

**ADDENDUM TO APRIL 23, 2009 AGENDA
(Resolutions from 1:00PM Executive Committee)**

- 1.** Request an extension of New York State Tax Law Authorizing an extension of the sales tax
- 2.** Provide Shopping Bus service to the general public and seek state transportation operating assistance (STOA)
- 3.** Authorize the Legislature to offer a county parcel for private sale to Turner in Neversink
- 4.** Request federal highway funding to improve a portion of County Road 14
- 5.** Authorize a request for federal highway funding to replace County Bridge 301/BIN 3355870
- 6.** Authorize a private sale to Hornby Mamakating 106-1-23
- 7.** Authorize a private sale to Yanay Liberty 46.-1-33
- 8.** Authorize private sale to Michell TU 14.-1-54.17 and 54.18
- 9.** Authorizing payment on the Capital Call issued by Communities Against Regional Interconnect (CARI)
- 10.** Authorize agreement with New York State Department of Environmental Conservation providing for the operation of the Beaverkill Campground
- 11.** Authorize a request for federal highway funding to improve a portion of County Road 173
- 12.** Authorize Mitigation Agreement with the Seneca Nation of Indians
- 13.** Authorize a contract with Cornerstone Engineering, PLLC

Resolution No. _____

RESOLUTION _____ OF 2009 INTRODUCED BY EXECUTIVE COMMITTEE, REQUESTING AN EXTENSION OF NEW YORK STATE TAX LAW §1210(33) WHICH AUTHORIZED AN INCREASE TO THE THREE PERCENT RATE AUTHORIZED BY STATE TAX LAW FOR THE PERIOD BEGINNING DECEMBER 1, 2009 AND ENDING NOVEMBER 30, 2011, FOR A TOTAL SALES TAX RATE OF 8%, 4% OF WHICH WOULD BE REVENUE FOR SULLIVAN COUNTY

WHEREAS, pursuant to State Tax Law §1210(33) the New York State Legislature authorized Home Rule Legislation that approved an increase in sales tax in the County of Sullivan by a one half percent ($\frac{1}{2}\%$) from seven percent (7%) to seven and one half percent ($7\frac{1}{2}\%$) and an additional one half percent ($\frac{1}{2}\%$) from seven and one half percent ($7\frac{1}{2}\%$) to eight percent (8%), four percent (4%) of which would be revenue for Sullivan County, and

WHEREAS, both of the one-half of one percent increases in the sales tax are set to sunset or expire on November 30, 2009, and

WHEREAS, the Sullivan County Legislature desires to extend the current sales tax rate until November 30, 2011; and

WHEREAS, the County of Sullivan is dealing with significant losses of revenue due to the current economic downturn and the requested increase is both necessary and in the best interest of the County and its citizens.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby requests that the New York State Legislature adopt Home Rule Legislation extending the expiration of New York State Tax Law §1210(33) which raised the sales tax in the County of Sullivan by a one half percent ($\frac{1}{2}\%$) from seven percent (7%) to seven and one half percent ($7\frac{1}{2}\%$) and an additional one half percent ($\frac{1}{2}\%$) from seven and one half percent ($7\frac{1}{2}\%$) to eight percent (8%), four percent (4%) of which would be revenue for Sullivan County, and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby requests that the Sullivan County Sales Tax rate that is scheduled to sunset on November 30, 2009, be extended to sunset or expire on November 30, 2011, and

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a certified copy of this resolution to the Honorable John J. Bonacic, State Senator representing the 42nd Senatorial District, the Honorable Aileen M. Gunther, Assemblywoman representing the 98th Assembly District, the New York State Ways and Means Committee; the Honorable Malcolm Smith, Majority Leader of the Senate; the Honorable Sheldon Silver, Speaker of the General Assembly; and the Honorable David A. Paterson, Governor of the Great State of New York.

Moved by _____, seconded by _____, put to a vote resolution carried and declared duly adopted

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE

RESOLUTION TO AUTHORIZE THE COUNTY TO PROVIDE SHOPPING BUS SERVICE TO THE GENERAL PUBLIC AND SEEK STATE TRANSPORTATION OPERATING ASSISTANCE (STOA).

