

**ORGANIZATIONAL MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS**

January 5, 2005

The organizational meeting of the Delaware County Board of Supervisors was held Wednesday, January 5, 2005 at 1:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The Clerk of the Board, Christa M. Schafer, called the meeting to order and read the Notice of Meeting:

TO ALL SUPERVISORS:

Pursuant to County Law, §151 and Board Rule 1, the Organizational Meeting of the Delaware County Board of Supervisors will be held in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York on Wednesday, January 5, 2005 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2005, including election of a Chairman, Vice Chairman, and Clerk.

Any other business that may properly be brought before the Board will be conducted.

Christa M. Schafer, Clerk
Delaware County Board of Supervisors

The Clerk called the roll by towns and the following Supervisors were present:

Martin A. Donnelly	134 Damgaard Road	Andes
Tina B. Molé	P.O. Box 63, Bovina Center	Bovina
Lucille R. Freyer	831 Horton Brook, Roscoe	Colchester
Todd Rider	P.O. Box 152, Davenport Center	Davenport
Peter J. Bracci	931 Dick Mason Road	Delhi
Stanley E. Woodford	668 Old Route 10	Deposit
Donald Smith	21 Bartlett Hollow Road	Franklin
Wayne E. Marshfield	6754 Basin Clove Road	Hamden
James E. Eisel, Sr.	25171 State Highway 23	Harpersfield
George Haynes	Main Street, P.O. Box 752, Bloomville	Kortright
John F. Thomas	11307 County Highway 27, Sidney Center	Masonville
Frank Bachler	57 Bachler Road, E. Meredith,	Meredith
Leonard Utter	3947 Millbrook Road, Margaretville	Middletown
Thomas S. Hynes	Main Street, P.O. Box 277	Roxbury
Joseph A. Maddalone	6 Weir Street	Sidney

Patrick J. Ryan	1172 Clove Road, Hobart	Stamford
Perry Shelton	P.O. Box 23, Trout Creek	Tompkins
John W. Meredith	P.O. Box 51	Walton

The following Supervisor was absent:

Samuel Rowe, Jr.	661 Main Street	Hancock
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Mr. Donnelly offered the invocation.

Mr. Ryan led the Board in the Pledge of Allegiance to the Flag.

The Clerk requested nominations for Chairman and upon a nomination by Mr. Donnelly, seconded by Mr. Smith, Mr. James Eisel, Sr. was unanimously re-elected to the position.

County Clerk Gary Cady administered the Oath of Office to Mr. Eisel.

Chairman Eisel thanked the Board for their support stating he is looking forward to serving Delaware County for another year. He commented there is much to be done, noting Countryside, USL, and working on containing the budget.

Upon a nomination by Mr. Rider, seconded by Mr. Maddalone, Tina Molé was unanimously elected as Vice-Chairman.

Upon a nomination by Mr. Donnelly, seconded by Mr. Woodford, Christa Schafer was unanimously re-elected as Clerk of the Board.

Chairman Eisel made the following committee appointments:

2005 COMMITTEE APPOINTMENTS

AGRICULTURAL AND FARMLAND PROTECTION BOARD

Mike Sabansky, Real Property Tax Director

COOPERATIVE EXTENSION SERVICE

Supervisor Frank Bachler

Supervisor Donald Smith

Supervisor Todd Rider

DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Supervisor Jack Thomas

Scott White

DELAWARE COUNTY PLANNING BOARD

John Hamilton

Harold Bedford
Nancy Gallup

HEALTH SERVICES ADVISORY BOARD

Dr. Gary Preiser
Glen Morrison
Margaret Hume

SOIL & WATER CONSERVATION DISTRICT BOARD

Supervisor Frank Bachler
Supervisor Donald Smith
Dennis Hill

TRAFFIC SAFETY BOARD

Sheriff Thomas Mills
Craig Whitten
Gary Leahy
Supervisor Frank Bachler
Lisa Barrows
Glen Morrison

YOUTH BOARD

Terri Theobald

Chairman Eisel reported the Standing Committees remain the same, and referenced the new directory card on each Supervisors' desk.

