



Sullivan County

Executive Committee

Meeting Agenda - Final

Chairman Nadia Rajsz
Vice Chairman Joesph Perrello
Committee Member Matt McPhillips
Committee Member Brian McPhillips
Committee Member Nicholas Salomone Jr.
Committee Member Catherine Scott
Committee Member Luis Alvarez
Committee Member Amanda Ward
Committee Member Terry Blosser-Bernardo

Thursday, November 21, 2024

9:00 AM

Government Center

Call To Order and Pledge of Allegiance

Roll Call

Presentation - Dr. Hope Blecher Cronney - Daffodil Project

Public Comment

Resolutions:

1. To Enter into an Agreement with NACCHO to accept grant funds to support MRC [ID-6908](#)
2. Enact Proposed Local Law 9 of 2024 entitled "Amend Local Law 2 of 2022" [ID-6909](#)
Attachments: [LOCAL LAW to Reinsert Articles A8A, A9, and A10 of Admin Code Sullivan County Administrative Code Articles VIII to Article X](#)
3. To execute an agreement with the Children's Home of Poughkeepsie. [ID-6922](#)
4. Authorize contract with Axon Enterprise, Inc. for purchase of tasers and accessories [ID-6929](#)

5. RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO CANCEL UNENFORCEABLE TAXES, PENALTIES AND INTEREST ON PARCELS PURSUANT TO §558 OF THE NYS REAL PROPERTY TAX LAW [ID-6930](#)

WHEREAS, property located in the Town of Fallsburg designated on the Sullivan County Real Property Tax Map as Fallsburg 28.-1-45 is a parcel owned by Parvis Industries Inc. (hereinafter referred to as “Parvis Parcel”), which has been wholly exempt pursuant to Real Property Tax Law §1138 since 2001 due to an environmental hazard on the parcel; and

WHEREAS, the Parvis Parcel has been exempt pursuant to RPTL §1138 since 2001 and no taxes are generated on the parcel other than a small capital charge for sewer which the County Treasurer regularly cancels and charges back to the Town of Fallsburg pursuant to a Certificate of Prospective Cancellation filed with the Sullivan County Clerk in 2001; and

WHEREAS, in 2022, the Town of Fallsburg caused the improvement(s) on the Parvis Parcel to be demolished and thereafter levied a demolition fee of \$46,449.50 onto the parcel; and

WHEREAS, the Sullivan County Treasurer believes that it is in the best interest of the County to cancel the demolition fee together with penalties and interest due and owing on the Parvis Parcel since the same would be considered unenforceable pursuant to §558 of the Real Property Tax Law of the State of New York.

NOW, THEREFORE, BE IT RESOLVED, the County Treasurer is so authorized to cancel the demolition fee, penalties and interest assessed to the Parvis Parcel noted above pursuant to Section 558 of the Real Property Tax Law of the State of New York.

Attachments: [Parvis2023Bill.pdf](#)

6. Modify Resolution No. 550-24 to reflect the correct SBL in the Village of Liberty [ID-6932](#)
7. Award a contract to Birchwood Archaeological Service, Inc. to perform a cultural resources survey for the development of the Callicoon Park. [ID-6933](#)
8. Set public hearing for 12/19/24 at 10:20AM “Imposing a Mortgage Recording Tax” ..end [ID-6934](#)

Attachments: [mortgage tax local law](#)

9. Set Public Hearings on the County Tentative Budget for Fiscal Year 2025 [ID-6936](#)
Attachments: [2025budgetpublichearingnotice](#)
10. To amend Resolution No. 540-24 to remove the cap of \$30,000 per month for the double time for Correction Officers working overtime between September 19, 2024 and January 31, 2025. [ID-6938](#)
11. Resolution introduced by the Executive Committee to enter into a Memorandum of Agreement with Sullivan County Community College to provide adult education and training. [ID-6939](#)
12. Authorize modification of Youth Bureau Funding Program to remove and re-allocate funds. [ID-6940](#)
Sponsors: Office for the Aging and Deoul
13. Authorize contract with J. Chad Professional Training, LLC, DBA Tall Cop Says Stop [ID-6943](#)
14. CARES HMIS is identified by the NYS Balance of State Continuum of Care as the HMIS lead. [ID-6944](#)
15. Set the Salary of Assistant District Attorney positions in the Sullivan County District Attorney's Office [ID-6950](#)
16. Amend Resolution No. 414-18 regarding Firstlight [ID-6953](#)
17. Amend Resolution No. 520-24 regarding Firstlight [ID-6954](#)
18. Enter into a 1 year modified extension with IESI contract [ID-6955](#)
19. Authorizing the Revision of Section 620.1 of the Solid Waste Management Rules to take effect on January 1, 2025. [ID-6956](#)

Attachments: [Attachment 2nd edition SWMR effective January 1st, 2025 with markup](#)

Adjourn



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6908

Agenda Date: 11/21/2024

Agenda #: 1.

Narrative of Resolution:

To Enter into an Agreement with NACCHO to accept grant funds to support MRC

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$5,000.00

Are funds already budgeted? No

Specify Compliance with Procurement Procedures:

**INTRODUCED BY THE HEALTH AND HUMAN SERVICES COMMITTEE
TO AUTHORIZE APPROVAL FOR THE SULLIVAN COUNTY DEPARTMENT OF PUBLIC HEALTH TO
APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE NATIONAL ASSOCIATION OF COUNTY
AND CITY HEALTH OFFICIALS (NACCHO) TO ACCEPT GRANT FUNDS TO SUPPORT THE MEDICAL
RESERVE CORPS**

WHEREAS, The National Association of County and City Health Officials (NACCHO), the voice of the country’s nearly 3,000 local health departments, has announced funding opportunities for 2025 Medical Reserve Corps (MRC) Operational Readiness Awards (ORA) to build MRC response capabilities (Tier 1) or strengthen MRC response capabilities (Tier 2); and

WHEREAS, In January 2021, the Sullivan County legislature approved a resolution to create a volunteer Sullivan County Medical Reserve Corps to help the county to respond to the public health emergency of COVID-19 and future public health needs, the purpose of the MRC is to supplement the Department’s personnel with volunteers that are medically trained and non-medically trained from the community; and

WHEREAS, In October 2021, the Sullivan County MRC received official Federal approval and became a registered unit in the MRC program under the Office of the Surgeon General; and

WHEREAS, SCDPH would like permission to apply for the NACCHO grant and if awarded, accept funding of up to \$5,000 to build and strengthen MRC response capabilities to meet local response needs and evolving response missions; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager, Chairman of the County Legislature, and / or their authorized representative (*as required by the funding source*) to execute any and all necessary documents to submit the NACCHO 2025 Medical Reserve Corps (MRC) Operational Readiness Awards (ORA) application for funding; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager or Chairman of the County Legislature to accept the award, and enter into an award agreement or contract to administer the funding secured, in such form as the County Attorney shall approve; and

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



Sullivan County

Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6909

Agenda Date: 11/21/2024

Agenda #: 2.

Narrative of Resolution:

Enact Proposed Local Law 9 of 2024 entitled “Amend Local Law 2 of 2022”

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: N/A

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO ENACT A PROPOSED LOCAL LAW 9 of 2024 ENTITLED “A LOCAL LAW TO AMEND LOCAL LAW 2 OF 2022”

WHEREAS, a proposed Local Law entitled “A Local Law To Amend Local Law 2 of 2022”, having been presented to the Sullivan County Legislature at a meeting and a public hearing held on October 24, 2024, at the County Government Center, Monticello, New York to consider said proposed local law, and notice of a public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt this Local Law entitled “A Local Law To Amend Local Law 2 of 2022”.

**A LOCAL LAW TO AMEND THE SULLIVAN CODE BY REINSERTING ARTICLES A8A, A9,
and A10 OF COUNTY GOVERNMENT ADMINSTRATIVE CODE**

Explanation: This Local Law shall amend Local Law 2 of 2022 by reinserting such portions of the Administrative Code that were erroneously removed from the code.

Legislative Intent: The Sullivan County Legislature, after due diligence and careful consideration, declares that it is in the best interests of the citizens and the government of the County of Sullivan to amend Local Law 2 of 2022, and in furtherance thereof, hereby amends the Administrative Code of the Sullivan County Charter (hereinafter, the “Code”) by reinserting Article 8A, A9 and A10.

Amendments: The language of Articles 8A, A9, and Article A10 of the Code, as listed below, are hereby inserted in their entirety and the remainder of the Administrative Code shall remain unchanged.

Effective: This local law shall become effective as of the date of filing with the Secretary of State.

ARTICLE VIII
Third-Party Contracts

§ A8-1. Third-party contracts oversight.

The County may enter into third-party contracts for the provision of services when it is determined to be more efficient than direct provision of the service. Such third-party contracts must be approved by the County Legislature prior to execution. A line department or office of the County government will be designated to monitor each contract.

ARTICLE VIII A
Ethics
[Added 2-18-2021 By L.L. No. 2-2021¹]

1. Editor's Note: This Local Law Also Repealed Former Art. VIII A, Ethics, Added 5-23-2013 By L.L. No. 3-2013, As Amended.

PART A
Conduct

§ A8A-1. Definitions.

Unless otherwise indicated, the following terms shall be defined as such for purposes of this article:

AGENCY — The Sullivan County Industrial Development Agency (IDA), the Sullivan County Funding Corp., ECCEDC, and any nongovernment organization or entity that performs or is organized to perform County-related functions. An initial list of agencies that are subject to this Ethics Law shall be created by resolution² of the County Legislature within 60 days of adoption of this article.

APPROPRIATE BODY — Pursuant to Article 18 of the General Municipal Law, the Board of Ethics of the County of Sullivan.

CHILD — Any son, daughter, stepson or stepdaughter of a County official, employee or County elected or appointed official.

CONTRACT — An agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

COUNTY — The County of Sullivan or any department, board, division, institution, office, branch, bureau, commission, or agency thereof.

COUNTY OFFICIAL —

A. Local officers or employees:

- (1) The heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies, assistants and volunteers, whether paid or not;
- (2) Other employees or volunteers of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not.
- (3) The term "local officer or employee" shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.

B. County elected officials: County Legislators, Clerk, Treasurer, Sheriff, Coroners and District Attorney;

C. Other employees: other employees of the County whose duties involve the negotiation, authorization or approval of:

- (1) Contracts, leases, franchises, revocable consents, concessions, variances, special

2. **Editor's Note: Said resolution is on file in the County offices.**

permits or licenses as defined in § 73 of the Public Officers Law;

- (2) The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
- (3) The obtaining of grants of money or loans; or
- (4) The adoption or repeal of any rule or regulation having the force and effect of law.

D. Specific listing. Not in limitation of the positions, titles or entities covered by Subsections A, B and C, above, the County Legislature shall, within 60 days of the adoption of this article, by resolution,³ set forth a specific list of the positions, titles and entities which shall be particularly covered by this article, and such resolution shall remain in full force and effect unless and until modified in a subsequent resolution by a majority of the County Legislature.

DEPENDENT — Any person, related or unrelated, living in the same household with a County official or employee and claimed as a dependent for income tax purposes by said County official.

EMPLOYEE — Any employee or official of the County of Sullivan, other than those designated as County officials herein.

INTEREST —

- A. A direct or indirect financial or material benefit accruing to a County official, employee, or his or her relative or dependent, whether as a result of a contract with the County or otherwise. A benefit shall include, but not be limited to, employment, a gift, service, payment, permit, approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of the foregoing. A County official shall be deemed to have an interest in a contract of:
 - (1) His or her dependent or relative, except a contract of employment with the County;
 - (2) A firm, partnership or association of which such County official or his or her dependent or relative is a member or employee;
 - (3) A corporation of which such County official or his or her dependent or relative is an officer or director; or
 - (4) A corporation, at least 10% of the outstanding capital stock of which is owned by a County official or his or her dependent or relative.
- B. A financial or material benefit shall not include a campaign contribution authorized by law.
- C. An "interest" shall not include the setting of County official and employee salaries and benefits or an action statutorily mandated upon a County official when there is no other County official authorized to undertake such statutorily mandated action. In that event, the statutorily mandated action shall not be undertaken until the County official delivers written disclosure of the interest to the Clerk of the Legislature.

3. Editor's Note: Said resolution is on file in the County offices.

JURISDICTION — Having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County or agency.

LEGISLATION — A matter which has been placed upon the calendar or agenda of the Legislature of Sullivan County or a committee thereof, upon which official action has been or may be taken, and shall include adopted acts, local laws, ordinances or resolutions.

OTHER GOVERNMENT OFFICIAL — Any elected or appointed public officer who, at the time of the request, is duly authorized and actually serving in their official capacity within a town or village located within the territorial boundaries of the County of Sullivan.

RELATIVE — A spouse, child, grandchild, sibling, child of a sibling or parent of a County official.

SIBLING — A brother or sister, half-brother or half-sister, stepbrother or stepsister of a County official.

SPOUSE — A husband, wife, or domestic partner, whether of the same sex or the opposite sex, of a County official, unless legally separated from the County official.

§ A8A-2. Code of Ethics.

- A. Every County official and employee shall be subject to and abide by standards of conduct. These standards of conduct are in addition to those which apply to County employees as set forth in the Sullivan County Employee Handbook distributed to each employee at his/her orientation session.
- B. Prohibited activities.
- (1) No County official or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally or is provided as a condition of County employment or is set as a matter of County policy.
 - (2) Certain County officials are precluded from taking part in the purchase of real or personal property owned by the County of Sullivan. The titles and positions of those County officials who may not bid for, or acquire or purchase, real or personal property, in any manner, offered for sale by the County of Sullivan as a result of the tax delinquency of such parcel or parcels or otherwise shall be separately identified by resolution⁴ of the County Legislature within 60 days of adoption of this article. Exempt from this provision are Agency Board members, unless the individual is subject to this prohibition by another law. This includes a prohibition against bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including, but not limited to, a relative. It shall be presumptive proof of a violation of this article if such County official shall have acquired any interest in the property whatsoever, including, but not limited to, the holding of a mortgage, lien or other financial interest, no matter how acquired, either directly or through any third parties, within two years of the date upon which such property was sold or conveyed by the County of Sullivan.