WHEREAS, the Division of Public Works currently oversees the Transportation Department; and

WHEREAS, the Transportation Department, in conjunction with the Office for the Aging (OFA), currently provides shopping bus service to senior citizens throughout the County; and

WHEREAS, there is excess capacity on several of these bus routes such that additional ridership could be accommodated; and

WHEREAS, the State Transportation Operating Assistance (STOA) program administered by the NYSDOT provides funding for municipalities providing bus routes which are open to the general public; and

NOW, THEREFORE, BE IT RESOLVED, that the DPW shall establish routes and set fares for such routes to be open and available to the general public

BE IT FURTHER RESOLVED, that the County Manager is authorized to submit a letter to the NYSDOT requesting financial assistance through the STOA program

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE

RESAOLUTION TO AUTHORIZE THE LEGISLATURE TO OFFER A COUNTY PARCEL FOR PRIVATE SALE

WHEREAS, as a result of a tax foreclosure proceeding the County is in possession of property located in the Town of Neversink identified on the County's Real Property Tax Maps as, 37.-4-1 (which parcel consists of 1.67 acres), and

WHEREAS, Mrs. Turner a resident whose property is landlocked by the Subject Parcel has requested permission to purchase the Subject Parcel by means of a private sale, and

WHEREAS, pursuant to Section 4(C)(1) of Local Law 2 Of 2009 a private sale may be authorized on a case-by-case basis by Resolution of the Legislature and

WHEREAS, pursuant to Section 4(C)(2), (3) & (4) of Local Law 2 of 2009 the Legislature hereby determines that a private sale of the Subject Parcel to Mrs. Turner would be in the best interest of the County and hereby designates the Subject Parcel for such a private sale, which sale: (1) shall be at fair market value, and (2) shall be subject to final approval of the County Legislature,

NOW THEREFOR BE IT RESOLVED:

1. The Subject Parcel, identified on the County's Real Property Tax Maps as, 37.-4-11 (which parcel consists of 1.67 acres) and are hereby designated for private sale to the Mrs. Turner.
2. The County Manager and the County Attorney are hereby authorized to negotiate the terms of a private sale of the Subject Parcel to Mrs. Turner.
3. The final agreement with Mrs. Turner must be submitted to the County Legislature for its approval.
4. In the event no agreement is reached with Mrs. Turner no later than three weeks prior to the scheduled June auction of foreclosed properties the authorization for a private sale shall be deemed revoked and the Subject Property shall be sold in such auction.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE

RESOLUTION TO AUTHORIZE A REQUEST FOR FEDERAL HIGHWAY FUNDING TO IMPROVE A PORTION OF COUNTY ROAD 14.

WHEREAS, applications for High Priority Projects (HPP) as part of the legislation to replace the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P.L. 109-59), which expires on September 30, 2009 are now being accepted; and

WHEREAS, the objective is to obtain federal HPP funding to improve a portion of County Road 14 in the Town of Bethel; and

WHEREAS, the federal grant offers a maximum reimbursement of up to 80% of the total costs of the improvements; and

WHEREAS, the total project cost is estimated to be \$4,000,000; and

WHEREAS, the County of Sullivan must provide a local match of 20%, which is estimated to be \$800,000.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Division of Public Works with assistance from the Department of Grants Administration is hereby authorized to prepare and submit an application seeking federal HPP funding; and

BE IT FURTHER RESOLVED, that the Legislative Chairman, Jonathan Rouis is authorized to execute a support letter for said project.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE

RESOLUTION TO AUTHORIZE A REQUEST FOR FEDERAL HIGHWAY FUNDING TO REPLACE COUNTY BRIDGE 301/BIN 3355870.

WHEREAS, applications for High Priority Projects (HPP) as part of the legislation to replace the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P.L. 109-59), which expires on September 30, 2009 are now being accepted; and

WHEREAS, the objective is to obtain federal HPP funding to replace County Bridge 301/BIN 3355870; and

WHEREAS, the federal grant offers a maximum reimbursement of up to 80% of the total costs of the improvements; and

WHEREAS, the total project cost is estimated to be \$3,589,000; and

WHEREAS, the County of Sullivan must provide a local match of 20%, which is estimated to be \$717,800.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Division of Public Works with assistance from the Department of Grants Administration is hereby authorized to prepare and submit an application seeking federal HPP funding; and

BE IT FURTHER RESOLVED, that the Legislative Chairman, Jonathan Rouis is authorized to execute a support letter for said project.