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communication received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Mr. Thomas who explained that the Masonville Fire Department had been called out to the Masonville Motor Lodge about two weeks before Christmas due to problems with odors and safety conditions. As a result of many code violations the decision was made to immediately condemn the building and advise the residents, which included two infants and four partially disabled elderly adults, that they would have to be relocated immediately for their own safety.

Mr. Thomas praised the Masonville Code Enforcer, County Code Enforcer, the Sheriff's Department, the Department of Social Services and Delaware Opportunities for their immediate response, noting that he called them at 1:00 P.M. asking them to meet him at 2:00 P.M. He further stated that all the residents were relocated to warm dry shelter by 4:30 P.M. the same day. He was pleased to say that he received no repercussions but, many calls and notes of thanks from the residents for getting them out of the situation they were in. He expressed his gratitude

to the Department of Social Services for spearheading the matter. The doors of the Motor Lodge are shut until the owners address the problems.

Mr. Thomas also proudly announced that Peter Palmer, a native of Masonville, is currently serving in the military and stationed in Iraq has been promoted to General.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Commissioner of Public Works Wayne Reynolds to give a brief update on the Composting Facility.

Commissioner Reynolds stated that the project moved along well in 2004 but, due to the complexity of project it is not as close to completion as he would like it to be, adding it was hoped that the start-up date would have been January 1, 2005.

He explained the interdependency of the contractors on site and the difficulties of having all aspects of composting under one roof. He noted that there is approximately 1,300 cubic yards of cement left to pour which is all slab work, 128,600 pounds of rebar to place, electrical work is going well, the bio-reactor has run under its own power and most of the major equipment is in place.

Commissioner Reynolds said all parties involved are very comfortable that the project will be complete by end of June 2005. He offered to arrange a tour of the facility to anyone interested, adding it is still very cold in the building.

In closing, Commissioner Reynolds praised the work of the Delaware County staff complimenting their commitment to excellence and the level of professionalism involved in management and labor.

In answer to Chairman Eisel, Commissioner Reynolds said that there will be 8,000 cubic yards of cement all together.

Chairman Eisel said that he looks forward to a tour of the facility in the Spring.

For Standing Committee Reports, Finance Committee Chairman Mr. Donnelly asked Clerk of the Board Christa Schafer to bring the Board up to date on the USL System.

Mrs. Schafer stated that the Public Health, Sheriff and Social Services departments have now been added on the USL system and are entering their own vouchers. There are currently six departments on the system and additional departments will be added in the near future.

She advised that approval was given by the Finance Committee to change the abstract and the abstract summary. The revision of the abstract and the abstract summary will eliminate the need of the Department of Fiscal Affairs spending three to five hours on Board Meeting day to reformat the report currently produced by USL, adding it is anticipated these reports will be delivered early next week.

In addition, a request was made to USL to produce a voucher based upon the information entered into the system. USL is making a minor modification to the voucher and this will also be delivered early next week. The creation of the voucher will eliminate departments having to produce a voucher manually, thus reducing the numbers of errors and saving much time in the auditing process.

Mrs. Schafer thanked the departments for their patience and cooperation and wished everyone a happy and blessed new year.

Mr. Hynes offered the following resolution and moved its adoption:

RESOLUTION NO. 1

TITLE: RE- APPOINTMENT OF COUNTY PLANNING DIRECTOR

BE IF RESOLVED that Nicole Franzese is hereby re-appointed as County Planning Director for a term of office effective January 1, 2005 and ending December 31, 2007 at the salary contained in the budget.

The resolution was seconded by Mr. Rider and unanimously adopted.

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 2

TITLE: RE-APPOINTMENT OF PUBLIC HEALTH DIRECTOR

BE IT RESOLVED that Bonnie Hamilton is hereby re-appointed as Director of Public Health for a term of office effective January 1, 2005 and ending December 31, 2007 at the salary contained in the budget.

The resolution was seconded by Mr. Donnelly and unanimously approved.

Mr. Thomas offered the following resolution and moved its adoption:

RESOLUTION NO. 3

TITLE: RE-APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES

BE IT RESOLVED that pursuant to §440 (4) (B) of the County Law and §116 of the Social Services Law, William Moon is hereby re-appointed Commissioner of Social Services of the county of Delaware for a term of five years effective January 4, 2005 and ending January 4, 2010 at the salary contained in the budget.