4. Editor's Note: Said resolution is on file in the County offices.

- (3) A County official or employee shall take no action on a matter before the County or agency, including, but not limited to, official acts and legislation, when he or she has an interest in such matter, as defined herein, which, to his or her knowledge, would conflict with or impair the proper discharge of his or her official duties. The County official or employee shall disclose such interest, in writing, to the County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the County Legislature.
- (4) A County official or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee. This preclusion does not include circumstances when the Legislature declares there to be an urgent need for the specific services so long as any conflict of interest is disclosed in writing and prior to a vote of the Legislature regarding same.
- (5) A County official may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter.
- (6) A County official or employee shall not vote on, or administer, a matter in which he or she has a direct financial interest.
- (7) A County official shall not knowingly invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict of interest with his or her official duties. The County official shall disclose the conflict within 10 business days of attaining knowledge of same and shall immediately undertake efforts either to divest himself or herself of the investment or resign his or her position. The conflict must be resolved within a reasonable time, but no later than 60 days from the date the County official first learned of it. During the period of time the conflict of interest exists, the County official shall not have direct oversight of the underlying matter and shall recuse himself or herself from any involvement in, discussion of, or vote upon the matter.
- (8) A County official shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties.
- (9) A County official shall not, for one year after the termination of service or employment, appear before his or her own board, agency or division of the County of Sullivan in relation to any case, proceeding or application in which he/she personally participated or over which he or she had jurisdiction during the period of his/her service or employment. An elected official shall not seek or accept employment that requires direct approval or confirmation of appointment by the County Legislature for two years after the expiration or termination of his or her term of office. Nothing herein shall preclude a person from employment as a result of competitive testing or having been elected.

- (10) No County official shall use or attempt to use his/her official position to advance or obtain any unwarranted privilege, exemption or advantage for himself, herself or others, not generally available to County citizens.
- (11) No County official shall directly or indirectly solicit or accept gifts, whether in the form of money, services, loan, travel, entertainment, hospitality, item or promise, or otherwise under circumstances in which it reasonably could be perceived to influence the performance of official duties or was intended as a reward for any official action. In addition to and notwithstanding the foregoing, in no event shall a County official accept any gift or benefit which alone or in the aggregate exceeds \$75 in any given twelve-month period from any person or firm that he or she knows or should know does or intends to do business with the County of Sullivan. Nothing contained herein shall prohibit a County official from accepting a gift from a family member or personal friend which is customary on family and social occasions. A County official should seek an advisory opinion from the Board of Ethics prior to accepting a gift from such a person or firm in the event the County official believes that acceptance of the gift may create a conflict of interest. Violation of this Subsection B(11) shall constitute a conflict of interest.
- (12) No County elected official shall use his or her official position or office, or take or fail to take any action, in a matter in which he or she knows or has reason to know may result in a benefit to a person or entity from whom the County elected official has received election campaign contributions of more than \$250 in the aggregate during the 12 months prior to taking or failing to take such action. The County elected official shall disclose his or her perceived conflict of interest and thereafter shall abstain on any vote involving the person or entity. The abstention shall not be counted as a vote in favor of the matter before the County elected official.
- (13) No County official or County elected official shall engage in bidrigging or any coercive conduct, such as influence peddling, threats, fear of retribution, loss of job, intimidation, bullying, or loss of business, for the sake of personal gain or benefit.

C. Confidential information.

- (1) No County official or County employee subject to the provisions of this article shall disclose confidential information or use such information to further a personal interest.
- (2) The Public Officers Law of New York State requires counties to make certain records available for public inspection and copying. Permissible exceptions to this requirement are listed in § 87, Subdivision 2, of that law. Information defined by this Code of Ethics as either disclosable or confidential is intended to be consistent with the provisions of that law.
- (3) For the purposes of this article, all information falls into one of three categories: the class of information which is never confidential; the class of information which is always confidential; and the class of information which may be confidential.
 - (a) Never confidential.

[1] Some internal or interagency records, communications and reports are never

confidential. According to the Public Officers Law, these include information that is:

- [a] The result of an external audit; or
- [b] Statistical data; or
- [c] An instruction to staff that affects the public; or
- [d] A final policy or determination made by the County or one of its departments.

[2] Disclosure or use of such information is not restricted by this article.

(b) Always confidential.

[1] Information is always confidential when its disclosure would:

- [a] Impair current or imminent contract awards or collective bargaining negotiations; or
- [b] Interfere with law enforcement investigations or judicial proceedings; or
- [c] Deprive a person of his or her right to a fair trial or impartial adjudication; or
- [d] Constitute an unwarranted invasion of privacy; or
- [e] Endanger the life or safety of any person.

[2] Information that is always confidential includes:

- [a] Civil service examination questions or answers prior to the administration of the exam; or
- [b] Computer access codes; or
- [c] Information that is specified as nondisclosable by federal or state law.

[3] No County official may disclose such information, unless pursuant to court order, and may never use such information to further a personal interest.

(c) May be confidential: Information which does not clearly fall into one of the above categories may still be confidential. In those instances, where a request has not been filed pursuant to § 87 of the Public Officers Law and a County official or employee is uncertain as to whether information may be disclosed or used, prior to any determination being made with regard to disclosure or personal use, all County officials and employees must submit a written request to the County Attorney as to whether a given piece of information is confidential or not. The County Attorney shall advise whether the County official or employee is at that time legally obligated to deem the information confidential. The County Attorney shall make every best effort to provide the requesting party with a written determination within three business days.

(4) The restrictions on disclosure and use of confidential information apply without regard to the circumstances in which the information was sought or acquired.

D. Failure to comply with this section may result in the imposition of any appropriate penalty set forth in § A8A-5 hereof.

§ A8A-3. Board of Ethics.

A. Membership and eligibility. There shall be a County Board of Ethics, the members of which shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Board of Ethics shall consist of no more than five members, and only one member may be a County official.

(1) Members of the Board of Ethics shall be volunteers and shall receive no compensation for the performance of duties as members. Members of the Board of Ethics shall be provided with training to enable them to carry out their responsibilities as set forth in this article. To the extent available, training shall be provided by the State of New York; otherwise the County shall seek appropriate training for Board members at County expense. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Sullivan.

B. Term. Each member of the Board of Ethics shall serve a term of three years and may be reappointed for one additional consecutive term. Each member shall serve until his or her successor has been appointed, except that of the five members first appointed, one shall serve for one year; two shall serve for two years; and two shall serve for three years. No member shall serve for more than two full three-year terms.

C. Quorum. Three members shall constitute a quorum.

D. Meetings.

(1) Annual meeting. The Board of Ethics shall have an annual organizational meeting within 45 days of January 1 set by the chairperson from the previous year, at which time Board members will elect a chairperson. The initial meeting of the Board of Ethics shall occur within 60 days of the effective date of this Ethics Law. At the meeting, the Board shall review its activities of the previous year, discuss and address modifications to procedure or the law, review the list of positions subject to annual disclosure statement filing, requirements, and any other business that may come before it.

(2) Regular meetings. The Board of Ethics may hold additional meetings throughout the year as shall be called by the chair or any two members, provided a meeting of the Board of Ethics shall be held within 15 business days after the filing of a complaint alleging a violation of this article, at which meeting such complaint shall be considered by the Board in the manner set forth in § A8A-4 hereof.

E. Vacancies and removals.

- (1) In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than 60 days after the vacancy occurs.
- (2) A member may be removed for cause by motion of any member of the County Legislature. Removal shall require approval by at least six affirmative votes cast by members of the Legislature.
 - (a) Grounds for removal are substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.
 - (b) The provisions of § A8A-4 shall control and be applied to removals sought pursuant to this section.

F. Powers and duties of the Board of Ethics.

- (1) The Board of Ethics shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this article;
 - (b) To review the list of Sullivan County officials and employees required to file financial disclosure statements;
 - (c) Subject to the provisions of Part B of this article, to review financial disclosure statements that are the subject of a written inquiry or complaint. Upon review of a financial or transactional statement, if it is determined to be deficient or reveals a potential violation of this article, the Board shall notify the person, in writing, of the deficiency or potential violation and of the penalties for failure to comply with this article. A copy of such notice shall be provided to the County Manager and County Attorney. The notice shall be confidential and shall not be subject to disclosure unless required in an employee disciplinary or removal proceeding or by order of court;
 - (d) To investigate any alleged impropriety and recommend or undertake appropriate actions and proceedings, as required. To do so, the Board shall have the power to, among other things, administer oaths, affirmations, subpoena witnesses, compel their attendance, and require the production of relevant or material books and records;
 - (e) To review the filing of waivers or extensions of time to file financial disclosure statements as set forth in detail in Part B of this article;
 - (f) To render, index and maintain on file advisory opinions;
 - (g) To prepare an annual report by April 1 that summarizes the activities of the previous year and recommends any changes to the Ethics Law, including provision of definitions, disclosure forms and instructions for filling them out and filing procedures;

- (h) To maintain records of its reports, proceedings and recommendations for a period of seven years. Records deemed confidential shall be segregated from all other records to maintain their confidentiality until they are destroyed;
 - (i) Upon request of another government official to receive, investigate and make determinations of complaints alleging violations of a duly adopted ethics law of a municipality located within the County and also to issue advisory opinions requested by another government official or municipal employee, so long as the municipality does not have its own Board of Ethics;
 - (j) In the event a municipality has a Board of Ethics, that Board of Ethics may refer requests for advisory opinions to the County Board of Ethics.
- (2) Meetings and proceedings of the Board concerning an alleged violation of this article shall not be open to the public except upon the request of the accused County official or employee or as required by law.
- (3) The Board of Ethics may act with respect to Sullivan County officials and employees; however, the resignation or termination of a County official or employee from a County office or from employment subsequent to the filing of a complaint shall not affect the jurisdiction of the Board.
- (4) The following records of the Board of Ethics shall be available for public inspection:
- (a) The information set forth in the annual statement of financial disclosure filed pursuant to Part B of this article, except the categories of value or amount and personal information, which shall remain confidential.
 - (b) Notices of civil assessments imposed under this article.
 - (c) Documents required to be disclosed by Public Officers Law § 87, Subdivision 2; however, at no time shall a document produced or made available as part of a confidential investigation be released or made available for inspection.
 - (d) Documents mandated to be disclosed by court order.

§ A8A-4. Investigation of alleged violations; advisory opinions.

Complaints. Upon receipt of a sworn complaint of a person alleging a violation of this article, or upon determining on its own initiative that a violation of this article may exist, the Board of Ethics shall have the power and duty to undertake an investigation to determine whether a violation has occurred.

- A. In the event a proceeding is commenced by sworn complaint, the Board shall, within 60 business days, review the allegations and supporting documentation and determine whether or not a violation of this article has been alleged. The complaint falls within the prohibitions of this article. The 60 business days may be extended by agreement between the Board of Ethics and the complainant. To the extent circumstances require an expedited review of a complaint, the Board shall endeavor to provide its initial determination to the complainant within a reasonable, expedited time frame. The Board shall render its initial determination by

majority vote. In the event the Board determines that the complaint does not allege a violation of this article, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant. The complaint and the determination shall be sealed and not available to any person not a member of the Board of Ethics. The complaint and Ethics Board determination is confidential and shall not be shared by the complainant with any person not a member of the Board of Ethics.

- B. In the event a member of the Board of Ethics raises the possibility of a violation by a County official, the Board shall first determine, by majority vote, whether the alleged conduct, if undertaken, would constitute a violation of this article. In the event the Board determines that the conduct would not constitute a violation of this article, it shall render a written determination. The complaint, preliminary investigation and determination shall be sealed and not available to any person not a member of the Board of Ethics.
- C. Upon the review set forth in Subsection A above, in the event the Board determines that any element of the complaint, if true, would constitute a violation of this article, it shall provide written notification to the subject of the complaint within five business days. The notification shall identify the complainant, describe the alleged violation and provide 15 business days in which the subject of the complaint may submit a sworn, written response setting forth information and/or documentation sufficient to address the alleged violation. The Board's notification shall also inform the subject of the complaint of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual.
- (1) In the event the Board of Ethics determines at any stage of the proceeding that the proof presented does not demonstrate that a violation has occurred, or that there is no violation or that any potential conflict of interest or violation has been rectified, it shall, within 15 business days, provide written notice to the subject of the complaint and the complainant. The foregoing notice of determination shall be confidential, except the subject of the complaint may, in defense of any claim made against him/her, disclose the determination of the Board.
 - (2) Upon review of the complaint and of any information or documentation provided by the subject of the complaint, a further investigation to determine whether reasonable cause exists to believe a violation has occurred shall be commenced and completed within 30 days, unless circumstances require a shorter or longer period of time. In the event the Board requires more than 30 days to complete its investigation, it shall provide notice of same to the complainant and the subject of the complaint.
 - (3) In the event the Board determines there is reasonable cause to believe a violation has occurred, it shall provide written notice of reasonable cause to the subject of the complaint and to the complainant. In the case of a County official or employee, the Board shall also provide written notice to the appointing authority for such person, and, in the case of a County elected official, written notice to the Chair of the County Legislature. In the event of a conflict with the Chair, then notice shall be given to the Vice Chair. Such determination of reasonable cause shall not be disclosed or made public unless required by Public Officers Law or for use in a disciplinary proceeding or a proceeding under this article involving the subject of the complaint or another County

official.

- (4) Once reasonable cause has been established, the Board of Ethics shall schedule a formal hearing, to be held within 60 days, at which the subject of the complaint is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision containing specific findings within 30 days of the completion of the hearing. A copy of the decision shall be served by certified mail on the subject of the complaint or his or her legal representative, the complainant, and the Clerk of the Legislature. The decision of the Board of Ethics shall not be confidential.
- D. Dispositions. The Board shall state, in writing, the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. The report shall be made in accordance with § A8A-3F, subject to the confidentiality requirements set forth herein.
- E. Advisory opinions.
- (1) A County official or employee or other government official may request an advisory opinion from the Board of Ethics prior to that County official or employee or other government official engaging in any behavior which he or she reasonably believes may cause a violation of this article. The request for an advisory opinion shall be written and sworn to and shall contain sufficient facts to permit the Board to make its determination. An individual requesting the opinion is obligated to be forthcoming and cooperative throughout the process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to provide written notice of its determination within 10 business days. The County official or employee who requested the opinion shall be notified of the Board's determination within 48 hours of the determination.
 - (2) Advisory opinions shall be filed with the Clerk of the Legislature; however, the Board of Ethics shall first redact all names, identifying features, and any other information which would tend to identify the complainant and the subject of the request for the advisory opinion.
 - (3) In the event a complaint is subsequently filed against a County official or employee or other government official in which a violation of this code is alleged based upon the facts which formed the basis of the request for the advisory opinion, it shall be a complete defense to the alleged violation that the County official or employee or other government official acted consistent with, and in reliance upon, said advisory opinion. An unredacted advisory opinion shall be available to the County official who sought or needs it to defend himself or herself.
- F. Complaints against the Board of Ethics. The Board of Ethics shall not conduct an investigation of itself or any of its members or staff. In the event the Board of Ethics receives a sworn complaint in which it is alleged that the Board or any of its members or staff has violated any provision of this article or any other law, it shall transmit a copy of the complaint to the Chair of the Legislature and the County Attorney within 48 hours of receipt of same. The Chair of the Legislature shall, within five business days, create a three-person subcommittee of legislators, at least one of whom is a member of a minority party, to address

the complaint and provide the complainant with written notice of the subcommittee members. The subcommittee shall thereafter conduct whatever investigation or hearing necessary in the same manner and with the same authority as provided generally in this section. A copy of the subcommittee's decision shall be distributed to all members of the Legislature. Further action, if any, shall comply with the provisions of this article.