Moved by _____,

Seconded by _____,

and adopted on motion _____, 2009.

RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE A PRIVATE SALE OF REAL PROPERTY

WHEREAS, as a result of a tax foreclosure proceeding the County is in possession of a parcel of property located in the Village of Wurtsboro identified on the County's Real Property Tax Maps as, Mamakating 106.-1-23 (hereinafter "Subject Property"), and

WHEREAS, the Subject Property has been classified on the latest assessment roll as a road, street or highway and consists of .16 acres, and

WHEREAS, Robert and Carol Hornby have requested permission to purchase the Subject Property by means of a private sale, and

WHEREAS, pursuant to Section 4(C)(1) of Local Law 2 of 2009 "a private sale may be authorized on a case-by-case basis by Resolution of the Legislature after considering the recommendation of the Real Property Advisory Board", and

WHEREAS, the Real Property Advisory Board met on April 7, 2009 and concluded that a private sale of the Subject Parcel meets the criteria contained in Section 4(C)(3) of Local Law 2 of 2009 and has voted unanimously to recommend that the County Legislature offer this property to Robert and Carol Hornby for private sale,

NOW, THEREFORE, BE IT RESOLVED, that the Subject Property, identified on the County's Real Property Tax Maps as, Mamakating 106.-1-23 (which parcel consists of .16 acres and is classified as a road, street or highway) is hereby designated for private sale to Robert and Carol Hornby, and

BE IT FURTHER RESOLVED, that the Real Property Advisory Board is hereby authorized to negotiate the terms of a private sale of the Subject Property to Robert and Carol Hornby, and

BE IT FURTHER RESOLVED, in addition to consideration paid, the deed from the County to Mr. and Mrs. Hornby shall reflect that the owner of property, his/her heirs and assigns, identified on the County's Real Property Tax Maps as, Mamakating 106.-1-7.2, which adjoins the Subject Property, shall have a right of way over the Subject Property for purposes of ingress and egress, and

BE IT FURTHER RESOLVED, that said final agreement shall be submitted to the County Legislature for its approval.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE A PRIVATE SALE OF REAL PROPERTY

WHEREAS, as a result of a tax foreclosure proceeding the County is in possession of a parcel of property located in the Town of Liberty identified on the County's Real Property Tax Maps as, Liberty 46.-1-33 (hereinafter "Subject Property"), and

WHEREAS, the Subject Property has been classified on the latest assessment roll as vacant land and consists of 1.40 acres, and

WHEREAS, Izzy Yanay has requested permission to purchase the Subject Property by means of a private sale on behalf of his company Hudson Valley Foie Gras, LLC, and

WHEREAS, pursuant to Section 4(C)(1) of Local Law 2 of 2009 "a private sale may be authorized on a case-by-case basis by Resolution of the Legislature after considering the recommendation of the Real Property Advisory Board", and

WHEREAS, the Real Property Advisory Board met on April 7, 2009 and concluded that a private sale of the Subject Parcel meets the criteria contained in Section 4(C)(3) of Local Law 2 of 2009 and has voted unanimously to recommend that the County Legislature offer this property to Hudson Valley Foie Gras, LLC, for private sale,

NOW, THEREFORE, BE IT RESOLVED, that the Subject Property, identified on County's Real Property Tax Maps as, Liberty 46.-1-33 (which parcel consists of 1.40 acres of vacant land) is hereby designated for private sale to Hudson Valley Foie Gras, LLC, and

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to retain a qualified appraiser to provide the County with a current appraisal of the fair market value of the Subject Property and that the cost of such appraisal shall be paid by the purchasers, Hudson Valley Foie Gras, LLC, and

BE IT FURTHER RESOLVED, that the Real Property Advisory Board is hereby authorized to negotiate the terms of a private sale of the Subject Property to Hudson Valley Foie Gras, LLC, and

BE IT FURTHER RESOLVED, that said final agreement shall be submitted to the County Legislature for its approval.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

RESOLUTION NO. INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE A PRIVATE SALE OF REAL PROPERTY

WHEREAS, as a result of a tax foreclosure proceeding the County is in possession of two parcels of property located in the Town of Tusten identified on the County's Real Property Tax Maps as, Tusten 14.-1-54.17 & 54.18 (hereinafter "Subject Property"), and