The resolution was seconded by Mr. Marshfield and Mr. Smith.

Ms. Freyer stated that she could not vote in favor of reinstating Commissioner Moon. She said that it would bother her tremendously if she felt the Board unanimously agreed to reinstate Mr. Moon. She noted that she has had the opportunity to work with the Commissioner and that he was very helpful to her but, she said that in no way corrects or excuses the letter he wrote asking for the Treasurer's resignation which she feels was absolutely unacceptable. She further stated that as a Department Head he overstepped his position and put the Board in a difficult position, adding that the Board must take the necessary steps to be sure the right decision is made as a Board and for the people we serve.

Mr. Donnelly remarked that the Commissioner is very outspoken but, does his homework and is usually right, adding he serves the requirements of the Board of Supervisors and the residents of Delaware County. Mr. Donnelly noted that the Department of Social Services is the second largest source of revenue as well as appropriation which requires understanding of federal and state requirements. He remarked that there will always be issues and not everyone will agree but, the Commissioner is well respected by his peers and on a state and federal level too. He stated he will vote for the Commissioner's re-appointment.

Mr. Marshfield stated that he was not happy with the Commissioner's letter but, that he dealt with that at the time of the salary increase. In his opinion, Delaware County has one of the best commissioners in the state, he is very smart and innovative, adding to put a man out on the street because he wrote a letter is uncalled for, and he will be supporting his re-appointment.

Mr. Bachler stated there have been times that he and the Commissioner have been at odds, this time, however, it was his opinion that the Board was not doing enough to get this issue straightened out. He stated we are not here to argue if writing the letter was right or wrong, when you look at the overall work that the Commissioner does for this county he is an important person and a hard worker. In his opinion, he would be hard put to see the County replace him.

Mr. Bracci stated that he has been on the Social Services Committee for a year and he is very impressed with the Commissioner. He is an outstanding individual and an absolute plus to Delaware County, adding not supporting him because of this letter would be a grave mistake.

Mr. Thomas remarked that he was on the Board when Commissioner Moon was hired. He commented that he and the Commissioner have tangled on many occasions through the years but, he has come to recognize that the Commissioner is very good at what he does. In his opinion, Delaware County has an organization that meets the needs of the people whether or not we agree, adding he will support his re-appointment despite the letter that he agrees was distasteful.

Mr. Shelton commented that he has served with the Commissioner for many years, working very close with him during his time as Budget Director. He said he felt the letter probably should not have been made public but, if he got canned for one mistake he would have been gone a long time ago.

Chairman Eisel stated he appreciates everything Commissioner Moon does. The Commissioner provides solid and reliable answers to his questions. In his opinion, Commissioner Moon does a good job and deserves to be re-appointed, adding he will support his re-appointment.

Mr. Hynes commented that he and the Commissioner have had their differences over the years but, the next day he is always a gentleman. In his opinion, as a member of the Social Services Committee, the Commissioner does a great job, adding he provides more information than can be absorbed at times. Mr. Hynes said he will support the Commissioner's re-appointment.

The resolution was adopted by the following vote: Ayes: 4257, Noes 204 (Freyer), Absent 345 (Rowe).

Mr. Hynes offered the following resolution and moved its adoption:

RESOLUTION NO. 4

TITLE: APPOINTMENT OF DEMOCRATIC ELECTION COMMISSIONER

WHEREAS, Democratic Committee Chairman has certified to this Board that William J. Buccheri has been designated by the Democratic Committee as its choice for Election Commissioner and recommends his appointment;

NOW, THEREFORE, BE IT RESOLVED that William J. Buccheri be and he hereby is appointed Democratic Election Commissioner for the County of Delaware for the years 2005 and 2006 at the salary stated in the budget.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes: 4015, Noes 446 (Rider, Woodford), Absent 345 (Rowe).