- G. False complaints. Any person who knowingly files a false complaint may be subject to disciplinary action, civil liability, or criminal prosecution.

§ A8A-5. Penalties for offenses.

- A. Any person who willfully and knowingly violates this article shall be subject to a civil action, civil penalty, disciplinary action or relevant criminal prosecution. Penalties are not exclusive.
- B. In addition to the foregoing, a person who knowingly and intentionally violates the provisions of this article may be fined up to \$10,000 per occurrence, unless the violator is subject to the protections and limitations set forth in the Civil Service Law. A County official or County employee may also be reprimanded, suspended, or removed from office or employment, subject to the provisions of the Civil Service Law or any collective bargaining agreement.

§ A8A-6. Voidable contracts.

Any contract knowingly entered into in violation of this article shall be voidable at the discretion of the County Legislature.

§ A8A-7. Suits against County.

Nothing set forth herein shall be deemed to bar or prevent the filing of a lawsuit or claim for or against the County of Sullivan under any other provision of law.

§ A8A-8. Testimony.

No County officer or employee or other government official shall decline or refuse to answer any question specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed to bar any Sullivan County officer or employee from exercising his constitutional privileges against self-incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall constitute grounds for dismissal or removal, subject to any other provision of law.

§ A8A-9. Conflict with other provisions.

In the event two or more provisions of this article are in conflict with one another, the more restrictive provision shall apply.

§ A8A-10. Distribution of Code of Ethics.

The Chair of the Sullivan County Legislature shall cause a copy of this Ethics Law to be

distributed to every County official, employee, and volunteers, electronically or otherwise, and posted on the County website, within 30 days of its effective date. Each County official, elected or appointed, and each employee thereafter, shall be furnished with a copy of this article, electronically or otherwise, before entering upon the duties of his office or employment. Acknowledgement of receipt of this article shall be by regular (or inter-office) mail and must be provided by each County official or employee who is subject to its terms. Receipt of the acknowledgement shall be required in order to commence employment or volunteer work. Acknowledgement of receipt of this article shall be required by current County officials within 30 days after its effective date. Failure of the County to comply with the provisions of this section or failure of any County official to receive a copy of this article shall have no effect on the duty of compliance with this article or on the enforcement of its provisions.

§ A8A-11. When effective.

This article shall take effect upon filing with the New York State Secretary of State, subject to all applicable provisions of law.

PART B
Financial Disclosure

§ A8A-12. Definitions.

In addition to the definitions set forth in Part A of this article, the following terms shall have the meanings described below:

ANNUAL FINANCIAL DISCLOSURE STATEMENT — A form adopted by the Legislature of the County of Sullivan which requires the identification of certain personal and business assets of a required filer.

REPORTING CATEGORY — For the purpose of completing annual financial disclosure statements, the category of interest, income, value or worth of reported items. All amounts are to be indicated using the following categories only:

- A. Under \$5,000.
- B. \$5,000 to under \$20,000.
- C. \$20,000 to under \$60,000.
- D. \$60,000 to under \$100,000.
- E. \$100,000 to under \$250,000.
- F. \$250,000 or over.

REQUIRED FILER — A County elected official, County official, or other employee and any other individual whose position within or with the government of the County of Sullivan requires him or her to file an annual financial disclosure statement.

- A. On or before the first of April of each year, the County Legislature, by resolution,⁵ shall identify those positions which require the filing of annual financial disclosure statements.
- B. On or before March 1 of each year, the Board of Ethics may recommend to the County Legislature modifications to the positions listed in the annual resolution⁶ identifying "required filers"; however, no recommendation shall be acted upon unless adopted by resolution of the County Legislature.

§ A8A-13. Annual financial disclosure statements.

- A. Time period. On or before the 15th day of May of each year, required filers shall complete and file their annual financial disclosure statements. An individual who accepts a position or is appointed to a position listed on Appendix A⁷ after May 1 of any year shall file an annual financial disclosure statement for the year within 30 days of accepting the position.

5. Editor's Note: Said resolution is on file in the County offices.

6. Editor's Note: Said resolution is on file in the County offices.

7. Editor's Note: Said appendix is on file in the County offices.

- B. Place to file. A required filer shall submit to the Clerk of the County Legislature a completed annual financial disclosure statement on the form prescribed by the Sullivan County Legislature.
- C. Request for extension of time. On or before May 1 of each year, a required filer may request an extension of time to file his or her annual financial disclosure statement for a period not to exceed 30 days. Such request shall be made, in writing, to the Clerk of the Legislature. The request shall be approved only upon a showing of justifiable cause or undue hardship. The Clerk shall provide the required filer with written notice of his or her determination within five business days of receipt of such request.

§ A8A-14. Responsibilities of Clerk of Legislature.

- A. The Clerk of the Legislature shall be the official repository of all annual financial disclosure statements and shall not release for observation or otherwise any such statement unless authorized to do so by this or other law.
- B. Upon written request and as required by the Freedom of Information Law,⁸ the Clerk of the Legislature shall make an annual financial disclosure statement available but shall withhold from inspection personal information such as social security numbers, home address, and other personal information, as permitted by law. All written requests for access to annual financial disclosure statements shall be kept on file by the Clerk of the Legislature.
- C. The Clerk of the Legislature shall receive and catalog all annual financial disclosure statements to determine whether a required filer has filed his or her financial disclosure statement. In the event a required filer has failed to file an annual financial disclosure statement, the Clerk shall provide written notice of the violation and 10 days to correct it. In the event the violation is not cured within 10 days, the Clerk shall report it to the Board of Ethics. In the event the required filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

§ A8A-15. Penalties for offenses.

- A. A required filer who violates this article may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this article or in any other related provision of law.
- B. In the event of a violation of this article, or in the event the Board of Ethics receives a sworn complaint alleging a violation, or in the event the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall provide written notice to the required filer, in which the alleged violation is set forth in detail. The Board of Ethics shall provide a ten-day period in which the required filer shall submit a detailed written response.
 - (1) In the event the Board of Ethics determines further inquiry is justified, it shall provide the required filer with an opportunity to be heard.

8. Editor's Note: See Public Officers Law § 84 et seq.

- (2) The Board of Ethics shall inform the required filer of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available as set forth in Part A, § A8A-4, hereof.
 - (3) In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that a violation has been cured, it shall so advise the required filer and the complainant, if any. All of the foregoing proceedings shall be confidential.
- C. In the event the Board of Ethics determines there is reasonable cause to believe that a violation exists, it shall send a notice of reasonable cause to the required filer, the complainant, if any, and, in the case of a County official, his or her appointing authority.
- (1) The Board's determination of reasonable cause shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law, Article 6) or required for use in a disciplinary proceeding or proceeding involving the required filer.
 - (2) Any further proceedings shall adhere to the procedural requirements set forth in Part A, § A8A-4, of this article.
 - (3) In the event the Board of Ethics determines that a violation of this article has occurred, it shall provide a copy of its determination to the required filer's appointing authority or, in the event the required filer is a County elected official or member of the Board of Ethics, to the County Legislature, for further action. The determination of the Board of Ethics shall include a recommendati

ARTICLE IX
General Provisions

§ A9-1. Appointment of deputies and staff. [Amended 6-18-1998 by L.L. No. 3-1998; 4-26-2007 by L.L. No. 2-2007]

- A. Except as otherwise provided in this Administrative Code, the following officers shall have the sole power to appoint such deputy, assistants and employees of his/her administrative unit as shall be authorized by the County Legislature, subject to the Civil Service Law and all rules and regulations promulgated hereunder. All persons so appointed shall be directly responsible to the appointing officer, except where otherwise provided by law:
- (1) County Manager.
 - (2) County Treasurer.
 - (3) County Clerk.
 - (4) County Sheriff.
 - (5) District Attorney.
 - (6) Coroner.
 - (7) County Attorney.
 - (8) Board of Elections.
 - (9) Director of Veterans' Services.
 - (10) County Auditor.
- B. The following shall have the power to appoint such deputies, assistants and employees of his/her administrative unit as described in Subsection A, but only with the consent of the County Manager or his designee: **[Amended 12-20-2007 by L.L. No. 3-2008]**
- (1) Commissioner of Health and Family Services.
 - (2) Commissioner of Community and Economic Development.
 - (3) Director of Real Property Tax Services.
 - (4) Commissioner of Public Safety.
 - (5) Commissioner of Public Works.
 - (6) Commissioner of Planning and Environmental Management.
 - (7) Commissioner of Management and Budget.
- C. All other heads of administrative units may make appointments only with the consent of their division heads and the County Manager or his designee. **[Amended 12-20-2007 by L.L. No. 3-2008]**

§ A9-2. Compliance with recruitment procedures.

The head of each administrative unit shall comply with the requirements imposed by the County Legislature pursuant to any plan of recruitment of personnel and laws and regulations as the County Legislature or the Personnel Officer, with the approval of the County Manager, may from time to time hereafter adopt.

§ A9-3. Attendance at conventions, conferences, etc.

Notwithstanding any other provision of law to the contrary, the County Manager is authorized to approve attendance by officers and employees at conventions, conferences and schools.

ARTICLE X
Office Of Human Rights; Human Rights Commission
[Added 2-18-2021 By L.L. No. 1-2021]

§ A10-1. Office of Human Rights established; appointment of Director and other members.

- A. There shall be an Office of Human Rights (Office) headed by a Director of Human Rights (Director) appointed by the County Manager, following consultation with the Sullivan County Human Rights Commission (Commission), and subject to confirmation by the Sullivan County Legislature. The Director shall be appointed on the basis of professional experience and other qualifications appropriate to the responsibilities of the Office. The Director shall be directly responsible to the Commissioner of Human Resources for the implementation of policies established by the Sullivan County Legislature.
- B. The Director shall have the power to appoint such deputies, assistants, and employees of the Office as may be necessary to perform the duties of the Office as shall be authorized by the Sullivan County Legislature. All deputies, assistants, and employees of the Office shall be directly responsible to the Director.

§ A10-2. Powers and duties of Director.

The powers and duties of the Director of Human Rights shall be to:

- A. Educate the public on issues involving human rights; and
- B. Receive and respond to inquiries regarding human rights; and
- C. Refer complaints of discrimination and other issues to other organizations where deemed appropriate; and
- D. Advise persons on how to file complaints with appropriate state and federal agencies dealing with discrimination and, in appropriate circumstances, provide facilities and equipment to assist persons in filing such complaints; and
- E. Speak on behalf of the Office to various local, state, and federal organizations to implement the educational function of the Office and the Commission within the community; and
- F. On or before March 1 of each year, the Director shall make an annual report to the County Legislature for the immediately preceding calendar year covering generally the work of the Office. The Director shall make such other reports at such times as may be required by the County Legislature, the County Manager, or any applicable law. Copies of all reports shall be filed with the Clerk of the Legislature; and
- G. Submit regular reports to the County Manager and the Commission outlining the work of the Office. The report will include a summary of the Office's outreach activities, trends or important issues, and any other information deemed important by the Director. All case information shall be without names of involved parties or any other identifiable characteristics.
- H. Except as otherwise provided in this article, the Office shall have all the powers and perform

all the duties now or hereafter conferred or imposed by applicable law upon it.

§ A10-3. Powers and duties of Office.

- A. Foster mutual respect and understanding among diverse groups such as, but not limited to, those characterized by race, color, gender, religion, sexual orientation/LGBTQ+ status, gender identity and expression, national origin, citizen status, age, disability, veteran status, and prior conviction status; and
- B. Conduct studies and surveys of community relationships as in the judgment of the Office will aid in effectuating the general purpose of the Office; and
- C. Inquire into incidents of tension and conflict among or between various diverse groups such as, but not limited to, those characterized by race, color, gender, religion, sexual orientation/LGBTQ+ status, gender identity and expression, national origin, citizen status, age, disability, veteran status, and prior conviction status and make recommendations or take such action as may be designed to alleviate such tensions and conflict; and
- D. Conduct and recommend such educational programs as, in the judgment of the Office, will increase goodwill among community members and open new opportunities into all phases of community life for community members; and
- E. Advise persons on how to file complaints with appropriate state and federal agencies dealing with discrimination and, in appropriate circumstances, provide facilities and equipment to assist persons in filing such complaints and, in matters and complaints within the jurisdiction of the Office but outside the jurisdiction of federal and state agencies, investigate, as may be needed, and prepare its own plans with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation, and persuasion; and
- F. Issue human-rights-related publications and reports to carry out the purposes of this article; and
- G. Enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations, media and mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and respect for human rights, equity and opening new opportunities into all phases of community life for all individuals.

§ A10-4. Human Rights Commission established; duties of Commission.

There shall be a Human Rights Commission. Article 12-D of the General Municipal Law provides State enabling legislation for the Commission. The Commission shall:

- A. Foster understanding and respect for human rights in Sullivan County; and
- B. Encourage equality, discourage discrimination, advocate for fair and equal treatment; and
- C. Serve as an advisory board to the Office and to the Sullivan County Legislature.

§ A10-5. Composition of Commission; appointment and terms of Commission members.

The Commission shall be composed of nine members. Each of these shall be appointed by the Sullivan County Legislature for a term of three years and may be reappointed. The membership should consist of individuals who possess demonstrated experience and knowledge in the promotion and protection of civil and human rights and elimination of unlawful discrimination. Members shall be residents of Sullivan County.

§ A10-6. Roles and responsibilities of Commission.

