renovation of locally historic structures, creation or expansion of museums and enhancing the viability of existing cultural attractions; and

WHEREAS, the Sullivan County Legislature approved the administration of the program by the Division of Planning & Environmental Management (DPEM), and pursuant to Resolution No. 219-07 adopted on May 17, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature enables the County

Manager to enter into a contract with applicants for projects that meet the guidelines of the HCAP as reviewed and selected by the Division of Planning and Environmental Management in such a form as approved by the County Attorney.

BE IT FURTHER RESOLVED, that the authority granted to the DPEM and the County Manager herein is subject to annual appropriations by the Legislature for the HCAP.

Moved by Mrs. Binder, **seconded** by Mr. Sager, put to a vote with Mr. Armstrong absent and unanimously carried and declared **duly adopted on motion** November 18, 2010.

Recognition of Legislators

Chairman Rouis noted that there will six budget forums around the county so check with the media and check with our website.

Mr. Sorensen stated he wanted to speak on a couple of issues one being the gaming compact pending with the state. It has been nearly 10 years since the county agreed to \$14 million dollars to help offset the costs of casinos. He thinks it is time to revisit that number. That compact as he understands it, there is a sunset provision and then it has to be reviewed after a period of seven years and the one thing that has always concerned him was part of the compact is what happens after that time period because the \$15 million is being provided to help mitigate the costs of increased services that the municipalities are going to have to provide. He wants to see a post community benefit to Sullivan County. There has to be more for Sullivan County then just mitigating potential impacts. There should be a fund set aside to help us diversify and help us invest into our community and improve our school districts. He thinks we should be having that conversation with the Governor. With respect to the county 2011 tentative budget, I too have been going through it. Mr. Walter spoke to the concern about the utilization of the reserve funds and that is something I agree with. I have some very serious concerns with that. If you include what is set aside in the debt reserve fund for the landfill which is \$12.9 million, the collective total of unreserved—reserved fund is approximately 34% of the total reserve fund. But when you exclude the \$12.9 million which is in a separate bank account and has been set aside for landfill closure for post monitoring costs, the amount that we are drawing down from the county's reserves is closer to 84%. It leaves us with almost no reserves going into 2012. It leaves approximately \$1.3 million for a county with the size of Sullivan County with a budget of \$190 million, the general accounting standards recommends that approximately 5% or \$9.5 million be in a fund balance in a general fund reserve. We will have approximately \$1.3 million which is not in his opinion, fiscally responsible. It certainly is not sustainable looking at 2012 and one of the things I would like to see would be an analysis and he knows that there are communities that are actually doing this type of multi-year budgeting analysis, where you look at what happens if we put in place various policies today which may include the cost of living increases that are part of the contracts for next year, your increase in the amount that has to be contributed to the pension fund, increases in health insurance, and the fact that ends with a zero increase this year and where does that leave Sullivan County in 2012? I think we need to see that analysis before we make any final decisions. I am also looking through the budget to see if there are other opportunities to cut our expenses. It is a very difficult year, revenues are down---I am compassionate with the union members and I know they are anticipating a four percent increase. However, as I look at the budget, and I look at the substantial use of the county's reserve fund and it is just not the General Fund Reserve that is being drawn down, it is the County Road Fund, which will be zero after this, it is the Uncompensated Absences Fund which is being drawn down, it is the Adult Care Center Fund, which is also being drawn down and so it is just not one fund that is being used to close the gap in county funding. There are a multitude of funds that are set aside. That concerns me. He would appeal to members of the unions to work with the legislature. He knows they are being requested to accept a zero unless there is millions of dollars in this budget that he hasn't found yet, he doesn't know how the county can afford it. He doesn't think it is a prudent thing to do. As a small token, he is prepared to have his county legislative salary reduced and is requesting the County Manager to put in his legislative salary for 2011 at \$18,500 which represents a 14 percent reduction which ironically coincides with the amount of a real property tax increase which we would have to have to arrive at the amount that is being taken from the fund balance.