Mr. Donnelly offered the following resolution and moved its adoption:

RESOLUTION NO. 5

**TITLE: DESIGNATION, OF PUBLICATION
OF LOCAL LAWS AND NOTICES: REPUBLICAN**

WHEREAS, the Republican Party having designated The Walton Reporter, published by The Reporter Company Printers and Publishers, Inc. for the purpose of publishing notices pursuant to County Law 214 (2);

NOW, THEREFORE, BE IT RESOLVED that pursuant to County Law 214 (2) that The Walton Reporter is designated for the calendar year 2005 to publish local laws and notices.

The resolution was seconded by Mr. Maddalone and unanimously adopted.

Mr. Hynes offered the following resolution and moved its adoption:

RESOLUTION NO. 6

**TITLE: DESIGNATION, OF PUBLICATION
OF LOCAL LAWS AND NOTICES: DEMOCRAT**

WHEREAS, the Democratic Party having designated the Deposit Courier for the purpose of publishing notices pursuant to County Law 214 (2);

NOW, THEREFORE, BE IT RESOLVED that pursuant to County Law 214 (2) that the Deposit Courier is designated for the calendar year 2005 to publish local laws and notices.

The resolution was seconded by Mr. Bachler and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:

RESOLUTION NO. 7

TITLE: DESIGNATION OF DEPOSITORY FOR DELAWARE COUNTY FUNDS

BE IT RESOLVED that, pursuant to Section 212 of the County Law, as amended and now in force, the bank hereinafter specified is hereby designated as a depository for County Funds, together with the maximum amount that may be kept on deposit therein at any on time, and the County Treasurer is hereby authorized and directed to deposit County monies in the bank herein designated.

BE IT RESOLVED the County Treasurer is authorized to wire funds and use electronic transfer of funds (ACH) from or to each facility.

BE IT FURTHER RESOLVED that one certified copy of the resolution shall be filed in the office of the County Clerk, one in the office of the State Comptroller and two in the office of the County Treasurer by the Clerk of the Board of Supervisors.

The National Bank of Delaware County	\$15,000,000.00
The Delaware National Bank of Delhi	\$5,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$500,000.00
The National Bank and Trust Company	\$40,000,000.00

The National Bank of Stamford	\$10,000,000.00
HSBC Bank USA Walton	\$10,000,000.00
Wilber National Bank	\$4,000,000.00

The resolution was seconded by Mr. Thomas and unanimously adopted.

Mr. Thomas offered the following resolution and moved its adoption:

RESOLUTION NO. 8

**TITLE: TRANSFER OF FUNDS 2004 BUDGET
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following 2004 Appropriation account is in need of funds:

NOW, THEREFORE BE IT RESOLVED that the following transfers be made:

FROM

10-16129-54615000	Training	\$37,000.00
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TO

10-16129-54200015	Training Schools	\$37,000.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes: 4461, Noes 0, Absent 345 (Rowe).

Mr. Thomas offered the following resolution and moved its adoption:

RESOLUTION NO. 9

**TITLE: CONTRACT APPROVAL WITH DELAWARE SUPPORT & SERVICES, INC.
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, during the past several years there has been a growing problem with adolescent behaviors of a sexually offending nature; and

WHEREAS, effective outpatient and inpatient services for this population are not available locally causing Delaware County to experience very significant increases in its foster care costs during 2004;

NOW, THEREFORE BE IT RESOLVED that the Board approves the Social Services Department using up to \$60,000 of its federal and state allocations of TANF and Preventive funding for the purpose of contracting with the Not-For-Profit agency, Delaware Support & Services, Inc. to assist the Department with the development and delivery of outpatient diagnostic and treatment services for adolescent sex offenders.

The resolution was seconded by Mr. Marshfield.

Mr. Thomas commented that this resolution has the potential to deal with a very serious problem and save the county a lot of money.

Commissioner Moon referenced Resolution No. 191 of 2003 giving authorization to organize the not-for-profit corporation. He explained that the not-for-profit agency would be a separate entity and that any business done by the not-for-profit would be presented to this Board by resolution. He announced that former Colchester Town Supervisor Art Edel had been elected president and chairman of the Delaware County Support and Services, Inc.; Jim Thomson will serve as vice-president.