The roles and responsibilities of the Commission and/or the Commissioners, under the aforementioned legislation, are as follows:

- A. Perform studies and surveys of community relationships as in the judgment of the Commission will aid in effectuating the general purpose of the Commission; and
- B. Refer complaints of alleged discrimination to the Office; and
- C. Conduct and recommend such educational programs that, in the judgment of the Commission, will increase goodwill in the community and encourage opportunities for involvement in all phases of community life for everyone; and
- D. Offer leadership to the community that promotes positive change as it relates to civil and human rights; and
- E. Encourage and stimulate agencies and advisory boards under the jurisdiction of the Sullivan County Legislature to take action that will fulfill the purposes of Article 12-D of the General Municipal Law; and
- F. Advise the Sullivan County Legislature on issues involving human rights; and
- G. Advise the Director on operations of the Office; and
- H. Submit an annual report to the Sullivan County Legislature and the Office and report as appropriate to the relevant standing committee of the Sullivan County Legislature; and
- I. Upon approval of the Sullivan County Legislature, raise funds that are not included in the Office's budget and are necessary to support the work of the Commission. All funds raised will be administered by the Office.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6922

Agenda Date: 11/21/2024

Agenda #: 3.

Narrative of Resolution:

To execute an agreement with the Children’s Home of Poughkeepsie.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: 0

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures: There is no money being exchanged from County of Sullivan, Dave Thomas Foundation pays The Children’s Home of Poughkeepsie.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH THE CHILDREN’S HOME OF POUGHKEEPSIE TO PROVIDE SERVICES WITH WENDY’S WONDERFUL KIDS

WHEREAS, the Dave Thomas Foundation for Adoption has awarded the New York State Office of Children and Family Services (OCFS) a grant over a four-year period to hire family recruiters for older children who have spent more than two years in the foster care system; and

WHEREAS, the state will match the grant funds totaling over \$9 million in funding statewide to implement the program through the County and provider agencies; and

WHEREAS, Sullivan County has been selected to share a recruiter for the program with Ulster County and the recruiter will be employed by The Children’s Home of Poughkeepsie; and

WHEREAS, this service will be at no cost to the County but it is still necessary to establish an agreement with The Children’s Home of Poughkeepsie to outline the responsibilities of each party.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to enter into agreement with The Children’s Home of Poughkeepsie for the provision Wendy’s Wonderful Kids Recruiter Services; and

BE IT FURTHER RESOLVED, the period of this agreement shall be from July 1, 2024 through June 30, 2025 This agreement may be renewed on a yearly basis for four (4) additional years; and

BE IT FURTHER RESOLVED, that the form of said agreements will be approved by the Sullivan County Attorney’s Office.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6929

Agenda Date: 11/21/2024

Agenda #: 4.

Narrative of Resolution:

Authorize contract with Axon Enterprise, Inc. for purchase of tasers and accessories

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$55,000

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO CONTRACT WITH AXON ENTERPRISE, INC.

WHEREAS, the Sullivan County Probation Department is purchasing tasers, accessories, supplies and services from Axon Enterprise, Inc. located at 17800 N. 85th Street, Scottsdale, Arizona, 85255; and

WHEREAS, the purchase of the tasers, accessories, supplies and services are in accordance with Sourcewell Contract #092722-AXN; and

WHEREAS, Axon Enterprise, Inc. requires a Master Services and Purchasing Agreement be executed with the County for said equipment and services.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to enter into an agreement with Axon Enterprise, Inc. for the equipment, accessories and services referenced herein in an amount not to exceed \$55,000.00; and

BE IT FURTHER RESOLVED, that the form of said agreement be approved by the County Attorney.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6930

Agenda Date: 11/21/2024

Agenda #: 5.

Narrative of Resolution:

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO CANCEL UNENFORCEABLE TAXES, PENALTIES AND INTEREST ON PARCELS PURSUANT TO §558 OF THE NYS REAL PROPERTY TAX LAW

WHEREAS, property located in the Town of Fallsburg designated on the Sullivan County Real Property Tax Map as Fallsburg 28.-1-45 is a parcel owned by Parvis Industries Inc. (hereinafter referred to as “Parvis Parcel”), which has been wholly exempt pursuant to Real Property Tax Law §1138 since 2001 due to an environmental hazard on the parcel; and

WHEREAS, the Parvis Parcel has been exempt pursuant to RPTL §1138 since 2001 and no taxes are generated on the parcel other than a small capital charge for sewer which the County Treasurer regularly cancels and charges back to the Town of Fallsburg pursuant to a Certificate of Prospective Cancellation filed with the Sullivan County Clerk in 2001; and

WHEREAS, in 2022, the Town of Fallsburg caused the improvement(s) on the Parvis Parcel to be demolished and thereafter levied a demolition fee of \$46,449.50 onto the 2023 County/Town tax bill issued for said parcel, a copy of which is attached; and

WHEREAS, the Sullivan County Treasurer believes that it is in the best interest of the County to cancel the demolition fee together with penalties and interest due and owing on the Parvis Parcel since the same would be considered unenforceable pursuant to §558 of the Real Property Tax Law of the State of New York.

NOW, THEREFORE, BE IT RESOLVED, the County Treasurer is so authorized to cancel the demolition fee, penalties and interest assessed to the Parvis Parcel noted above pursuant to Section 558 of the Real Property Tax Law of the State of New York.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$49,449.50

Are funds already budgeted? No

Specify Compliance with Procurement Procedures:

Printed at the County Offices

* For Fiscal Year 01/01/2023 to 12/31/2023 * Warrant Date 01/01/2023

MAKE CHECKS PAYABLE TO

TO PAY IN PERSON

SWIS S/B/L ADDRESS LEGAL DESCRIPTION

482889 FA28.-1-45
 Parvis Industries Inc
 Attn: T Gambino
 41-30 Little Neck Pkwy
 Little Neck, NY 11363

482889 FA28.-1-45
 Address: St
 Muni: Fallsburg
 School: Fallsburg Class: 240
 NYS Tax and Finance School District Code:
 Roll Sect. 8
 Parcel Acreage: 0.00 X 0.00 26.40
 Account No.
 Bank Code
 Estimated State Aid: CNTY 0
 TOWN 0



COLLECTOR:

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimates the **Full Market Value** of this property **as of Jan 1, 2023** was \$ 96,369.00
 The Total Assessed Value of this property is: \$ 43,000.00
 The **Uniform Percentage of Value** used to establish assessments in your municipality was: 44.62

If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your assessor for the booklet "How to File a Complaint on Your Assessment." Please note that the period for filing complaints on the above assessment has passed.

<u>Exemption/Purpose</u>	<u>Value</u>	<u>Exemption/Purpose</u>	<u>Value</u>	<u>Exemption/Purpose</u>	<u>Value</u>
RPTL 1138 067	43000				

PROPERTY TAXES

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Levy Change from Prior Year</u>	<u>Taxable Assessed Value or Units</u>	<u>Rater per \$1000 or per Unit</u>	<u>Tax Amount</u>
Medicaid	17,572,430	0.00000	.00	3.57428000 \$	0.00
NYS Welfare Mandates	11,861,799	0.00000	.00	2.41272200 \$	0.00
Other NYS Mandates	20,724,516	0.00000	.00	4.21542300 \$	0.00
County Levy	19,990,977	0.00000	.00	4.06621900 \$	0.00
Town to Highway	4,294,092	0.00000	.00	7.45361200 \$	0.00
Highway No. 1	1,256,044	0.00000	.00	2.37858300 \$	0.00
Gen Fund out of Vill	4,030,130	0.00000	.00	7.63190000 \$	0.00
Demolition charge	0	***, *****	46449.50	1.00000000 \$	46,449.50
Woodbourne fire	256,225	0.00000	0.00	2.11058700 \$	0.00
Fallsburg light	85,099	0.00000	0.00	0.56204000 \$	0.00
Fallsburg cons sewer	0	***, *****	1.00	16.72206500 \$	16.72
Fallsburg cons water	756,622	0.00000	0.00	1.56369600 \$	0.00

TOTAL TAXES DUE \$ 46466.22

PAYMENT SCHEDULE

<u>Pay By:</u>	<u>Penalty/Interest</u>	<u>Amount</u>	<u>Total Due</u>
01/31/2023	0.00	46,466.22	\$ 46,466.22
02/28/2023	464.66	46,466.22	\$ 46,930.88
03/31/2023	929.32	46,466.22	\$ 47,397.54

Taxes paid by _____ CA CH

Fallsburg

RECEIVER'S STUB



Bill No. *009727 *
482889 FA28.-1-45

Town Of: Fallsburg
School: Fallsburg
Property Address: _____ St

Bank Code:

Parvis Industries Inc
Attn: T Gambino
41-30 Little Neck Pkwy
Little Neck, NY 11363

<u>Pay By:</u>	<u>Penalty/Interest</u>	<u>Amount</u>	<u>Total Due</u>
01/31/2023	\$ 0.00	\$ 46,466.22	\$ 46,466.22
02/28/2023	\$464.66	\$ 46,466.22	\$ 46,930.88
03/31/2023	\$ 929.32	\$ 46,466.22	\$ 47,397.54

TOTAL TAXES DUE \$ 46,466.22

Printed at the County Offices

Date Printed 11/12/2024

RETURN THE ENTIRE BILL WITH PAYMENT AND PLACE A CHECK MARK IN THIS BOX [] IF YOU WANT A RECEIPT OF PAYMENT. THE RECEIVER'S STUB MUST BE RETURNED WITH PAYMENT.

report - vsulbill1



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6932

Agenda Date: 11/21/2024

Agenda #: 6.

Narrative of Resolution:

Modify Resolution No. 550-24 to reflect the correct SBL in the Village of Liberty

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: n/a

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO MODIFY RESOLUTION NO. 550-24 ADOPTED ON OCTOBER 30, 2024 TO REFLECT THE CORRECT SBL IN THE VILLAGE OF LIBERTY

WHEREAS, the Sullivan County Legislature adopted Resolution #550-2024 permitting the Sullivan County Treasurer to accept the base amount of County/Town taxes as full and final payment of delinquent taxes for the parcel known as Village of Liberty tax map #121.-3-7.2; and

WHEREAS, after the Resolution was adopted, the County was made aware that the parcel number contained in Resolution #550-24 was incorrect and should have referenced Village of Liberty tax map #120.-1-3 and the total amount of delinquent taxes should have been noted as \$2,856.52.

NOW THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby amends Resolution #550-24 to accept the base amount of County/Town taxes (which include relieved school taxes) in the sum of \$2,856.52 as full and final payment of said delinquent taxes for the parcel known as Village of Liberty tax map #120.-1-3.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6933

Agenda Date: 11/21/2024

Agenda #: 7.

Narrative of Resolution:

Award a contract to Birchwood Archaeological Service, Inc. to perform a cultural resources survey for the development of the Callicoon Park.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$12,608

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures: A-7110-230-47-4729

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO ENTER INTO A CONTRACT WITH BIRCHWOOD ARCHAEOLOGICAL SERVICES, INC. IN RESPECT TO PERFORMING A PHASE 1B CULTURAL RESOURCES SURVEY FOR THE DEVELOPMENT OF THE CALLICOON RIVERSIDE PARK

WHEREAS, the County of Sullivan has issued an RFP: #R-24-41 requesting proposals for a Phase 1B Cultural Resources Survey as part of the SEQR/NEPA process for the Callicoon Riverside Park Development; and

WHEREAS, proposals were received and reviewed by the Director of Parks, Recreation and Beautification and the Commissioner of Planning, and it was determined that Birchwood Archeological Services, Inc. provided the most cost effective and qualified proposal for the Phase IB Cultural Survey; and

WHEREAS, the Sullivan County Parks, Recreation and Beautification Department recommends that an agreement be executed with Birchwood Archeological Services, Inc. for this work in the amount of \$12,608.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and hereby is authorized to execute an agreement with Birchwood Archeological Services, Inc. for this work in the amount of \$12,608.00, in such form as the County Attorney shall approve.



Sullivan County

Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6934

Agenda Date: 11/21/2024

Agenda #: 8.

Narrative of Resolution:

Set public hearing for 12/19/24 at 10:20AM “Imposing a Mortgage Recording Tax”

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: N/A

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO SET PUBLIC HEARING FOR 12/19/24 AT 10:20AM FOR A PROPOSED LOCAL LAW ENTITLED ‘TO AMEND LOCAL LAW 4 OF 2007 (PART 9 OF CHAPTER 182 OF THE SULLIVAN COUNTY CODE) AS AMENDED BY LOCAL LAW 1 OF 2010, FURTHER AMENDED BY LOCAL LAW 2 OF 2010, FURTHER AMENDED BY LOCAL LAW 1 OF 2013, FURTHER AMENDED BY LOCAL LAW 5 OF 2015, FURTHER AMENDED BY LOCAL LAW 4 OF 2018 AND FURTHER AMENDED BY LOCAL LAW 1 OF 2022 IMPOSING A MORTGAGE RECORDING TAX’

WHEREAS, there has been introduced at a meeting of the Sullivan County Legislature held on November 19, 2024, a proposed Local Law entitled “Imposing a Mortgage Recording Tax”.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Sullivan County Legislature on at 10:40 AM, in the Legislative Chambers, County Government Center, Monticello, New York, and at least six (6) days’ notice of the public hearing be given by the Clerk of the Sullivan County Legislature by due posting thereof on the bulletin board of the County of Sullivan and by publishing such notice at least once in the official newspapers of the County.

COUNTY OF SULLIVAN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been duly presented and introduced at a meeting of the Legislature of the County of Sullivan, New York, held on November 21, 2024, a proposed Local Law entitled “A Local Law to amend Local Law 4 of 2007 (Part 9 of Chapter 182 of the Sullivan County Code) as amended by Local Law 1 of 2010, Further Amended by Local Law 2 of 2010, further amended by Local Law 1 of 2013, further amended by Local Law 5 of 2015, further amended by Local Law 4 of 2018 and further amended by Local Law 1 of 2022 Imposing a Mortgage Recording Tax”

NOTICE IS FURTHER GIVEN that the Legislature of the County of Sullivan will conduct a public hearing on the aforesaid proposed Local Law at the Legislature's Meeting Room, County Government Center, Monticello, New York, 12701, on December 19, 2024, at 10:20 AM at which time all persons interested will be heard.

DATED: Monticello, New York

November 21, 2024

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

“A Local Law to Amend Local Law No. 4-2007 (Part 9 of Chapter 182 of the Sullivan County Code) as amended by Local Law No. 1 of 2010, further amended by Local Law No. 2 of 2010, further amended by Local Law 1 of 2013, Further Amended by Local Law 5 of 2015, Further Amended by Local Law 4 of 2018 and Further Amended Local Law 1 of 2022 Imposing a Mortgage Recording Tax.”