Mr. Wood stated that he agrees with Mr. Sorensen that it might not be the best scenario to use

our fund balance, but he thinks we heard pretty well in here loud and clear today from our senior citizens, farmers, property owners etc., they cannot afford a tax increase. The farmers are struggling and the seniors haven't received a COLA in two years. While it is not a good idea to use our fund balance, but it is there and he is not going to stand here today and say let's keep our fund balance there for a rainy day because he thinks it is pouring and raise the taxes on our Sullivan County residents by 9 or 15 percent.

Mr. Sager stated he found out about this yesterday as he was reading an email and was blind sided by an announcement in the Mid Hudson News about this issue. He doesn't think there is anything ironic about the numbers he chose or the reduction and he is just disappointed. He thinks that while you can take that individual effort and now you have chosen to, was essentially a challenge to the rest of us to reduce our salaries by the same amount and we are all struggling in this economy. He knows that he has put a tremendous amount of blood, sweat and tears into this job and a tremendous amount of hours and energy into this job and when he ran for this office, he said he knew what he was getting himself into when he accepted the salary and froze that salary for four years. But to them, in tough economic times, to grandstand on this issue, he really can't tell you how disappointed he has because he thinks that is just what it is. At the same time, you are also grandstanding on issues related to the budget that we could certainly have discussions in committee and move forward at other public forums. The reality is, does he like what is going on—no. It is tough economic times and if you don't want to take any money out of the reserves, then you are going to talk about huge layoffs because we are talking about that \$6 million in the context of people taking zeros. He just thinks some of it is just applause. He likes where Mr. Sorensen comes from sometimes but he thinks that this whole notion and the way that you have gone about both of these subject matters today, he finds highly offense and probably would have done in my first couple of months of this but not in year three.

Mr. Sorensen apologized if he offended Mr. Sager by having this discussion in public. Mr. Sager stated you sent out the email and blind copied the media on the same subject matter that you never had the courtesy to discuss with the rest of us. Mr. Sorensen stated he has raised his concern of the use of the fund balance in committee. The bottom line is those discussions came out of committee which has a very small attendance and those committee meetings should be held here. Regarding the budget, we did take a close look at it and he doesn't know what is going to be offered to the public next year, unless there is some magical source of money that is coming in, folks will be facing a 15% or 20% property tax increase next year based on this tentative budget.

Mr. Sager stated we can have discussions if we need to raise it in small amounts. See, people don't get it that only 20% of their real property tax goes to the county. They are at wits end in every shape and form of the money they have to pay out so when they hear a 2 of 3 percent increase, they don't know that it is only 20 percent of the real property tax, there is no way you are going to sell that. We have tried to explain before and they don't want to hear it. They don't want to hear a zero or a one or a two. If they hear anything beyond that, there is going to be hell to pay. It is tough decisions and we are going to have to cross that bridge when we get to it next year as well and make more tough decisions. This didn't happen overnight but he thinks that some of the things that you are throwing out there are cavalier and not necessarily responsible. We are all going to have to sit down and analyze this conclusively. He is asking Mr. Sorensen to come and suggest that this is wrong and this is wrong. He wants him to have concrete solutions to these things now that you have come out in this public forum before really discussing it and embedding it in any kind of committee setting. He really hopes and prays that is true. He is really put off by the stress that he is under as well, economically and otherwise to have to come here and listen to the grandstanding. He thinks it is irresponsible and that Mr. Sorensen owes them more than that. In regard to the salaries, he froze his salary. He doesn't take the mileage. He doesn't take a lot of things. But he is not doing to rub himself down to zero pay. But now you want to ask all of the elected officials to decrease their salaries by the ironic 14 percent. Where is it going to end?

Mr. Sorensen stated he thinks where things are going to end reflects this budget. Not only are you utilizing the fund balance---Mr. Sager stated he hopes Mr. Sorensen comes through with real concrete solutions that are affective. Then he is going to ask that Mr. Sorensen to go out and

sell to the public after you are forced to do tremendous layoffs, after the unions have taken zeros, you are still going to be forced to lay a ton of people off and make our economic situation worse.

Mr. Sorensen stated his job is not to sell it to the public. You want to produce a zero because you think that is what the public wants, then take that position. He doesn't think that is fiscally responsible. Mr. Sager stated that's fine. He doesn't think what Mr. Sorensen just did today is fiscally responsible either.