Federal and state funds he stated will be utilized to jump start an outpatient program for treatment of youngsters, primarily male, exhibiting sexually offending behavior and advised that the county to date has paid approximately three quarters of million dollars in payments to facilities located in and out of New York State. These youngsters, he said, are no longer safe in their communities and have to be placed in a setting where they will receive special treatment at an average cost of \$400 a day. The county currently has three individuals in local foster care that have exhibited sexually offending behavior and unless we have an effective out patient placement we would be spending over one million dollars in 2005. He further stated that if the behaviors of the adolescents are not turned around it becomes a pattern that will continue into adulthood.

Commissioner Moon said the goal is to get this program up and running by spring of 2005, adding he and Deputy Commissioner Susan Aikens will be meeting with representatives from Schoharie, Otsego, and Chenago counties to forge a regional group. The goal is to provide effective local treatment.

In reply to Mr. Bachler, Commissioner Moon explained that currently these young adults are in foster care which controls their lives 24 hours a day 7 days a week. If we do not get an effective treatment to them they will eventually have to be placed, currently two of them need to be in a good solid program that addresses their negative behavior patterns. Furthermore, the homes the county uses are in our communities, adding the other part of this plan is to find a home in a remote area of the county that can be utilized just for sex offenders and will be a self contained program.

In reply to Chairman Eisel, Commissioner Moon stated that we have an individual from Albany, Dr. Richard Hamill who is president of the New York State Sexual Offenders Treatment Association and is interested in opening an office in Oneonta as it is the hub for the four

counties. Dr. Hamill has been treating our patients for the past 7 years however, his office is in Albany.

Mr. Marshfield calculated that one person receiving services locally would save the county the difference between \$175 to \$200 and \$375 to \$400 a day. Further stating that the county would make its money back on one placement.

Commissioner Moon stated that the average cost to place a youngster in a self contained foster care setting is \$400 a day, placing these youngsters locally in a similar setting would cost between \$170 to \$190, pointing out that this would keep our dollars local and we would be hiring and training local people.

Commissioner Moon stated that the goal is by the end of the year to turn in a budget for 2006 that would take approximately \$600,000 out of the foster care fund.

Ms. Freyer questioned how the not-for-profit would benefit the county if the \$60,000 is county money and we are taking care of a county problem. Commissioner Moon replied that the department did not want to hire more employees or ask for additional positions. The not-for-profit will provide the necessary services through consultants. He further stated this is an exploding problem, if we can provide local treatment we will be doing our part.

Chairman Eisel said this a genuine problem the county faces and wished the Commissioner much success in dealing with it.

The resolution was adopted by the following vote: Ayes: 4461, Noes 0, Absent 345 (Rowe).

Mr. Thomas offered the following resolution and moved its adoption:

RESOLUTION NO. 10

**TITLE: SOCIAL SERVICES BURIAL SCHEDULE
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Social Services Committee has received a proposed fee adjustment in the Burial Schedule submitted by the Delaware County Funeral Director's Association, and

WHEREAS, the Committee finds that some adjustments are reasonable and in the best interests of providing appropriate services for indigent burials;

NOW, THEREFORE BE IT RESOLVED that the following Schedule shall be effective this day forward;

1. Professional and personal services of the Funeral Director shall include calling hours either in the afternoon or evening before the funeral service and shall be paid as follows:

(a) Adult (age 13 & older)	\$1,500.00
(b) Child (ages 1 to 12)	700.00
(c) Infant (under 1 year) Casket & vault up to cost of	700.00

2. A 20 gauge non-sealed crepe interior, steel casket at cost up to \$400.00

3. The Funeral Director shall be allowed to charge the actual cemetery expenses involved, including cost of a burial plot, if none is available, cost of opening and closing the grave if there are no other provisions for this, winter vault charges if required and the cost up to \$400.00 for a concrete rough box when it is required;

4. An allowance of \$1.25 per loaded mile from the place of death to place of burial;

5. The Funeral Director shall submit to the Commissioner of Social Services receipted bills to support his claims for cemetery charges. Any resources or supplementation shall be handled in accordance with Board Resolution No. 158 dated July 8, 1987.

The resolution was seconded by Mr. Marshfield.

Chairman Eisel granted Mr. Hynes' request to be excused from this vote.