Section 1: Purpose: To amend Local Law No. 4-2007 (Part 9 of Chapter 182 of the Sullivan County Code) as amended by Local Law No. 1 of 2010, further amended by Local Law No. 2 of 2010, further amended by Local Law No. 1 of 2013, further amended by Local Law No.5 of 2015, further amended by Local Law 4 of 2018 and further amended by Local Law 1 of 2022 which imposed a Mortgage Recording Tax in the County of Sullivan. Local Law No. 4-2007 is set to expire on April 30, 2025 and it is the intention of the Sullivan County Legislature to extend the Local Law No. 4-2007 for three additional years.

Section 2: Section 182-77 of Part 9 of Chapter 182 of the Sullivan County Code shall be amended by deleting the language “May 1, 2022” both times it appears and inserting the language “May 1, 2025” in both places and by deleting the language “April 30, 2025” and inserting the language “April 30, 2028.”

Section 3: Section 182-83 of Part 9 of Chapter 182 of the Sullivan County Code shall be amended by deleting the language “May 1, 2022” and inserting the language “May 1, 2025”.

Section 4: Effective Date

This Local Law shall take effect May 1, 2025. A certified copy of this Local Law shall be mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner’s Office in Albany. Certified copies of this Local Law shall be filed with the Sullivan County Clerk, the Secretary of State and the State Comptroller within five days after this Local Law is enacted.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6936

Agenda Date: 11/21/2024

Agenda #: 9.

Narrative of Resolution:

Schedule dates for Public Hearings on the County Tentative Budget for Fiscal Year 2025

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: N/A

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO SCHEDULE DATES FOR PUBLIC HEARINGS ON THE COUNTY TENTATIVE BUDGET FOR FISCAL YEAR 2025

WHEREAS, the County Legislature will hold public hearings on said Tentative Budget on Tuesday, December 10, 2024 at 5:00PM and Thursday, December 12, 2022 at 9:30AM 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.

PUBLIC HEARING NOTICE
COUNTY OF SULLIVAN

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Sullivan, New York, will meet in the Legislative Chambers of the Sullivan County Government Center, Monticello, New York on Tuesday, December 10, 2024 at 5:00PM and Thursday, December 12, 2024 at 9:30AM for the purpose of holding public hearings on the Tentative Budget of said County for the fiscal year beginning January 1, 2025.

Further notice is hereby given that copies of said Tentative Budget are available at the Office of the County Manager, Sullivan County Government Center, Monticello, New York where they may be inspected and procured by an interested person during business hours.

Pursuant to Section 359 of the County Law, the maximum salaries that may be fixed and payable during the fiscal year to the members of the County Legislature and to the Chairman thereof, respectively, are hereby specified as follows:

County Legislator	\$34,600
Majority Leader	\$37,100
Minority Leader	\$37,100
Vice Chair of the Legislature	\$39,600
Chair of the Legislature	\$43,600

Dated November 21, 2024

ANNMARIE MARTIN
Clerk to the Legislature
Sullivan County, New York



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6938

Agenda Date: 11/21/2024

Agenda #: 10.

Narrative of Resolution:

To amend Resolution No. 540-24 to remove the cap of \$30,000 per month for the double time for Correction Officers working overtime between September 19, 2024 and January 31, 2025.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: ?

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY THE HUMAN RESOURCES COMMITTEE TO AMEND RESOLUTION NO. 540-24 TO REMOVE THE CAP OF \$30,000 PER MONTH FOR THE DOUBLE TIME FOR CORRECTION OFFICERS WORKING OVERTIME BETWEEN SEPTEMBER 19, 2024 AND JANUARY 31, 2025

WHEREAS, the Sullivan County Legislature adopted Resolution No. 540-24 which authorized double time for Correction Officers working overtime between September 19, 2024 and January 31, 2025 due to the staffing shortage at the Sullivan County Jail, and

WHEREAS, the \$30,000 cap was reached much quicker than originally anticipated and the request is for the cap to be removed to affect the Correction Officers from receiving double time for any overtime working during this timeframe.

NOW THEREFORE BE IT RESOLVED that the Sullivan County Legislature hereby amends Resolution No. 540-24 to remove the cap of \$30,000 per month for the double time for Correction Officers working overtime between September 19, 2024 and January 31, 2025.



Sullivan County

Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6939

Agenda Date: 11/21/2024

Agenda #: 11.

Narrative of Resolution:

Resolution introduced by the Executive Committee to enter into a Memorandum Agreement with Sullivan County Community College to provide adult education and training.

WHEREAS, the Sullivan County Legislature has authorized \$100,000 for the provision of adult education and training program for the year 2025, and

WHEREAS, the Sullivan County Legislature authorizes the Center for Workforce Development with administering the program, and

WHEREAS, Sullivan County Community College has the expertise and ability to develop and provide the adult education and training needed, and

WHEREAS, in order to implement the program, it is necessary to have an agreement between Sullivan County and Sullivan County Community College.

NOW THEREFORE, BE IT RESOLVED, the County Manager is hereby authorized to enter into an agreement with Sullivan County Community College for the services referenced above and in such a form as approved by the County Attorney.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$100,000

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures:

N/A



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6940

Agenda Date: 11/21/2024

Agenda #: 12.

Narrative of Resolution:

Authorize modification of Youth Bureau Funding Program to remove and re-allocate funds.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: N/A

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures:

**RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO AUTHORIZE A
MODIFICATION OF RESOLUTION NUMBER 197-24 ADOPTED ON APRIL 18, 2024.**

WHEREAS, Resolution #197-24 was approved by the Sullivan County Legislature on April 18, 2024, for the County of Sullivan to allocate County funds to eligible community entities for youth programing; and

WHEREAS, a modification to this resolution is required to reallocate funding in the amount of \$2,000.00 from the Village of Jeffersonville - Jeff’s Youth Ambassador’s to the Catskill Fly Fishing Center & Museum - Environmental Education & Stream Science Youth, and

WHEREAS, this transfer will increase Catskill Fly Fishing Center & Museum - Environmental Education & Stream Science from \$5,000.00 to \$7,000.00.

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature authorizes the modification of said contracts to reflect reallocation of funds to Catskill Fly Fishing Center & Museum - Environmental Education & Stream Science Youth, and

BE IT FURTHER RESOLVED, that the form of said agreement will be approved by the Sullivan County Attorney’s Office.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6943

Agenda Date: 11/21/2024

Agenda #: 13.

Narrative of Resolution:

Authorize contract with J. Chad Professional Training, LLC, DBA Tall Cop Says Stop

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$16,575.00

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO CONTRACT WITH J. CHAD PROFESSIONAL TRAINING, LLC, DBA TALL COP SAYS STOP (PROSPER, TEXAS)

WHEREAS, the Sullivan County Probation Department will be hosting a professional presentation on emerging drug trends at Resorts World Catskills, at 888 Resorts World Drive, Monticello, New York 12701, on September 25, 2025. The Probation Department recommends Jermaine Galloway, aka Tall Cop, of J Chad Professional Training, LLC, PO Box 296, Prosper, Texas, 75078, as having the experience and qualifications to administer the presentation; and

WHEREAS, Presenter, Officer Jermaine Galloway, aka Tall Cop, agrees to provide the professional presentation of “High in Plain Sight: Current & Emerging Drug Trends” on Thursday, September 25, 2025, from 8:30 am to 3:30 pm, in accordance with Presenter Agreement #25-057; and

WHEREAS, this professional presentation will be funded by Pre-Trial Release award monies received by the Sullivan County Probation Department; and

WHEREAS, J. Chad Professional Training, LLC, requires a Presenter Agreement be executed with the County for said services.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to enter into an agreement with J. Chad Professional Training, LLC for the presentation referenced herein in an amount not to exceed \$16,575.00; and

BE IT FURTHER RESOLVED, that the form of said agreement be approved by the County Attorney.

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



Sullivan County

Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6944

Agenda Date: 11/21/2024

Agenda #: 14.

Narrative of Resolution: CARES HMIS is identified by the NYS Balance of State Continuum of Care as the HMIS lead.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$3,000

Are funds already budgeted? No

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH CARES OF NY, INC.

WHEREAS, the Department of Social Services is required to submit a comprehensive Homeless Service Plan and report on outcomes achieved as result of these plans; and

WHEREAS, reporting for the Homeless Service Plan requires coordination with local-HUD Continuum of Care (CoC) which incorporates federal, state and local governments as well as not-for-profits and/or faith-based organizations; and

WHEREAS, Sullivan County is a part of New York State Balance of State Continuum of Care (NYS BoS CoC) where CARES of NY, Inc. has been identified as the Homeless Management Information System (HMIS) Lead providing CARES Collaborative Homeless Management Information System (CCHMIS) to NYS BoS CoC counties; and

WHEREAS, Sullivan County and its community partners have used this service previously at no cost; and

WHEREAS, the Department of Social Services wishes to enter into contract with CARES of NY, Inc. for the use of CCHMIS with an associated fee of \$3,000 to fulfil Homeless Service plan outcome reporting; and

WHEREAS, the Department has funding to cover 100% of the cost of the period and does not anticipate future costs for this service due to the development of an internal database; and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to enter into agreement with CARES of NY, Inc. for the period of October 1st, 2024 through September 30th, 2025 at not to exceed amount of \$3,000; and

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



Sullivan County

Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6950

Agenda Date: 11/21/2024

Agenda #: 15.

Narrative of Resolution:

Set the Salary of Assistant District Attorney positions in the Sullivan County District Attorney’s Office

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: ???

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO SET THE SALARY OF ASSISTANT DISTRICT ATTORNEY POSITIONS IN THE SULLIVAN COUNTY DISTRICT ATTORNEY’S OFFICE

WHEREAS, the Sullivan County Legislature recognizes the hard work and dedication of those attorneys employed as Assistant District Attorneys at the Office of the Sullivan County District Attorney; and

WHEREAS, the Legislature further recognizes the significant additional time and morale burdens put upon Assistant District Attorneys as a result of bail and discovery reform legislation; and

WHEREAS, the Legislature recognizes that the Office of the District Attorney invests significant time in training and supervision of Assistant District Attorneys, during which time those attorneys develop deep experience in litigation and trial advocacy, such that the Legislature recognizes the County’s interest in retaining talented and experienced prosecutors;

WHEREAS, the Legislature further recognizes the low salaries historically and currently budgeted for the compensation of Assistant District Attorneys; and

WHEREAS, the Legislature further recognizes the need for implementing a mechanism by which Assistant District Attorneys can reasonably expect to receive increasing compensation based upon performance and/or duration of service to attract and retain competent and qualified Assistant District Attorneys; and

WHEREAS, Annual Budgets of the County have historically fixed specific salaries to specific Assistant District Attorney positions, foreclosing the implementation of fixed salary increases for those Assistant District Attorneys who demonstrate competent performance over years of service; and

WHEREAS, it is the intent of the Legislature to restructure the compensation structure of Assistant District Attorneys for the purpose of attracting and maintaining quality prosecutors; and

WHEREAS, the District Attorney believes that increasing the base salary of seven separate positions of Assistant District Attorney (For Current and New Hires) to \$100,000.00 annually together with a three-step, three-year system annual salary increase of \$5,000.00 per step will substantially assist him in retaining and attracting attorneys to work in the District Attorney’s Office; and

WHEREAS, the District Attorney further believes that, separate from those Assistant District Attorneys whose experience falls within the aforesaid step system, increasing the base salary of three separate positions of Assistant District Attorney as follows will substantially assist him in retaining and attracting attorneys to work in the District Attorney's Office:

1. Two Assistant District Attorneys at salaries of \$125,000.00 each, which is hereby fixed for Positions 587 and 818
2. One Assistant District Attorney at a salary of \$155,000.00, which is hereby fixed for Position 237; and

WHEREAS, the District Attorney requests that effective January 1, 2025, the base salary of seven separate positions for Assistant District Attorney be authorized in an annual amount of \$100,000.00 together with a three-step, three-year system of \$5,000.00 per step; and

WHEREAS, the District Attorney further requests that effective January 1, 2025, separate from those Assistant District Attorneys whose experience falls within the aforesaid step system, the base salary of three separate positions for Assistant District Attorney be authorized as follows:

1. Two Assistant District Attorneys at salaries of \$125,000.00 each, which is hereby fixed for Positions 587 and 818
2. One Assistant District Attorney at a salary of \$155,00.00, which is hereby fixed for Position 237; it is now

NOW, THEREFORE BE IT RESOLVED, that, commencing on January 1, 2025, the Legislature hereby fixes the salaries for seven separate Assistant District Attorney positions to \$100,000.00 annually together with a three-step, three-year system annual salary increase of \$5,000.00 per step; and it is further

BE IT FURTHER RESOLVED, that, separate from those Assistant District Attorneys whose experience falls within the aforesaid step system, the Legislature hereby fixes the salaries of three separate Assistant District Attorney positions as follows:

1. Two Assistant District Attorneys at salaries of \$125,000.00 each, which is hereby fixed for Positions 587 and 818
2. One Assistant District Attorney at a salary of \$155,000.00, which is hereby fixed for Position 237.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6953

Agenda Date: 11/21/2024

Agenda #: 16.

Narrative of Resolution:

Amend Resolution No. 414-18

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$35,000

Are funds already budgeted? Yes

- **Specify Compliance with Procurement Procedures:** N/A - this authorizes a 1-month extension of an existing agreement.

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND RESOLUTION 414-18

WHEREAS, Resolution No. 414-18, adopted by the Sullivan County Legislature on September 18, 2018, authorized entering into a 60-month agreement with Firstlight Fiber after initial service implementation was completed in 2019; and

WHEREAS, the above-mentioned agreement expired on September 26, 2024 and a new agreement for continuity of services was not finalized for start until October 25, 2024; and

WHEREAS, there is a need to extend the old agreement from 60 to 61 months to cover provided and invoiced service costs for the time period between the old agreement expiration date (09/26/2024) and the new agreement start date (10/25/2024).

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the extension of the Firstlight Fiber, LLC agreement from 60 to 61 months to cover Firstlight’s provided and invoiced network fiber communication, internet, and telephone services in an amount not to exceed \$35,000.



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6954

Agenda Date: 11/21/2024

Agenda #: 17.