Mrs. Goodman stated she would like to add to Mr. Sager's comments. She believes seven of us, she can't speak for Mr. Armstrong because he hasn't been around, were appalled that we weren't given a minute to have a conversation on that subject. We received a very late email. She did not give the courtesy of discussion of this proposal. We have held numerous meetings on this budget and it is not perfect. We all agree that we don't want layoffs. We don't have any money. She is making less money and has higher bills. There is not much more we can give in our households. She works three jobs and it makes it very tight. The problem is, Mr. Sorensen, not any one of us has heard a corrective or a creative suggestion on how to make up the fund balance. She has not heard one idea that will help us with layoffs, not raise taxes. When she hears residents say stop saving what is mine, we need you to spend it, she has to listen to them.

Mrs. LaBuda stated she doesn't want to pay herself on the back because she is not here to do that, she has given back her raise five times in the eleven years that she has been here. This is her full time job, because the hours that she puts in and the district that she has, she could never ever have another job. Her question to Mr. Sorensen is, if you want the elected officials here to give up 14 percent, should we ask the other elected officials also. Does Mr. Sorensen believe that no one should have received a raise because we knew we would have a budget crisis.

Mr. Sorensen stated the county should live within its means. The reality is the revenue is not there to support the increases that are recommended. His gesture to reduce his salary, from his standpoint, is to show to the union members who are being asked to take the zero, it is a personal choice. It is not his expectation that every elected official do it. Nor is he suggesting that. There are legislators over the years that have not taken the increase.

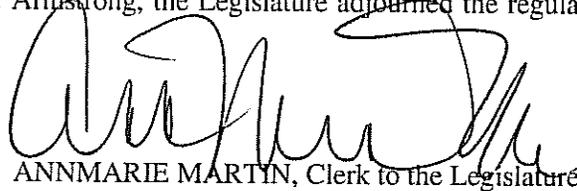
Mrs. LaBuda stated when Mr. Sorensen stated that we all agreed when we met with the County Manager several times we wanted to come in at a property tax increase of zero. You almost make it sound like it was just us and not you. You were a part of all those discussions.

Mr. Sorensen stated he sat in many of the meetings on the zero percent and he never felt comfortable with that. That is coming from a Republican who is not a big fan of tax increases. His concern is not getting through this year but the fiscal implications are and the decisions that are made today, go into next year. If the County Manager would prepare an analysis of how the zero percent affects us moving forward, perhaps that would change my position. This year we have a fund balance to fall back on. Next year we won't.

Chairman Rouis stated personal preference is personal preference. Blind copying the media when you send messages to your colleagues is not a way to act amongst your colleagues. As far as the tentative budget goes, we have eleven public meetings scheduled on that specific topic. However, those of us who have come and have participated and have made ourselves available regularly understand where we are. He is not a big proponent on using our surpluses. However, if you are looking at the economy and looking at where people are today, looking at all those people who took furloughs, all the property taxes that have gone unpaid, he would have to say putting any tax increase on those people right now is only going to exacerbate the problem. He thinks if you went to the public and explained to them want a small increase this year so it is not so big next year, most of those families are going to say if they make it to next year. Laying off 100 people is only going to move the expense from one side of the county ledger to the other side. We want every to have a job and make a living wage in the county is responsible and respectful. One or two percent may not sound like a lot, but to those people who didn't pay last year's taxes, are certainly not going to pay this year's at a higher number. We need to sit down and really work on this. You are welcome if you plan on attending but the grandstanding has to stop and work has to start.

Mr. Sorensen stated the work has started.

Upon motion by Mrs. Binder, seconded by Mr. Armstrong, the Legislature adjourned the regular meeting at 3:37PM, subject to the call of the Chairman.



ANNMARIE MARTIN, Clerk to the Legislature

As some of you know my name is Cindy Erieg and together with my husband own & operate a 70 cow solar powered Dairy farm in Jefferson

I am also co-founder of the Sull. Co. Farm Net. organized in April of this year, & am proud to say we now represent over 150 farmers & non farming friendly people to help accomplish our mission to increase farming activities in Sullivan County.