The resolution was adopted by the following vote: Ayes 4210, Noes 0, Absent 345 (Rowe), Abstain 251 (Hynes).

Mr. Bachler offered the following resolution and moved its adoption:

RESOLUTION NO. 11

TITLE: DESIGNATION OF A THIRTY-DAY PERIOD FOR AGRICULTURAL DISTRICT REVIEW

WHEREAS, Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law to require the County Legislative Body to designate a thirty-day review period in which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has met and passed a resolution recommending that the thirty-day period be from January 31, 2005 to March 1, 2005; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby designate the time period from January 31, 2005 to March 1, to be the annual thirty-day time period for the year 2005.

The resolution was seconded by Mr. Smith.

Mr. Bachler stated that this resolution allows those that are interested in submitting a request for inclusion in an agricultural district could do so without having to wait for an 8 year review.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule 10 to permit the introduction of the following resolutions which were not pre-filed.

Mr. Utter offered the following resolution and moved its adoption:

RESOLUTION NO. 12

**TITLE: TRANSFER OF FUNDS - ROAD FUND - 2004 BUDGET
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Fall 2004 snow season has been very light allowing for more work to be done in maintenance causing Maintenance Personal Services to be over; and

WHEREAS, money is need to cover the cost of chemicals for snow removal; and

WHEREAS, there is a balance in the line for personal services for snow removal.

NOW, THEREFORE, BE IT RESOLVED that the following transfer be made to cover expenditures in the Chemicals and Maintenance Personal Services:

FROM:

24-15142-51000000	Personal Services - Snow Removal	\$ 45,000.00
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TO:

24-15142-54160000	Chemicals	\$ 5,000.00
24-15110-51000000	Personal Services - Maintenance	\$ 40,000.00

The resolution was seconded by Mr. Rider and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Utter offered the following resolution and moved its adoption:

RESOLUTION NO. 13

**TITLE: PAYMENT OF MACHINERY RENTALS -
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, various authorized expenditures from the Machinery Fund are being made, especially for the purchase of new equipment;

WHEREAS, anticipated rentals earned from the County Road Fund appear insufficient to meet those expenditures during the next several months.

BE IT RESOLVED, that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2005.

The resolution was seconded by Mr. Bachler.

Mr Utter explained that this resolution is done every year and authorizes the County Treasurer to advance funds as needed to the Machinery Fund.

The resolution was unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption;

RESOLUTION NO. 14

**TITLE: APPORTIONMENT OF SURPLUS OF DOG LICENSE
FEES, PENALTIES AND COSTS 2004
TREASURER'S OFFICE**

WHEREAS, the report of the County Treasurer to the Board of Supervisors regarding dog license fees, penalties and costs for the year ending December 31, 2004 shows a surplus of \$1,833.66 and 75 % of the above surplus amounts to \$1,375.25

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer shall apportion the 75 % of the surplus as indicated to the various towns:

REMITTING MUNICIPALITY	AMOUNT REMITTED	SEVENTY-FIVE % OF SURPLUS APPORTIONED
Andes	\$ 284.32	\$ 40.74
Bovina	\$ 146.85	\$ 21.04
Colchester	\$ 660.33	\$ 94.61
Davenport	\$ 269.20	\$ 38.57
Delhi	\$1,105.64	\$ 158.42

Deposit	\$ 345.42	\$ 49.49
Franklin	\$ 301.09	\$ 43.14
Hamden	\$ 454.68	\$ 65.15
Hancock	\$ 512.60	\$ 73.44
Harpersfield	\$ 157.42	\$ 22.55
Kortright	\$ 375.11	\$ 53.74
Masonville	\$ 163.30	\$ 23.40
Meredith	\$ 404.55	\$ 57.96
Middletown	\$1,177.98	\$ 168.78
Roxbury	\$ 411.23	\$ 58.92
Sidney	\$1,518.74	\$ 217.60
Stamford	\$ 240.85	\$ 34.51
Tompkins	\$ 160.96	\$ 23.06
Walton	\$ 908.24	\$ 130.13
Totals	\$9,598.51	\$1,375.25

The resolution was seconded by Mr. Thomas.