Narrative of Resolution:

Amend Resolution No. 520-24 regarding Firstlight

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$26,531.40/month plus all subservient account taxes and fees (Federal State, Local and Regulatory)

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures: N/A this resolution amends resolution #520-24

RESOLUTION INTRODUCED BY EXECUTIVE COMMITTEE TO AMEND RESOLUTION 520-24

WHEREAS, Resolution No. 520-24, adopted by the Sullivan County Legislature on October 24, 2024, authorized signing a new 48-month renewal ‘Service Order’ with Firstlight Fiber, Inc. for the County of Sullivan’s network fiber communication, internet, and telephone service needs; and

WHEREAS, Resolution 520-24 inadvertently omitted language to address and authorize payment of subservient account taxes and fees (*Federal, State, Local, and Regulatory*) that the county is obligated to pay as a result of these services provided to the County by Firstlight Fiber, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby amends resolution 520-24 to include authorization to pay the already established monthly recurring cost of \$26,351.40 plus all applicable subservient account taxes and fees (*Federal, State, Local, and Regulatory*).



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6955

Agenda Date: 11/21/2024

Agenda #: 18.

Narrative of Resolution:

Enter into a 1 year modified extension with IESI

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$0

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures: a fixed rate of \$99.55 per ton for loading, trucking and disposal of C&D and MSW and an increase to the drop and hook from \$1 per ton to \$2 per ton. Pricing terms for Fuel and loading of recycling to remain as per the original contract.

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE TO ALLOW THE COUNTY MANAGER TO ENTER INTO A 1 YEAR MODIFIED EXTENSION WITH IESI FOR THE DISPOSAL, HAULING, FUEL COST AND LOADING OF C&D, MSW, AND RECYCLING

WHEREAS, IESI NY Corporation ("IESI"). 1099 Wall Street West, 2nd Floor, Suite 250, Lyndhurst, New Jersey 07071 ("Contractor") was awarded the contract for removal and disposal of MSW and C&D per Resolution No. 548-09, adopted on December 30th, 2009; and

WHEREAS, there have been several modifications as noted:

Table with 2 columns: Modification Date and Purpose. Rows include dates from 12/30/2009 to 6/29/2022 and corresponding purposes like 'To enter into the original contract', 'Use of compact trailers', etc.

and

WHEREAS, the first 5 year extension will expire on 12/31/24 and the contract allows for three 5 year extensions per resolution; and IESI only has a current permit with the DEC that will expire on 12/31/25 so only a 1 year extension is possible; and

WHEREAS, the loading, trucking and disposal rate must be amended to \$99.55 a ton for the calendar year of 2025 and the drop and hook rate will increase to \$2 per ton and will only be used for the months of June thru September. The Fuel surcharge and loading of recycling will follow the original contract. The rates were compared to the recent Ulster County bid and found to be lower and if put out to bid a higher cost is likely based on the recent Ulster bid.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a modification agreement with IESI whereas the County will pay \$2 per ton when a drop and hook is necessary and \$99.55 per ton for disposal with a term date of 1/1/25 thru 12/31/25, said agreement to be in such form as approved by the County Attorney



Sullivan County
Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-6956

Agenda Date: 11/21/2024

Agenda #: 19.

Narrative of Resolution:

Authorizing the Revision of Section 620.1 of the Solid Waste Management Rules to take effect on January 1, 2025.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$0

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY THE EXECUTIVE COMMITTEE AUTHORIZING THE REVISION OF SECTION 620.1 OF THE SOLID WASTE MANAGEMENT RULES TO TAKE EFFECT ON JANUARY 1, 2025

WHEREAS, the Sullivan County Solid Waste Management Rules (hereinafter the Rules) were adopted by the County Legislature in accordance with Section 171-24 of the Sullivan County Code; and

WHEREAS, from time to time it is necessary to adjust rates based on items such as but not limited to contract obligations, CIP increases and equitable distribution of actual costs; and

WHEREAS, a discussion has occurred in the November Public Works Committee regarding the short notice on the tipping increase at IESI, a recommendation from the Committee asked for the adoption of a revision to the Rules. Specifically, Section 620.1 changing the tip fee from \$130 that was recently passed to \$150. The Rules are attached with a markup to section 620.1 of the necessary changes.

NOW, THEREFORE, BE IT RESOLVED, the Solid Waste Management Rules be modified to read as noted in the markup as attached changing the tip rate to \$150”; and

BE IT FURTHER RESOLVED, this amendment shall take effect on January 1, 2025.

SULLIVAN COUNTY
SOLID WASTE MANAGEMENT RULES

NADIA RAJSZ
Chair of the Sullivan County Legislature

JOSHUA A. POTOSEK
County Manager

EDWARD McANDREW, P.E.
Commissioner of Public Works

ROBERT H. FREEHILL
County Attorney

Amendments to Rules effective January 1st, 2025

TABLE OF CONTENTS

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

HISTORY

Adopted by Resolution 299 of 1983 effective September 12, 1983; and amended by:

Resolution 423/83; adopted 12/28/83; Sections 610-632

Resolution 289/84; adopted 11/13/84; Sections 605, 620, 624, 632

Resolution 211/85; adopted 6/10/85; Sections 632

Resolution 46/88; adopted 2/8/88; Section 632

Resolution 47/88; 2/8/88; Section 320

Resolution 285/88; adopted 7/11/88; Section 620

Resolution 224/89; adopted 6/12/89; Sections 504, 611

Resolution 225/89; adopted 6/12/89; Sections 620, 650

Resolution 304/89; adopted 7/10/89; Section 602, 642

Resolution 479/89; adopted 12/13/89; Section 620

Resolution 416/90; adopted 11/13/90; Section 624

Resolution 362/90; adopted 9/19/90; Section 620

Resolution 448/91; adopted 10/10/91; Section 602, 632

Resolution 156/92; adopted 4/9/92; Section 620

Resolution 292/92; adopted 6/11/92; all sections were revised to be in conformance with Local Law No. 1 of 1992 entitled *AA Local Law Entitled Sullivan County Solid Waste Management Law of 1992*" adopted by Resolution 217/92 by the Sullivan County Board of Supervisors.

Resolution 312/92; adopted 7/9/92; Section 620.2; repeal Title VI, Section 620.2b and change 620.2 effective Jan. 1, 1993.

Resolution 599/92; repeal credits and postpone recycling processing fees until 4/1/93.

Resolution 23/93; adopted 1/10/93; amend Section 650

Resolution 266/93; adopted 5/13/93; repeal Title VI, Section 620.2 immediately

Resolution 267/93; adopted 5/13/93; amend Section 632(c)

Resolution 360/93; adopted 7/8/93; amend Section 620.1(f)(4)

Resolution 490/93; adopted 10/10/93; waiver of the prohibition of Section 401 (expiration date 12/31/97)

Resolution 489/93; adopted 10/14/93; amend Section 620.1(a)(b)

Resolution 260/94; adopted 6/13/94; amend Section 201(s), add Section 201(jj), add Section 417, 504 and Section 620.1(f)(5)

Resolution 396/94; adopted 10/13/94; amended Resolution 490/93 (Section 401)

Resolution 395/94; adopted 10/13/94; amended Section 620.1 (a)(b)(c)(d)(e)(f)(g)

Resolution 454/94; adopted 11/4/94; amended Section 620.1(a)(b)

Resolution 159/95; adopted 5/11/95; amended Section 620.1(e)

Resolution 160/96; adopted 6/17/96; added Section 620.1(h)

Resolution 407/97; adopted 9/18/97; deleted Sections 401, 402

Resolution 456/02; adopted 9/19/02; amended Section 620.1 (a)(b)

Resolution 280/04; adopted 8/19/04; amended Section 620.1 (a)-(i)

Resolution 115/06; adopted 3/16/06; amended Section 620.1 (c)-(f)(j)(k)

Resolution 418-06; adopted 11/16/06; amended Section 620.1 (e)(3-5)(j)

Resolution 143-07; adopted 4/26/07; amended Section 204 (r)(mm) and Section 620.1 (l)(m)

Resolution 334-09; adopted 8/20/09; amended Section 620.1 (d) (1 and 3)

Resolution 114-10; adopted 2/18/10; amended Section 605

Resolution 167-11; adopted 4/21/11; amended Section 171-24

Resolution 324-11; adopted 7/21/11; amended Section 201, 302, 303, 501, 502, 620.1 (a)(b)(d)(g)(n)

Resolution 416-13; adopted 11/21/13; amended Section 632 (a)(b)(c)(d) and Section 302 (a)

Resolution 440-13; adopted 12/19/13; amended Section 620.1 (a)(b)(d)(l)(m)

Resolution 351-16; adopted 8/18/16 amended sections 602, 620.1 and section 632

Resolution 251-17; adopted 6/15/17; amend Section 620.1 quantities for C&D

Resolution 345-17; adopted 8/17/17; amended Section 620.1 (c) coupon books, price reduction

Resolution 52-18; adopted 2/8/18; amended Section 620.1 (o) CRT/monitor fee

Resolution 270-18 adopted 6/14/18, amended Section 620.1 (p) SSR \$20 ton

Resolution 356-18 adopted 8/16/18, amend Section 620.1 (p) SSR variable rate

Resolution 536-18 adopted 12/13/18, amend Section 620.1 rate schedule and SSR rate

Resolution 464-20 adopted 12/17/20 amend section 620.1 rate schedule.

Resolution 330-21 adopted 08/19/21 amend section 620.1 (p) SSR \$10 ton

Resolution 473-22 adopted 11/17/22 amend section 620.1 rate schedule and SSR rate

Resolution 204-23 adopted 4/1/23 amend section 303 (f) and section 620.1(n), (o) (p) Fluorescent Bulb and CRT TV & Monitors and SSR rate

Resolution 505-24 adopted 10/24/25 amend sections 620.1, 632 and delete 624

TITLE I

GENERAL PROVISIONS

- 101. Title:** These Rules shall be known as the Sullivan County Solid Waste Management Rules
- 102. Authority:** These Rules are adopted pursuant to the provisions of Sections 215 and 226-b of the County Law, notwithstanding any other provision of the law and pursuant to the Sullivan County Solid Waste Management Law, Local law No. 1 of 1992.
- 103. Applicability:** These Rules supersede any and all other Rules heretofore adopted pursuant to law.

TITLE II

DEFINITIONS

201. As used in these Rules, the following terms shall mean:

Account Customer: Any commercial enterprise, industry, institution, municipality and permitted solid waste collector or hauler, utilizing County solid waste management facilities, paying fees on a scheduled basis as established in these Rules.

Adopt-A-Road Program: Municipally-designated program which permits individuals to deposit roadside litter for no-cost disposal at Sullivan County Solid Waste Management Facilities.

Alternate Daily Cover: Substitute material(s) used in place of six inches of natural soils. Use must be approved by the Department.

Bulky Scrap Metal: Any large major appliance (such as a refrigerator, washer, dryer, stove, etc., also known as “white goods”).

Commercial User: All other persons not defined in section 201 as a Solid Waste Collector Hauler or a Residential User in these Rules who transport solid waste to a County solid waste management facility for disposal.

Commissioner: Commissioner of the Division or his designee.

Components: Paper, glass, metals, plastics, garden and yard wastes and may include other elements of solid waste as may be defined by law or the Rules.

Construction and Demolition Debris: Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads; and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup. Such waste includes, but is not limited to, brick, concrete, construction and other masonry materials, soil, rock, wood, wall covering, plaster,

drywall, plumbing fixtures, non-asbestos roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no hazardous liquids, and metals that are incidental to any of the above. Solid waste that is not construction and demolition debris (even if resulting from the construction, remodeling, repair and demolition of structures, roads and land clearing) includes, but is not limited to, asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids (such as fluorescent light ballasts or transformers), carpeting, furniture, appliances, tires, drums and containers, and fuel tanks.

- County: County of Sullivan
- County Landfill: The Sullivan County Sanitary Landfill located in the Village of Monticello, New York, stopped accepting waste 12/31/09.
- County Solid Waste Management Facility: A solid waste management facility operated by or under the supervision of the County.
- Disposal: The deposit at a solid waste management facility of any permitted or authorized solid waste.
- Division: Sullivan County Division of Public Works.
- Electronic waste: “e-waste” electronic equipment or components that have been discarded or are no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing, or recycling system.
- Export Facility: Facility that accepts Municipal Solid Waste and Single Stream Recyclables for exportation to disposal or recovery markets.
- Food Waste: Food that is discarded, lost or uneaten.
- Hazardous Waste: All materials, substances and chemicals as defined by Federal and State law and the regulations of the United States Environmental Protection Administrations and the New York Department of Environmental Conservation, which are either

dangerous, poisonous, acidic, explosive, flammable, pathological, infectious or radioactive.

Household Hazardous

Waste (HHW): Post-consumer waste which may qualify as hazardous waste when discarded improperly. It includes household chemicals and other substances for which the owner no longer has a use, such as consumer products sold for home care, personal care, automotive care, pest management and other purposes. Examples include oil-based paint, solvents, drain cleaners, antifreeze, spent fuels, poisons, weed killers, pesticides and cleaning products.

Infectious Waste: All medical and laboratory wastes including, but not limited to, surgical, obstetrical, pathological, and biological wastes as defined in 6 NYCRR Part 360.

Junk Motor

Vehicles: Any inoperable motorized vehicle previously used for transportation of passengers or cargo.

Land Clearing

Debris: Vegetative matter, soil and rock resulting from activities such as land clearing and grubbing, utility line maintenance or seasonal or storm related clean up such as trees, stumps, brush and leaves and including wood chips generated from these materials. Land clearing debris does not include yard waste which has been collected at the curbside.

Large Dead

Animals: Any dead wild or domestic animal over 25 pounds.

Litter Pluck

Program: A community-wide volunteer roadside cleanup program designed to remove unsightly trash from roadsides throughout Sullivan County. Registered groups may dispose of Litter Pluck refuse at no charge at Sullivan County Solid Waste Management Facilities.

Materials Recovery

Facility: The Sullivan County Materials Recovery Facility at which source separated or permitted single stream recyclable

components of the solid waste stream are deposited and processed for the purposes of recovering raw materials.

Materials

Management: An approach to planning, organizing, and controlling activities associated with the flow of solid waste, recyclables, compostable and reusable materials in a sustainable manner.

Municipal Cleanup

Program: A Spring and Fall trash cleanup program sponsored by the Sullivan County Legislature and implemented by Towns and Villages.

Organics: The portion of the materials management program that contains material such as food, garden and lawn clippings. It can also include animal and plant based material and degradable carbon such as paper, cardboard and timber.