For those of you who missed last month's meeting, you missed a day that I believe made history for our local "grass roots farmers." For those farmers whose livelihood depend on farming!! That day our farmers found a long awaited voice through the Sull. Co. Farm Network - A voice that will continue to be heard - A voice that will continue to hold those of you on the County level accountable for the struggles of our grass roots farms who continue to drive our local economy - A voice that is calling for a renewed commitment from all county entities for the inclusion of our farming community in all decisions affecting agriculture. Gone are the days where decisions for our farming community are made solely by businesspersons with a farm practical on the side.

oiks This is New Era!!

With that note, I cannot stress enough (2)
the urgency and importance of doing all we
can to help our local farmers. Our local
economy depends on farmers - to the tune of
over \$80 million per year. While it is true
most ~~family farmers~~ ^{do not} ~~cannot~~ ~~afford~~ to hire employees
we do one step better & keep literally
hundreds of businesses viable!

Local tourism depends on farmers keeping our
land open, viable & beautiful. Our local
communities depend on farmers to provide
healthy locally grown food as the trend
toward buying local continues. I think
we can all agree that even as individual
farmers struggle our economy still cashes
in on agriculture!

Value farmers. Demand farmers no longer
receive little or nothing for their work!

I propose working toward the completion
of immediate farm projects directly on the
farm. The Network is gathering info re:
local microcreameries, ~~possible grass pelletizing~~
~~facility~~ and ~~that~~ is planning to visit a
creamery site in Sullivan County next week.
The network is willing to identify farmers
for such projects and will be able to
provide info. re: Equipment & technical
support ^{available} from creamery distributors - and
an importantly link up these projects with

local marketers. Our Network is also collecting info re: grass pelletizing facility located in Sull. Co. - heating homes with clean green biomass grass pellets.

So... what are we going to do to accomplish for farmers - What no one else has been able to do?? Everything we can!!

Let's start by re-thinking business as usual - being innovative + responsive

What we need from all of you is:

#1 Fill the Ag Econ. Specialist with the right person now - The farming community has been waiting almost a year for this position to be filled. Yes. I admit it has been difficult to find the right person - but someone there with a heart for farmers + one willing to be accountable for his/her time + a lot can be accomplished.

#2. Ag. Econ Specialist needs to be in a place accessible to farmers + used strictly ~~for~~ to promote agriculture. After much research we feel Pranning is the best place for this position at this time + NOT the EDC or other boards where non-ag projects will be promoted.

#3. County Boards need to be representative of moderate to low income farmers. The current vacant seats Ag. seat now on EDC board needs to be filled by one of our ^{Luiz Jalong with Jennifer Mall have communicated with current working on grant opp. for farm}

grass roots farmers as the first Ag. seal has been filled by a wealthy businessman. As for IBA I have a list of 68 projects accomplished with none fulfilled directly on a farm. (4)

#4 Regarding USDA Sec. of Agriculture Tom Vilsak tour I understand the EDC will be tasked with creating an itinerary and coordinating the details of a tour for Sec Vilsak with the US Senators for 2011. It is my belief that if the EDC handles the days agenda for the Vilsak tour that the people who most need to speak with him will be heard - namely local farmers. It should be an opportunity for the ag. community to voice their very real challenges. We are proposing an open forum where members of our local farming community can meet with Vilsak on a local Dairy Farm. Inclusion of our farm network will be necessary to plan this tour.

#5 We need a legislator to be responsible to be our contact person. One who will be responsible to follow up on agricultural issues. Another words one ^{who} ~~is~~ will be fielded ag. issues and act as a liaison between you the legislators and the farming community. Can we ask for someone willing now?
Need that person to maintain close communication with the movers & shakers of agriculture - namely, ~~our~~ ~~Arden~~ Dick Reising & Challey Comer
Can we ask for a commitment today??