WHEREAS, the Subject Property has been classified on the latest assessment roll as vacant residential land of .38 and .30 acres respectively, and

WHEREAS, because of potential environmental liability, the Subject Property had been removed from the tax foreclosure proceedings several years ago pursuant to Real Property Tax Law Section 1138 (1)(d), and

WHEREAS, Kathy Michelle has requested permission to purchase the Subject Property by means of a private sale, and

WHEREAS, as a result of Ms. Michelle's interest in the Subject Property they have been reinstated and the County Treasurer is in possession of a Judgment in Foreclosure regarding same, and

WHEREAS, pursuant to Section 4(C)(1) of Local Law 2 of 2009 "a private sale may be authorized on a case-by-case basis by Resolution of the Legislature after considering the recommendation of the Real Property Advisory Board", and

WHEREAS, the Real Property Advisory Board met on April 7, 2009 and concluded that a private sale of the Subject Parcel meets the criteria contained in Section 4(C)(3) of Local Law 2 of 2009 and has voted unanimously to recommend that the County Legislature offer this property to Kathy Michelle for private sale,

NOW, THEREFORE, BE IT RESOLVED, that the Subject Property, identified on County's Real Property Tax Maps as, Tusten 14.-1-54.17 & 54.18 (which parcel consists of .38 and .30 acres respectively and is classified as vacant residential) is hereby designated for private sale to Kathy Michelle, and

BE IT FURTHER RESOLVED, that in conformance with Section 4(C)(2) of Local Law 2 of 2009, the Real Property Advisory Board is hereby authorized to negotiate the terms of a private sale of the Subject Property to Kathy Michelle, and

BE IT FURTHER RESOLVED, that in addition to the consideration paid, Kathy Michelle has agreed to provide the County with a Conservation Easement over the Subject Property, and

BE IT FURTHER RESOLVED, that said final agreement shall be submitted to the County Legislature for its approval.

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE AUTHORIZING PAYMENT ON THE CAPITAL CALL ISSUED BY COMMUNITIES AGAINST REGIONAL INTERCONNECT (CARI)

WHEREAS, pursuant to Resolution No's. 275-06, 262-06, and 171-07 adopted by the Sullivan County Legislature, respectively, the County authorized \$150,000 in funding for the efforts led by CARI to challenge NYRI in United States Federal Court and through the New York State Public Service Commission; and

WHEREAS, the funds contributed to CARI led to a favorable ruling by the 4th Circuit Court of Appeals regarding the rights of states to pursue their orderly review of electrical transmission line projects without interference by the Federal Government through the Federal Energy Regulatory Commission via the Energy Policy Act of 2005; and

WHEREAS, CARI has been engaged in challenging NYRI through the New York State Public Service Commission's Article VII proceedings, under which NYRI sought a Certificate of Environmental Compatibility and Public Need for the project; and

WHEREAS, CARI has also prevailed in the New York State Public Service Commission's Article VII proceedings forcing NYRI to withdrawal their application; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature authorizes a final distribution of \$55,000 to CARI in fulfillment of a capital call to cover outstanding legal and expert witness costs in its successful effort opposing NYRI through the PSC Article VII proceedings.

BE IT FURTHER RESOLVED, that the funds be made available from the _____ Expense Line (_____).

**Moved by,
Seconded by,
and adopted on motion, 2009.**

RESOLUTION INTRODUCED EXECUTIVE COMMITTEE TO AUTHORIZE AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PROVIDING FOR THE OPERATION OF THE BEAVERKILL CAMPGROUND FOR THE 2009 CAMPING SEASON

WHEREAS, the State of New York, Department of Environmental Conservation owns the Beaverkill Campground in the Town of Rockland, County of Sullivan, and

WHEREAS, the State sought to close the Campground in order to reduce State expenditures, and

WHEREAS, at the urgent request of the County to keep the Campground open the NYSDEC met with the County devise a mutually satisfactory agreement which would enable the Campground to remain open for the 2009 season, and

WHEREAS, pursuant to that agreement the NYSDEC with operate and maintain the Campground for the 2009 camping season utilizing some State employees, equipment and facilities with the County also providing some of the specified labor force required to maintain and operate the Campground, to wit: three full time seasonal employees and one part time seasonal employee, who will perform specified duties at the Campground, and

WHEREAS, the County and the NYSDEC propose to enter into an agreement further spelling out the terms and conditions of the arrangement,

NOW, THEREFORE, BE IT RESOLVED, the County Manager is authorized to enter into an agreement, as set forth above, with the NYSDEC providing for the operation of the Beaverkill Campground for the 2009 camping season in a form to be approved by the County Attorney.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE

RESOLUTION TO AUTHORIZE A REQUEST FOR FEDERAL HIGHWAY FUNDING TO IMPROVE A PORTION OF COUNTY ROAD 173.