Person: Individual, partnership, group, association, corporation, estate, trust and municipal corporation.

Pharmaceutical

Waste: Unwanted prescription and non-prescription medications intended for proper disposal.

Recyclables: Solid waste that may be recycled or reused and can be recovered from the overall waste stream or as may be designated for source separation by the Rules.

Regulated Waste: Oil contaminated debris and soils and asbestos authorized for landfill disposal by the NYSDEC.

Residential User: Any individual who transports, without fee, solid waste, generated at a private residential location, to a County solid waste management facility for disposal and such transport does not exceed any one time two (2) cubic yards or 2,000 pounds.

Roadside Cleanup

Program: Acceptance of properly identified municipally-collected roadside cleanup materials at no charge at County Solid Waste Management Facilities.

Rubble/Aggregates:	Uncontaminated brick, non-reinforced concrete, cement cinder block, ceramic tile, stone and soils.
Rules:	Sullivan County Solid Waste Management Rules
Salvaging:	Authorized picking, sorting and removal of reusable or reclaimable solid waste from a solid waste management facility.
Scavenging:	The unauthorized picking, sorting and removal of reusable or reclaimable solid waste from a solid waste facility.
Select Building Demolition Debris:	Uncontaminated construction debris free Bulky Debris and other wastes defined herein, from the demolition of buildings within Sullivan County pre-approved by the local municipal building inspector.
Sharps:	Medical needles and lancets that have been in contact with blood or bodily fluids from humans or animals and intended for proper collection and disposal by NYS-designated Article 28 Healthcare Facilities.
Single Stream	Comingled recyclable materials removed from the solid waste stream at the point of generation for separate collection, sale or other authorized disposition as provided in the Rules.
Solid Waste:	All materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to, garbage, refuse, industrial and commercial waste, sludges from air and water pollution control facilities or water supply treatment facilities, rubbish, contained gaseous material, demolition and construction debris and offal, but not including sewage and other highly diluted water carried materials or substances, those in gaseous form.
Single Stream Recycling (SSR):	Clean, comingled metal cans, plastic containers (5 gallons in size or smaller) coded #1 - #7, glass bottles, newsprint, cardboard and mixed paper accepted for recycling together as one classification of material.

Solid Waste Collector Hauler:	Any person who is engaged in the business of collecting, sorting, storing, hauling or otherwise disposing of solid waste
Solid Waste Management Facility:	Any facility employed beyond the initial solid waste collection process, including, but not limited to, recycling centers, transfer stations, processing systems, including materials recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, and other landfills, plants, facilities for compacting, composting or pyrolozation of solid wastes, and other solid waste disposal, reduction or conversion facilities.
Solid Waste Management Plan:	The Solid Waste Management Plan adopted, or to be adopted, as it may be amended from time to time, by Sullivan County pursuant to Title I of Article 27 of the Environmental Conservation Law.
Solid Waste Transfer Station:	Any facility at which permitted or authorized solid waste is deposited for pick up, haul and deposit in the County Landfill or any other legal landfill.
Solid Waste / Recycling Fee:	An annual fee determined in accordance with the provisions of Local Law No. 1 of 1992 Article VIII and which fee is to be billed to and paid by the owners of the real property within the County on which Solid Waste and/or Recyclables may be generated.
Source Separation:	Segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other authorized disposition as provided in the Rules.
Special Bulky Waste:	Solid waste including large household furnishings such as bed springs, mattresses, furniture, rugs and other similar objects.

Unauthorized Waste: Those wastes prohibited from landfill disposal; i.e., tires, yard wastes, appliances containing refrigerants, hazardous waste, and infectious waste.

Waste Flow

Control: A means of directing the flow of solid waste and recyclables to one or more facilities consistent with the Solid Waste Management Plan.

Waste Generator: Any person whose act or process produces a solid waste.

Waste Tires: Tires and their casings from cars, buses, trucks and other vehicles.

Yard Waste: Leaves, grass clippings, garden debris, tree branches, limbs and other similar wood materials.

TITLE III

ADMINISTRATION

301. ADMINISTRATION:

The Commissioner shall administer and enforce these Rules.

302. POWERS AND DUTIES:

The Commissioner or such persons as may be designated by him shall:

- a) administer the solid waste disposal facilities operated by the County, including days and hours of operation, and supervise personnel;
 - 1) **Hours of Operation:** County solid waste management facilities shall be open for the deposit of solid waste on days of the year as established by the Commissioner with consideration given to the recommendation of the host community.
- b) administer the issuance, renewal, suspension and revocation of licenses, permits and passes to all solid waste collectors and haulers for use at any County solid waste management facility or any other solid waste management facility;
- c) adopt, modify and amend rules and regulations in accordance with the law, for the operation and maintenance of County Solid Waste Management Facilities; for licensing and regulating solid waste collectors or haulers, and commercial users for implementation of the County recycling program pursuant to law; and the implementation of the local law, including methods of payment and deferral of payment of fees due the County;
- d) propose for approval by the Sullivan County Legislature, rates and fees for use of solid waste management facilities of the County;
- e) investigate violations of local law and applicable rules and institute appropriate administrative or judicial proceedings with full subpoena power in connection therewith;
- f) conduct studies and report the results thereof to the Sullivan County Legislature;
- g) take such other actions as the Sullivan County Legislature may deem necessary and shall direct.

303. All solid waste management facilities shall:

- a) be operated pursuant to Article 27, Title 6 of Environmental Conservation Law to the extent applicable;
- b) control access to the operation of motor vehicles thereon;
- c) unload solid waste so as to minimize odor and litter outside the disposal area;
- d) control unauthorized salvage and scavenger activities;
- e) maintain accurate daily records of deposits of solid waste and of fees collected;
- f) as a condition for acceptance of solid waste, require the separation of recyclables and unauthorized waste from all other solid waste set at curbside or otherwise for collection by municipal or private carriers, or directly at solid waste facilities. Designated items requiring separation are as follows:

- 1) Newspaper
- 2) Old corrugated cardboard
- 3) Multi-grade office paper
- 4) Magazines and junk mail
- 5) Glass food and beverage containers
- 6) Steel containers
- 7) Plastic containers
- 8) Aluminum containers
- 9) Bulky scrap metals (incl. Refrigeration units)
- 10) Used motor oil
- 11) Tires
- 12) Yard waste
- 13) Electronic waste (e-waste)
- 14) Fluorescent bulbs
- 15) Batteries
- 16) Propane tanks
- 17) Textiles
- 18) Antifreeze
- 19) Latex paint

This list may be amended by the Commissioner from time to time.

- 304.** Title to any solid waste deposited at the County owned or authorized solid waste management facility shall vest in the County which may sell and dispose of same on such terms as may be appropriate.
- 305.** Title to any designated recyclables, source separated apart from the solid waste stream by residential users, shall vest in the County which may sell and dispose of same on such terms as may be appropriate.
- 306.**
- a) Vehicles used to deposit solid waste at a solid waste management facility shall be metal or other impervious material, constructed and maintained so as to be capable of being completely emptied. Vehicles shall be free from leaks and fully enclosed to prevent odor or litter. Any solid wastes may be hauled in open body vehicles provided same are equipped with covers and tie downs to prevent litter. All vehicles used to haul solid waste shall be subject to inspection by the Commissioner who may bar use of such vehicles until it shall be in compliance with these Rules.
 - b) All commercial user vehicles and roll-off (detachable) containers shall prominently display the permit holder's name and identification number. Such information shall be clearly visible to the scalehouse attendant upon entry weigh-in at a solid waste management facility.
 - c) All vehicles transporting solid waste in bulk (either compacted or loose) for a fee shall have a valid license.
- 307.**
- a) Charging of fees to an account other than that of the permit or license holder making delivery of solid waste shall be prohibited unless approved by the Commissioner. Any permitted delivery shall be accompanied by a County waste manifest form.
 - b) A fee of \$20.00 shall be charged for the return of checks due to insufficient funds.
 - c) There shall be no exemption from special waste fees for recycling/reuse or separate disposal.

TITLE IV

PROHIBITED ACTIVITIES

401. No person shall deposit solid waste in any solid waste management facility other than at a location and in the manner directed by the employee in charge of such facility.
402. No person shall deposit solid waste at any solid waste management facility other than on the days and between the hours established for the operation of such facility or as may be authorized by the Commissioner.
403. No person shall deposit regulated special or special bulky waste at any solid waste management facility in violation of Title V of these Rules.
404. No commercial user shall deposit solid waste at County solid waste management facilities without a valid permit, license or contract.
405. No person shall deposit solid waste at any County solid waste management facility without paying the solid waste deposit fees established therefor.
406. No person shall dispose of any solid waste generated in Sullivan County in any place in Sullivan County except a Solid Waste Management Facility which is entitled to operate as such by permit or Order on Consent by the New York State Department of Environmental Conservation pursuant to the provisions of Article 27 of Title 7 of the Environmental Conservation Law and permitted by the County of Sullivan under Local Law.
407. No person shall leave for collection any solid waste unless it has separated from it at the point intended for collection all designated recyclable components and unauthorized waste.
408. No person shall collect, haul, store or transport solid waste to a County solid waste management facility unless it has separated from it at the point intended for collection, all designated recyclable components and unauthorized waste.
409. No person shall dispose of any solid waste generated in Sullivan County at any solid waste management facility in Sullivan County unless such solid waste has removed from it all designated recyclable components and unauthorized waste.
410. No person, including a Solid Waste Collector or Hauler, residential or commercial user, shall fail or refuse to separate solid waste at the source as herein defined or fail, refuse or neglect to separate solid waste into its components as may be provided in these Rules.

- 411.** No person shall operate a vehicle at a County Solid Waste Facility or collect or haul solid waste with a vehicle which does not comply with these Rules.
- 412.** No person shall dispose of radioactive wastes, hazardous wastes, or infectious wastes, as defined in NYCRR Part 360 Regulations, in the County.
- 413.** No person shall deposit any solid waste in unregulated, uncontrolled or unpermitted disposal sites in Sullivan County.
- 414.** No person shall dispose of Yard Waste at any County Solid Waste Management Facility.

TITLE V

REGULATED WASTES AND OTHER WASTES DESIGNATED FOR SEPARATE COLLECTION OR DISPOSAL

- 501.** No person shall deposit regulated waste at any Sullivan County Solid Waste Management Facility unless said person shall have obtained a NYSDEC Part 364 Waste Transporter Permit authorizing disposal at such facility.
- 502.** No person shall deposit regulated wastes at a solid waste transfer station not authorized to accept such.
- 503.** Wastes designated for separate collection may be deposited at a solid waste management facility under the following conditions:
- a) The following wastes, which require a means of recycling/reuse or separate disposal, shall be collected from the solid waste stream: Bulky scrap metal, waste tires, used motor oil.
 - b) The fees for those wastes designated for separate collection or disposal shall be as specified in Title VI.
 - c) Upon approval of the Sullivan County Legislature, the Commissioner may suspend the charging of fees for certain separated wastes.
 - d) There shall be no exemption from fees for wastes designated for separate collection or disposal unless authorized by order of the Commissioner.
- 504.** Fees for those wastes which are deposited at Sullivan County Solid Waste Management Facilities, but have not been source separated in accordance with Title IV shall be as specified in Title VI, Section 620.1.

TITLE VI

PERMITS, LICENSES

601. All solid waste haulers (private and municipal) operating or doing business in Sullivan County at a solid waste management facility shall, effective September 1, 1992, be licensed to operate as such by the Commissioner of Public Works.

602. Permit, Application, Requirements.

1. All applications shall be made on the appropriate form issued by the Sullivan County Division of Public Works, together with a certificate of public liability and property damage insurance and appropriate fees.
2. Any person wishing to be an account customer must acquire a Solid Waste Management Facility User Permit.
3. In order to obtain a license or permit, solid waste haulers shall provide all residential, institutional and commercial clients or customers with source separation collection services and shall set forth in such application the plan for implementing such service.
4. To obtain or renew a permit the Hauler shall not have any overdue balance at any solid waste management facility within Sullivan County, and shall be in compliance with these Rules.
5. Hauler shall provide mandatory recycling documentation in order to obtain permit to use County SWM Facilities. Permit renewal requires mandatory submission of prior year's recycling tonnage activity by category.

603. Permit, Insurance Requirements. The Hauler's certificate of insurance shall name the County, its officers and employees as a named insured, shall be issued by an insurance company licensed to do business in the State of New York, shall be valid for the term of the permit, shall provide for ten (10) days notice of cancellation to the Commissioner, and shall have automobile insurance limits of at least the following amounts:

Liability per Person.....	\$100,000
Bodily Injury Liability per Accident.....	\$300,000
Property Damage per Accident.....	\$ 50,000

The Commissioner may require, at his discretion, comprehensive general liability insurance with a combined single limit liability of at least \$1,000,000.

604. Regulated Waste Insurance Requirements. An additional certificate may be required in the discretion of the Commissioner prior to the issuance of any authorization to dispose of regulated waste. The insurance shall comply with the requirements of Section 603, and shall specifically insure against damage to person or property by the specific regulated waste to be deposited at an authorized County Solid Waste Management Facility. The amount of such insurance shall be determined in the discretion of the Commissioner, giving consideration to the extent and type of handling and disposal measures involved and the cost of cleanup of such waste in the event of spillage.

605. Types of Permits and Passes

1. Solid Waste Collector or Hauler License. Every solid waste collector and hauler shall obtain a license to operate in the County unless such solid waste collector and/or hauler shall operate solely and exclusively within the territory of a municipality in which solid waste is collected and disposed of and which municipality has adopted regulations which are not less comprehensive than that required by local law and the Rules adopted hereunder.
2. Solid Waste Management Facility User Permit. Every commercial user shall obtain a permit to dispose of solid waste at a County Solid Waste Management Facility.
3. Passes. Passes are a special permit issued to residential user and persons other than commercial users and solid waste collectors and haulers for limited duration and purposes. Such passes may be issued for any purpose authorized by the Rules.

606. All licenses and facility user permits shall be valid from the date of issue to December 31 of the year of issuance. A license or permit shall be exhibited by the license holder to any authorized employee of the Division upon demand.

607. Exceptions; Credits (deleted)

608. Monitoring Load Inspections

a. Private and Municipal Solid Waste Haulers

1. At least two (2) times per year, haulers shall inform all customers and accounts in writing of the type of material designated as a recyclable, including the preparation of the material by customer and the schedule of collection for recyclables with a copy of the letter sent to the County.
2. All private and municipal solid waste haulers shall be responsible for monitoring and notifying customers in violation of the local law and these

rules. Haulers shall forward a copy of the names and addresses of those customers having committed a violation as defined in Title VII of these Rules to the County.