Before I finish I would like to thank
 our newest Sull. County Farmers ~~for coming~~ for
~~today - he & his wife~~ ^{being} ~~and~~ willing to
 invest in farming full time in Sullivan
 County - lets give them a hand - Cory Crickmore

~~who will~~
 And last but certainly far from least -
 Thank-you to our our Assembly women
 Aileen Gunther for taking the time
 to come today & for her willingness
 to step up as our Advocate for
 Farming in Sull. County -

Telephone
(845) 887-6200

Mr. & Mrs. John H. Fink
8843 State Route 97
Callicoon, New York
12723

Fax
(845) 887-6200
RECEIVED
NOV 18 2010

November 18, 2010

Mr. Jonathan Rouis, Chairman
SULLIVAN COUNTY LEGISLATURE
Government Center
100 North Street
Monticello, New York 12701

Re: Solid Waste Fee Appeal
DE 25.-1-4.69

Dear Mr. Rouis and Members of the Legislature:

My wife and I are owners of a 4-unit apartment building in the Town of Delaware. Each of the apartments is occupied and the building is home to a total of 6 persons.

A Solid Waste User Fee of \$849.50 was charged against this property for 2010 and has been paid.

Since the imposed fee is so exorbitant in relation to what many other properties have been charged, an appeal was filed for the purpose of securing a reduction in our fee. A small sampling of fees assigned to random parcels throughout the County is enclosed for your review and comparison.

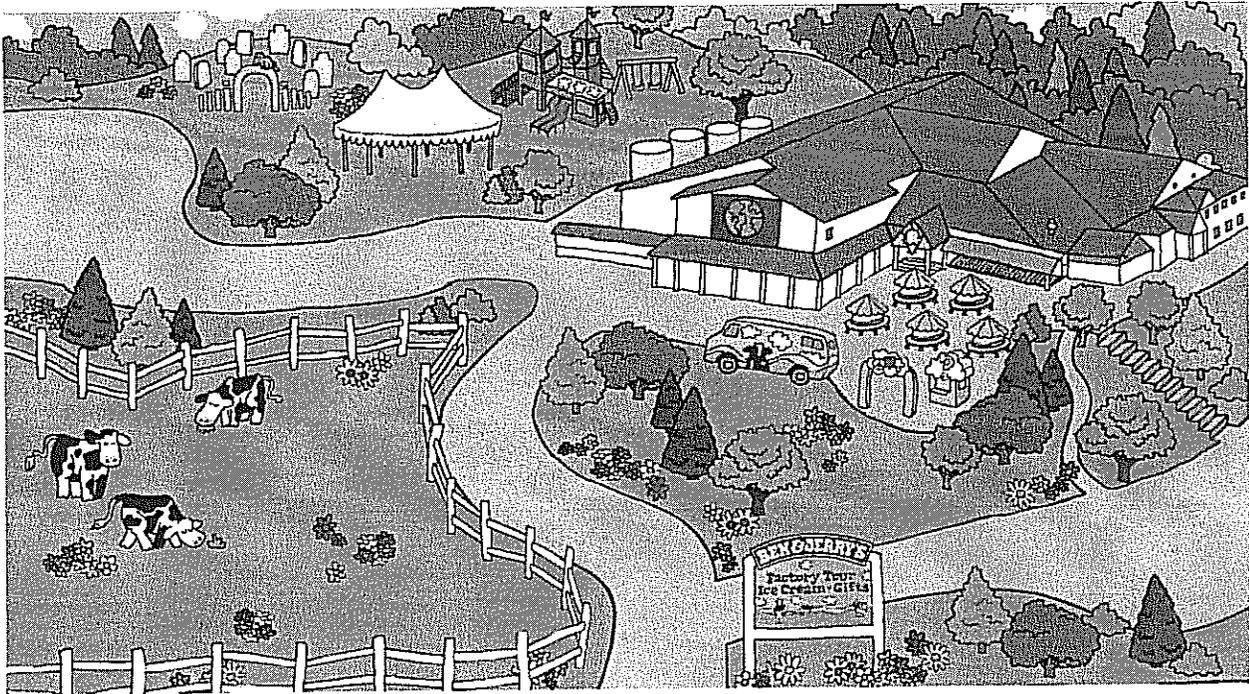
The User Fee Appeal Board has denied our appeal for rate reduction. No grounds have been provided to justify the basis of their decision.