Mr. Ryan pointed out that 75 percent of the amount remitted does not equal the figures listed. Clerk of the Board, Mrs. Schafer stated that a formula is used to arrive at the numbers, explaining it is the amount of dog damage claims against the amount remitted and the amount required to be sent to the state.

In response to Mr. Bachler, Mrs. Schafer advised that there has been a few dog damage claims, adding there is a large claim pending.

Mrs. Schafer stated in response to Mr. Thomas that she will rewrite the resolution for next year.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Shelton offered the following resolution and moved it adoption:

RESOLUTION NO. 15

**TITLE: AMENDMENT OF RESOLUTION NO. 319 OF 2004
LEVY OF TAXES FOR SPECIAL DISTRICTS,
HIGHWAYS AND GENERAL OUTSIDE OF VILLAGE**

WHEREAS, the Board of Supervisors adopted Resolution No. 319 on December 8, 2004; and

WHEREAS, due to a clerical error the amount listed to be levied in the Town of Tompkins for the Tompkins Fire Department was in error;

THEREFORE, BE IT RESOLVED that the amount of \$62,228.00 be levied in the Town of Tompkins for the Tompkins Fire Department and that Resolution 319 of 2004 and the tax roll be amended to reflect said change.

The resolution was seconded by Mr. Ryan.

In reply to Mr. Thomas, Mrs. Schafer said that new bills will be printed, adding if the incorrect tax bill is paid the Town Clerk will contact the taxpayer and advise them of the additional amount owed.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Upon a motion the meeting was adjourned for a short recess and reconvened with all Supervisors present except Mr. Rowe.

Mr. Donnelly offered the following resolution and moved its adoption:

RESOLUTION NO. 16
TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,650,525.12 are hereby presented to the Board of Supervisors' for approval of payment;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$764,624.91
Countryside Care Center	\$85,183.88
OET	\$35,899.53
Capital Jail	\$14,731.54
Highway Audits, as Follows:	
Road	\$5,782.17
Machinery	\$190,409.84
Capital Road & Bridge	\$202,369.38
Capital Solid Waste	\$311,126.02
Solid Waste/Landfill	\$40,397.85

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Donnelly offered the following resolution and moved its adoption:

RESOLUTION NO. 17

TITLE: TREASURER TO COMPLY WITH FEDERAL AUDIT

WHEREAS, the Social Security Administration conducted an audit of Social Security accounts on November 9, 2004, entrusted to the Department of Social Services for financial management services; and

WHEREAS, these accounts involve Social Security Retirement Income, Social Security Disability Payments, Social Security Survivors's Benefits and Social Security Supplemental Income Payments to more than 100 Delaware County residents on an annual basis; and

WHEREAS, this audit determined that the Delaware County Treasurer did not have these Social Security funds in an interest bearing account and that the funds were being improperly commingled with other County funds in violation of Social Security Administration rules and policy; and

WHEREAS, the results of this audit were shared with the Delaware County Treasurer and both the Commissioner of Social Services and the Director of the District Office for the Social Security Administration requested that the County Treasurer open a new interest bearing account containing only Social Security funds and then properly designate said account for that purpose

NOW, THEREFORE BE IT RESOLVED that this Board directs the Delaware County Treasurer to forthwith, but not later than Friday, January 7, 2005 to open a legal properly designated and interest bearing account for these Social Security beneficiaries, and

BE IT FURTHER RESOLVED that if said account is not opened by close of business January 7, 2005, the Commissioner of Social Services is hereby directed and authorized to open the account on behalf of the County of Delaware on January 10, 2005.

The resolution was seconded by Mr. Smith.

Chairman Eisel explained that he and the Commissioner have had several conversations over the past two month regarding co-mingling of funds that should have been separated. The Treasurer has been asked to open an account and this has not been accomplished.

Chairman Eisel stated that Kermit Weaver from the Social Security Administration was in attendance to address questions and concerns.

Commissioner Moon said he feels he is responsible for the funds but, by law he is required to turn the funds over to the Treasurer each month, however, that he and his staff direct how the funds will be distributed. He said the recipients are entitled to draw interest on their money and they are entitled to a properly designated account. He expected that shortly after the audit of November 9, 2004 a checking account would have been opened.