- b. Sullivan County and other municipal/private Solid Waste Management Facility operators
 - 1. All solid waste shall be subject to inspection by County Solid Waste Management Facility operators to determine facility user compliance with local law, New York State Regulations and these rules. All violations shall be reported to the County Division of Solid Waste office.
 - 2. The Commissioner shall be responsible for notifying those persons in violation of the Local law and these Rules and to execute enforcement proceedings where warranted.

(609 through 619 purposely reserved)

620. Fee and Recycling Credit Schedule 1

620.1 Disposal Fees

All persons depositing solid waste at a Solid Waste Management Facility operated by the County shall in addition to the Solid Waste / Recycling Fee pay the following fees as may be amended from time to time by the Sullivan County Legislature:

- a) Compacted Solid Waste in Bulk:

\$150.00 per ton at Transfer Stations equipped with weight scales with a minimum fee of \$20.00 for all loads of 267 pounds or less at Transfer Stations equipped with weight scales.

If there are no scales or the scales are not functioning then a charge of \$60.00 per cubic yard with a \$30.00 minimum fee for quantities of 1/2 cubic yard or less will be charged. (loads shall be measured by facility attendant and the calculated quantity rounded to the next highest 1/2 cubic yard).

- b) Construction & Demolition Debris (C&D) and Bulk Waste:

\$150.00 per ton at Transfer Stations equipped with weight scales. There will be a minimum fee of \$20.00 for all loads of 267 pounds or less,

If there are no scales or the scales are not functioning, then a charge of \$60.00 per cubic yard with a minimum \$30.00 fee for quantities of 1/2 cubic yard or less will be

charged. (loads shall be measured by facility attendant and rounded to the nearest 1/2 cubic yard)

A maximum amount of two (2) cubic yards of C&D will be accepted at the Transfer Stations which are not equipped with a scale. Any amount in excess of two (2) yards shall be brought to the Monticello Transfer Station during normal operating hours

A maximum amount of four (4) cubic yards of C&D will be accepted at the transfer stations equipped with a scale. Any amount in excess of four (4) yards shall be brought to the Monticello Transfer Station during normal operating hours

c) Individual Drop:

- 1) One coupon (valued at \$3.00) per 1-30 gallon can or bag.
- 2) Residential per bag disposal is available by coupon book purchase only. Cash is not permitted. Coupon books may be purchased at any county-operated transfer station.

d) Regulated wastes with special NYSDEC permit only, and subject to approval by the Commissioner:

Oil soaked debris and soils, \$150.00 per ton, with a minimum fee of \$20.00 for all loads of 267 pounds or less,

e) Special Waste Fees:

- 1) Waste Tires (up to a 19-inch rim size): \$3.00 per tire, \$300.00 per ton in bulk.
- 2) Waste Tires (20 inch rim or larger): \$30.00 per tire.
- 3) Refrigeration/Air Conditioning Appliances, \$15.00 per unit;
- 4) Handling Fee for Unseparated Waste: loads of solid waste containing quantities of recyclable items identified in Title III Section 303(f), which are required to be separated from solid waste shall be charged a disposal fee two (2) times the applicable rate for solid waste and the charges shall apply to the entire load deposited.
- 5) Untarped Load Surcharge: A \$100.00 surcharge will be applied for any untarped loads being transported into the facility on vehicles bringing in 4 cubic yards of waste or more. A \$10 surcharge will be applied for any untarped loads being transported into the facility on vehicles bringing in less than 4 cubic yards of waste.

f) Service fee for issuance of certified weight receipt for vehicles not seeking access to County Solid Waste Disposal and Recycling Facilities shall be \$10.00.

- h) Handling fee for labor and machinery shall equal the actual cost for removal and remediation of unauthorized waste at the transfer station tipping floor, as determined by the commissioner.
- i) Commercial Hauler License Fee: All private Collector Haulers shall be charged a license fee of \$150.00 plus \$25.00 per truck. Commercial Users and Public Collector Haulers shall not pay a fee for the Commercial Hauler License
- j) Bulk Scrap Metal and Non-CFC appliances Handling Fee: at the discretion of the Commissioner with the concurrence of the County Manager, based on market conditions and handling costs incurred by the County.
- k) Propane tanks, 20 lbs. tanks only: \$2.00 each. Tanks greater than 20 lbs. not accepted.
- l) Rubble/Aggregate, \$150.00 per ton.
- m) Select Building Demolition Debris (minimum transaction quantity of 40 cubic yards, \$150.00 per ton.
- n) Single Stream Recycling shall be charged at a rate of \$110 per ton for Sullivan County Property owners, municipalities, and business. Residential users are at no charge but are limited to 1/4 cubic yard (one 55-gallon drums) per day. This rate shall be reviewed and set quarterly by the Commissioner of Public Works.
- o) Old Corrugated cardboard that is clean and free of other materials is at no charge to all users. All transfer stations with the exception of Monticello are limited to 1/4 cubic yard (one 55-gallon drums) per day.

621. Compacted Bulk Solid Waste - Calculation of Fees

Unless weighed, the charge to permit holders and contract haulers for depositing compacted solid waste at a County Solid Waste Management Facility shall be based upon a measurement by the facility attendant and the calculated quantity rounded to the next highest 1/4 of the rated truck body capacity.

622. Loose Bulk Solid Waste - Calculation of Fees

If unweighed, the quantity of all loose bulk solid waste to be deposited at a County Solid Waste Management Facility shall be determined by the facility attendant's estimated measure of the volume of the load of the vehicle rounded to the nearest 2 cubic yard.

623. Required Weighing

If there shall be a scale at a solid waste management facility, the vehicle, conveyance or detachable solid waste container shall be weighted prior to and after deposit of solid waste.

632. Payment of Fees, Interest, Suspension and Restrictions of Permit

a) Payment of Fees – Surety Bonds and Statements of Account

Any non-governmental or non-educational entity permit holder wishing to be allowed to accrue charges shall provide the County with a surety bond issued by a licensed company authorized to do business in New York State. The Maximum of the surety bond shall be \$50,000.00.

Monthly charges shall only be allowed to accrue to the maximum amount of the surety bond provided to the County. At such time that said limit has been reached, the full amount due shall be paid in 24 hours or the permit restrictions set forth in section 632 (b) (1) shall apply.

All permit holders accruing charges in a 30-day period shall receive a monthly statement of account balance. The statement of account balance will be generated by the close of business on the last day of each month. Said statement shall be accompanied by an official notification stating that payment in full is due within 15 days of the statement date.

b) Permit Restrictions

1. Failure of a permit holder to make payment within fifteen (15) days of the statement date or if the amount added by the surety bond has been reached shall result in the restriction of tipping privileges to a twenty four (24) hours credit basis. Payment of outstanding charges made before the next monthly billing shall, at the discretion of the Commissioner, constitute grounds for release of restrictions on tipping privileges.

c) Interest. In the event that the statement amount is not paid within the time permitted in subdivision (a) of this section, the balance due shall accrue interest at the rate of 4% for each calendar month or portion thereof that the balance shall remain unpaid.

d) Suspension of Permit for Nonpayment. A permit shall be automatically suspended on the 30th day after the date a statement amount is due and any amount including any accrued interest is unpaid. Such suspension shall continue and tipping privileges shall cease until the date of payment of all amounts due including interest. A period of

suspension shall not suspend the accrual of interest to the date of payment. At the option of the Commissioner, the County may declare all amounts due immediately, without regard to the period permitted for payment, after written notice to the permit holder and upon such declaration the permit of such permit holder shall be suspended as herein provided.

642. Other Charges

Nothing herein set forth shall be deemed to control fees charged or recycling credits issued by a municipality other than the County at a solid waste management facility, other than the County Landfill, transfer stations and authorized recycling centers.

TITLE VII

VIOLATIONS

- 701.** Any person who commits a violation of these Rules as herein set forth or any provision of local law, shall be subject to penalties and proceedings as established by said local law.
- a) The failure or refusal by any waste generator having received three (3) separate notices within a six month period to separate recyclable materials from its solid waste shall constitute a violation and each subsequent notice thereafter shall constitute a separate violation.
 - b) The failure or refusal by any private or municipal solid waste collector or hauler to provide a means of curbside separation and collection of recyclables for residential and commercial customers.
 - c) The failure or refusal by any privately or municipally operated solid waste management facility, located in the County, to require the separation of recyclables from waste to be deposited or processed.
 - d) The act, by any person, of disposal of solid waste at an unregulated, uncontrolled or unpermitted site in Sullivan County.
 - e) The act of littering along public highways in Sullivan County by any person.
 - f) The failure or refusal by any residential or commercial user to comply with any section of these Rules.
 - g) The act of disposing of any waste defined herein in non-designated areas.

TITLE VIII

CRIMINAL, CIVIL AND ADMINISTRATIVE PENALTIES AND ENFORCEMENT

801. CRIMINAL PENALTIES. Any person who shall fail to comply with local law or with the rules and regulations adopted pursuant to local law shall be subject to the following criminal penalties:

- a) Hazardous or Infectious Waste. Any person convicted of depositing hazardous or infectious wastes at a solid waste management facility shall be guilty of a misdemeanor and upon conviction, each offense shall be punishable by a fine not to exceed \$5,000.00 or by imprisonment for not longer than six (6) months, or by both such fine and imprisonment.
- b) Each deposit of hazardous or infectious waste shall constitute a separate criminal offense.

802. CIVIL PENALTIES

- a) Any person who shall violate the local law or applicable rules, now or hereafter adopted, shall be liable to the County of Sullivan for a civil penalty not to exceed \$1,000.00 for each separate violation thereof. Each day during which such violation shall continue shall be deemed to be a separate violation.
- b) Illegal Dumping. Any person who shall have deposited solid waste in unlawful, uncontrolled and unpermitted disposal sites in violation of these rules and local law, shall be liable to the County of Sullivan for a civil penalty not to exceed \$5,000.00 for each separate violation thereof. Each day during which such violation shall continue shall be deemed to be a separate violation.

803. These Rules may be enforced by injunction.

804. ADMINISTRATIVE PROCEDURES.

- a) If the Commissioner shall believe that any person holding a permit has violated these Rules, the Commissioner shall provide the permit holder with a written violation Notice setting forth the factual basis for his belief, and setting forth the modification to the hauler's permit, if any, the period of effectiveness of the permit and shall also set forth a fine to be paid as a result of the violation. The Hauler may seek an administrative review of the charges by providing the Commissioner with a written request within five days of receipt of the Notice. An administrative hearing shall be

held within five business days to determine whether a violation has occurred. If the Commissioner finds from the evidence that a violation has occurred, he may suspend the permit of the Hauler for a period of not more than one hundred eighty (180) days, revoke such permit or license, or impose a fine not to exceed \$1,000.00 for each violation, or impose such conditions on suspension or revocation and fine as may be appropriate. In the event a fine is imposed, the permit shall be deemed suspended until payment of such fine. Upon re-application for a permit, the Commissioner may impose such conditions as may be appropriate under the circumstances including, but not limited to, issuance of a provisional or conditional permit revocable upon a determination of subsequent violations of local law or the rules.

- b) In the event the Hauler does not ask for an administrative hearing within five days, the Commissioner's determination shall be final. Payment of any fine shall be due within five business days of receipt of the violation.
- c) At any hearing conducted by the Commissioner, the respondent may be represented by counsel, may cross examine witnesses, present evidence and subpoena witnesses.
- d) **CONSENT ORDERS.** The Commissioner is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for the noncompliance with local law or the Rules. Such orders shall include specific action to be taken by the Hauler to correct the noncompliance within a time period also specified by the Order. Consent Orders shall have the same force and effect as an administrative Violation Notice order.
- e) **ADMINISTRATIVE OR COMPLIANCE ORDER.** Notwithstanding any other provision set forth in these Rules, when the Commissioner finds that a person has violated or continues to violate local law, these rules or a permit, license or order issued thereunder, he may issue an order to the person responsible for the violation directing that, following a specified time period, such permit and/or license held by such person shall be suspended unless the violation is corrected and that there is no reoccurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the self-monitoring and management practices. The person responsible may, within five days of receipt of such order, petition the Commissioner to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Commissioner by certified mail, return receipt requested. The Commissioner may:
 - 1) Reject any frivolous petitions,
 - 2) Modify or suspend the order,
 - 3) Request additional information; or

- 4) Order the petitioner to show cause.
- f) **CEASE AND DESIST ORDERS.** Notwithstanding any other provision of these Rules, when the Commissioner finds that a person has violated or continues to violate local law, these Rules or any permit, license or order issued hereunder, the Commissioner may issue and order to cease and desist all such violations and direct those persons in noncompliance to:
- 1) Comply forthwith; or
 - 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or termination of the violation.

The person responsible may, within five days of receipt of such order, petition the Commissioner to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Commissioner by certified mail return receipt requested. The Commissioner may:

- 1) Reject any frivolous petitions,
- 2) Modify or suspend the order,
- 3) Request additional information from the user, or
- 4) Order the petitioner to show cause.

805. ADDITIONAL EXPENSES RECOVERABLE. In the event of a judgment in favor of the County in any civil, administrative or criminal action or proceeding, the County may recover its expenses, including reasonable counsel fees, and expert and special service and witness fees incurred in connection with the proof of such violation. The fact that the County shall not have retained counsel shall not be a bar to the collection of such counsel fees, and expert and special service and witness fees and expenses incurred; provided however, that the County shall use a reasonable basis upon which to calculate the cost of services provided by officers and employees of the County.

806. COUNTY ATTORNEY. The Sullivan County Attorney is hereby authorized on the request of the Commissioner to appear in any proceeding on behalf of the County to enforce any civil or administrative penalty, order or to undertake the prosecution of any violation or criminal proceeding authorized by local law and these rules.

807. COUNTY SHERIFF'S DEPARTMENT. The Sullivan County Sheriff's Department is hereby authorized on the request of the Commissioner to undertake investigative measures and law enforcement procedures for violations of local law and these rules.

TITLE IX

SEPARABILITY AND EFFECTIVE DATE

- 901.** Separability. If any clause, sentence, paragraph, section or part of these rules shall be adjudged by a court of competent jurisdiction to be invalid, such judgment, decree or order shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of these rules shall not be affected thereby and shall remain in full force and effect.
- 902.** Effective Date. These rules shall take effect immediately.