The purpose of this letter is several-fold:

- 1) We ask that detailed justification be provided by the Legislature describing the specific basis and reason(s) for the denial;
- 2) We feel the decision of the Appeal Board is grossly in error and ask the Legislature to review and reverse their decision as set forth in Resolution No. 480-10 as it affects the subject appeal;
- 3) We ask the Legislature to perform an independent review of our appeal in order that it be considered with regard to the intent and spirit of the Law, especially Section 171-26 H; and
- 4) Provide a reduction in the fee to an amount in concert with other 4-unit apartments within Sullivan County.

Comparison of some User Fees to demonstrate gross disparity and inequity:

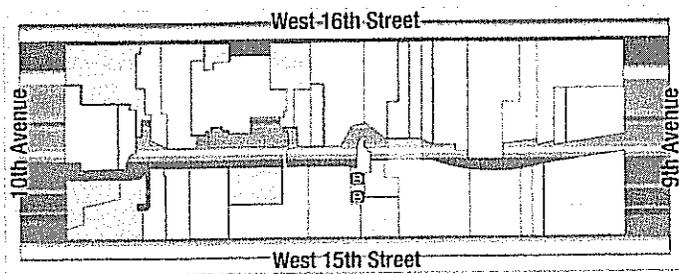
<u>Property</u>	<u>Tax Map ID</u>	<u>Use</u>	<u>Occupants</u>	<u>SW User Fee</u>
Bethel Perf'g. Arts Center	Bet 21-1-1.3	Mass Gather	10,000 + Staff	\$300
Daytop Village Foundation	Bet 8-1-4B	School/Dorms	160 + Staff	\$300
Sullivan West High School	Coc 9-1-1.1	High School	850 + Staff	\$300
Villa Roma Resort Lodges	Del 20-1-9.2	Time Shares	300	\$300
Liberty Bell LLC Condos	Lib 127-1-1	Mult. Res.	240	\$84.95
SCCC Dormitory Corp	Fal 17-1-26.2	Dormitory	300 + Staff	\$300
Woodbourne Corr. Facility	Fal 28-1-16	Prison	800 + Staff	\$300
Sullivan Correctional Facil.	Fal 28-1-31	Prison	400 + Staff	\$300
Liberty High School	Lib 103-1-1	School	1800 + Staff	\$300
Catskill Regional Hospital	Tho 4-1-5	Hospital	230 + Staff	\$300
Monticello Race & Gaming	Tho 101-1-1.1	Casino/Race	1,500 + Staff	\$300
Hillside Duplex Apartments	Tho 110-3-53	2 Apts.	8	\$84.50
Sullivan Co Jail & Court Hse	Tho 112-7-17	Jail & Court	160 + Staff	\$300
Colonial Hill Apartments	Tho 121-1-17	90 Apts.	360	\$849.50



Creamery with Tours available. Bringing Tourism to Sullivan county
 Farmers Packing facility and Manufacturing. All products Packed and manufactured in One area.
 A place for farmers to bring their products. Products sold to Public and Marketed throughout country.
 Branded as Products grown and Manufactures in Sullivan County.

Bringing income into Region on a national level. Possible Specialty cheeses, Dairy Products, Meat products. Maple Syrup.

Chelsea Market Map:



Daniel Young

PO Box 690 190 Hemmer Road
 Jeffersonville, New York 12748
 P. (718) 614-6563 F. (888) 323-7778
 daniel.young@culinaryalliances.com
 culinaryalliances.com

Amy's Bread	Sarabeth's
Bowery Kitchen Supply	Hale And Hearty Soups
Buddakan	Jacques Torres Chocolate
Ronnybrook Dairy	L'Arte del Gelato

We are holding nationwide conference calls at 9 a.m., 2 p.m. and 5 p.m. PACIFIC TIME every day of the week. They are designed to provide every producer with information and training that will help them become involved and provide needed answers to their questions.

Contact us via email at info@nationaldairyproducers.org or by visiting the website at www.nationaldairyproducers.org. To participate in the daily conference calls dial 507-726-4200 and enter access code 175993#.

I have read this document and by signing it I indicate to one and all that I fully support the efforts and goals that are outlined herein and commit to do all that I can to help in this organizational initiative.