WHEREAS, applications for High Priority Projects (HPP) as part of the legislation to replace the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P.L. 109-59), which expires on September 30, 2009 are now being accepted; and

WHEREAS, the objective is to obtain federal HPP funding to improve a portion of County Road 173 in the Town of Thompson and a portion of Broadway in the Village of Monticello; and

WHEREAS, the federal grant offers a maximum reimbursement of up to 80% of the total costs of the improvements; and

WHEREAS, the total project cost is estimated to be \$4,696,042; and

WHEREAS, the County of Sullivan must provide a local match of 20% for the portion of the project on CR 173, which is estimated to be \$467,000.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Division of Public Works with assistance from the Department of Grants Administration is hereby authorized to prepare and submit an application seeking federal HPP funding; and

BE IT FURTHER RESOLVED, that the Legislative Chairman, Jonathan Rouis is authorized to execute a support letter for said project.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

**RESOLUTION INTRODUCED EXECUTIVE COMMITTEE TO AUTHORIZE A
MITIGATION AGREEMENT BETWEEN THE SENECA NATION OF INDIANS AND
THE COUNTY OF SULLIVAN**

WHEREAS, the County of Sullivan previously entered into mitigation agreements with the St. Regis Mohawk Tribe and with the Stockbridge Munsee Band of Mohican Indians regarding the possible construction and operation by each of a Class Three Gaming Facility in Sullivan County, and

WHEREAS, it was the intention of the County that the provisions of any and all mitigation agreements entered into with any Indian tribe or nation for such purpose would be substantially the same, and, in that regard the County has an understanding with the Stockbridge Munsee Band of Mohican Indians that in the event they desire to move forward with their proposed project they will agree to amend their original mitigation agreement with the County so that, as amended, its provisions will be substantially the same as with the provisions of the County's revised and current agreement with the St. Regis Mohawks, and

WHEREAS, the Seneca Nation of Indians desires to enter into a mitigation agreement with the County with respect to a prospective Class Three Gaming Facility to be located within the Town of Thompson on a parcel of land designated on the Town of Thompson Tax Map as Section 32, Block 2, Lot 8.1, and

WHEREAS, the Seneca Nation of Indians is prepared to enter into a mitigation agreement with the County on substantially similar terms as the County's agreement with the St. Regis Mohawk Tribe, providing, however, that certain provisions be amended somewhat to reflect the structure and authority of the Nation, and

WHEREAS, the County is satisfied that the amendments required by the Seneca Nation do not represent substantial substantive differences from the referenced agreement the County has with the St. Regis Mohawk Tribe,

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the County Legislature and the County Manager are hereby authorized to enter into the aforesaid mitigation agreement with the Seneca Nation of Indians for the construction and operation of a Class Three Gaming Facility, as set forth above and the County Attorney shall be required to approve such agreement as to form.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.

Resolution No. _____

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE

RESOLUTION TO AUTHORIZE A CONTRACT WITH CORNERSTONE ENGINEERING, PLLC.

WHEREAS, the County has received a proposal from Cornerstone Engineering, PLLC, 90 Crystal Run Road, Suite 201, Middletown, NY 10941 for Professional Engineering Services for the planning, permitting and design of an expansion to the County's Materials Recovery Facility (MRF) and a solid waste transfer station at the County landfill; and

WHEREAS, Cornerstone Engineering, PLLC possesses the necessary expertise in materials recovery facility and transfer station design and has established a long standing rapport with the regulatory agencies.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and is hereby authorized to execute a contract modification with Cornerstone Engineering, PLLC, 90 Crystal Run Road , Suite 201, Middletown, NY 10941 at a cost not to exceed \$1,052,433.20, said contract shall be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2009.