X _____

Date: _____

Please sign here

Name of Dairy or Business _____

Name of Producer _____

Spouse _____

Address _____

City, State & Zip _____

Phone Number _____

Email address _____

Please act now. Get involved in making a National Dairy Producers Organization possible. You can make a difference by doing the following:

Make multiple copies of this document. Fill it out and sign one for you and one for each member of your dairy management team that wishes to become a member. Only one membership per family (husband and wife) is necessary.

Send this document along with your check for \$80, made payable to **ABP Diversified Marketing to 5100 N. Sixth Street-Ste. 154, Fresno, CA. 93710**. Take your additional copies and go meet with other dairy producers.

We look forward to working with you. Thank you in advance for your help and support.

- ❑ Understand that our immediate goal is to establish a National Dairy Producers Organization to involve 55,000 dairy producers in an effort to raise \$2 million to fund the work that lies ahead.
- ❑ Know and remember that no matter what needs doing now and in the future, history tells us it won't happen unless we have the power to get it done. Numbers and money are the tools of the political environment we will be working in. It's just what it takes.
- ❑ Work to organize five producer/delegates and two alternates from each state. A state chairperson, vice chairman and secretary will need to be selected. All of the delegates need to organize and take full responsibility to get every producer in their state on board as a member. Step up and get involved.
- ❑ Get other producers informed by participating with them in the dairy conference calls. This forum gives producers a chance to ask questions and voice concerns. Every producer should take responsibility for no less than five additional producers. The time frame to get this done is short.
- ❑ Make 10 copies of the membership forms so as to be prepared to meet with other producers, vendors and affiliated companies. Each of us will have dozens of opportunities over the next few weeks and months to tell others and ask them to join the producers organization. Do not just leave it with them. Fill it out. Get their check and mail it in yourself. We cannot leave this to others and hope it will get done.
- ❑ Fill out your own membership form. Write a check for \$80. If there are more family members who want to be members fill out a separate form for them. Your membership covers both husband and wife. An additional \$80 should accompany each membership.
- ❑ It is critical that dairy producers across the country are prepared to talk about and share information that is consistent with the goals of the National Dairy Producers Organization. Every dairy producer should prepare themselves with the facts and figures as to why a national organization must be organized. The key to our success is keeping to our primary goal, the establishment of the National Dairy Producers Organization. Nothing else matters.
- ❑ Don't ever quit. As a producer someone is going to represent you. If you like the way things have been going lately, just keep doing what you have been doing and let those people keep representing you. We propose that only producers should be speaking for and representing producers.

Last I checked, this is OUR product, nobody else's. It is time that OUR product is marketed as OURS, and nobody else's. We as producers need to take advantage of "power in numbers". Joining this movement, will keep producers across the nation, connected, informed, and active to achieve a sustainable dairy industry for generations to come.

Adam Rohl, Rohling Acres Farm, Prescott, WI

I've been working diligently for over 40 years in attempting to develop a pricing formula that would cover the dairy farmers' cost of production. Many times we were close to achieving our endeavor. However, each time we fell short of our goals because dairy farmers would not unite. Now we have a chance (probably our last chance) to unite together under the new organization. Let's not screw it up again. Please join with us in obtaining a raw milk price that will cover our dairy farmers' cost of production.

Arden Tewksbury, Meshoppen, PA

Farmers need a cost of production at a minimum for their product. The only way to achieve this as well as other issues is by giving the farmer a united powerful voice in Washington and this organization is the only way for this to happen. Farmers get involved in this farmer run organization. It is time we take control over our own destiny and become the price setters not the price takers.

Dave and Robin Fitch, Dairy Farmers, NY

There is no producer voice in the United States today. We need a voice in Washington to work alongside existing organizations and unify the dairy industry. Producers should speak for themselves. This organization represents a national producer's voice.

Bill Rowell, Dairy Farmer, VT

There are many dairy organizations out there, some do an excellent job for the dairymen. Some only represent the interests of processors and marketers while claiming to be on the producer's side. The government sits back and allows the status quo and continues to say, "producers never come together with one voice". I believe this is our last best chance as dairy producers to come together and control our industry for better prices.

Paul Rozwadowski, Dairy Farmer, Stanley, WI

The Dairy Producers of the United States need an organization that truly represents dairy producers. We need to work together with an understanding of the cost of producing milk in all the regions of the country, to enact policies that will bring profitability and stability. Milk producers, processors and retailers all need to achieve and maintain profitability, that is not the case today.

Loren Lopes, Dairy Farmer, CA

It is time for producers to unite and have a direct voice with how our milk is priced to the farmer, to expose deceptive import and export activities and correct them, to insist that consumers know where milk products come from (COOL Act), and to further promote the health benefits of the product we produce. We need a new voice!

Gary Gencke, CPA, Dairy Farmer, CA

We are ready to go to work with all like minded dairy farmers to do what it takes to prevent the eminent destruction of the American Dairy Farmer. Fair farm prices at the farm gate now!

Jeanne and John Rohl, Rohling Acres Farm, Prescott, WI

Over and over we hear from our legislators that if Dairy Producers could unify and get together on a plan, we could solve our problems. Hopefully, this is a step in the right direction.

Doug Maddox, RuAnn Dairy, Riverdale, CA

Producers Are Organizing

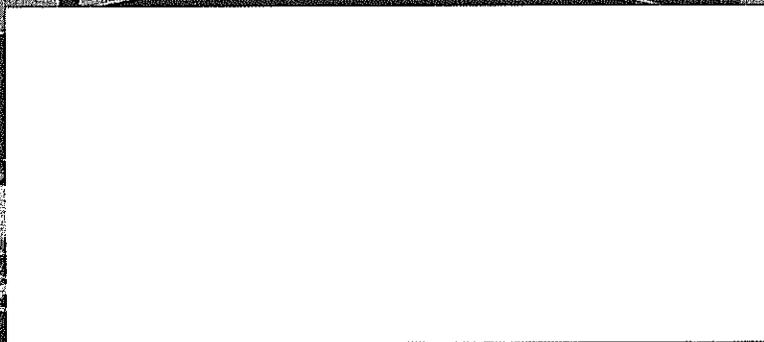
Will Producers Tip The Scales?

Dairy producers across the country are coming together to form a National Dairy Producers Organization.

Find out how producers can turn 80 dollars per year into 5 million dollars per day.

Knowing why, when, where and how has already provided the first ray of hope for thousands of producers.

Please visit our website at www.nationaldairyproducers.org



PERMITTED
STANDARD
U.S. POSTAGE PAID
San Dimas, CA
Permit No. 410

PO Box 669
Sanger, CA 93657

How do you turn \$80 per year into \$5 million per day?

1. The immediate goal is to establish a National Dairy Producers Organization, secure the involvement of 55,000 dairy producers and thousands of dairy vendors.
2. Raise and maintain a minimum \$2 million annual budget to fund the efforts of the National Dairy Producers Organization.
3. Organize five producer/delegates and two alternates from every state. A state chair person, vice chair and secretary will be appointed. Delegates need to take full responsibility to enroll every producer in their state by organizing a county by county recruiting team.
4. Begin working on established short-term and long-term agendas developed by the organizing committee and state delegates. This includes but is not limited to, organizational structure, bylaws, officers, and other issues as may be designated by the producer/delegates as they receive input from producers from their state.
5. Immediately impact the price of milk paid to producers by focusing greater attention and resolution on the development of a true milk supply management program, restructuring the national pricing formula, and developing proper language and legislation that will prohibit the unnecessary importation of dairy products.
6. Give notice to the entire dairy industry that no longer will anyone speak for dairy producers except dairy producers. Begin meeting with each dairy organization, co-op, processor and the retail industry to establish change and resolve the continuing problems that exist in the U.S. dairy industry. "The message": Dairy producers must receive more money for their milk.

The total cost to you, the producers of America, is \$80 per membership.

What does your \$80 buy, you may ask?

Consider this, if we can get the price of milk to go up \$1 due to these organizational efforts, it would provide the dairy producers of America with a \$5 million per day increase in income. That is well worth your time and your \$80. NO one is going to do this for you. You need to take action.