He explained that he receives anywhere from \$35,000 to \$55,000 a month in checks made out to him and refuses to deposit them into an illegal account. He said he has made the decision to hold on to the recipient checks until the county is in compliance with state and federal law and regulations. He further stated in his opinion, opening a checking account is not something that should take eight weeks to do. He said this resolution is being brought at his request as he cannot wait any longer.

Mr. Weaver stated the main concern is the co-mingling of beneficiary funds with county funds which is strictly against Social Security regulations. He also said that as a side, these funds should be earning interest and explained that the county has beneficiaries who have upward of \$10,000 under the care of the Commissioner and those funds are not earning interest. He further stated that he expects the situation to be fixed.

In reply to Chairman Eisel, Mr. Weaver stated that morally the county might be responsible for the interest it failed to pay the recipients however, the Social Security Administration will not pursue that course of action

In answer to Chairman Eisel, Mr. Weaver said that when the Social Security Administration reaches out to the Commissioner all other avenues have been exhausted.

Mr. Weaver stated in response to Chairman Eisel that technically the county is breaking the law.

Mr. Marshfield commented that the notice was given on November 9, 2004, the Department of Social Services checked December 1, 2004 and it was not taken care of, there was an assumption that it would be taken care of January 1, 2005 and it is still not taken care of. He further stated that the Board has to do what is necessary to get this done, adding what we are currently doing is illegal.

Mr. Donnelly stated that in fairness to the Treasurer she told the Finance Committee that this has been going on since she has been the Treasurer and that she has no idea how long it had been going on before she became Treasurer.

Mr. Thomas remarked it is relatively simple the Board is correcting something that it has been negligent about for many years.

In response to Mr. Ryan, Mr. Donnelly answered he could not say that the reason a separate account has not been opened is because it has always been done this way.

Mr. Weaver commented that in the past the reviews on these accounts were done only when there were over 100 beneficiaries. He said that in the past few years there have been many cases of payee misuse, citing a case in Utica where criminal charges were brought. He further stated that the county is not totally at fault adding the Social Security Administration was

not reviewing Delaware County cases prior to this year when the criteria was lowered from 100 beneficiaries to 50.

Mr. Donnelly stated that the Treasurer, Social Services and Mr. Kermit have been trying to work this out, however since November 9, 2004 this has not been done. He further stated that he did not feel as Mr. Thomas did, remarking the Board was not aware of the situation.

Mr. Thomas replied that if the Board has been negligent, I take my share of the blame. Chairman Eisel remarked that the Board is trying to resolve the problem, and we could not resolve it so we have come to this. Mr. Thomas said then let's stop pointing blame and move on.

Mr. Marshfield expressed frustration that it had to take a resolution to get this issue resolved.

Mr. Bachler said that this reflects on all of us as we are responsible for these funds whether we knew or not.

Chairman Eisel stated that we rely on our Department Heads to give us the information we need to make informed decisions, adding we are not here full time all the time and we are not accountants.

Mr. Maddalone remarked that the Board cannot be aware of every little thing that goes on, adding that is why we have to depend on Department Heads.

Mr. Marshfield remarked that Municipal Law says the Commissioner is responsible for the funds but, later goes on to say that the money goes to the Treasurer, adding the Commissioner never sees the money.

County Attorney Richard Spinney replied that there are two issues being referred to, Section 87 of the Social Services Law of the State of New York and the Federal Regulations relating to Social Security.

In reply to Mr. Hynes, Mr. Spinney said that the issue of interest is a Social Security matter. Section 87 of the Social Services law of the State of New York says nothing about interest, it directs the money to be received by the Commissioner of Social Services and the County Treasurer to open an account for that purpose. The law then goes on to say the Commissioner of Social Services can spend the money that is in the account.

Mr. Marshfield commented the only time we may over step this law is if the Board authorizes Commissioner Moon to open the account.

In reply to Mr. Hynes, Mrs. Shields stated that there was no malicious attempt on her part, that she has been in contact with Mr. Weaver and Commissioner Moon and will open an interest bearing checking account tomorrow as requested.

Mrs. Shields stated in reply to Mr. Ryan that the Treasurer's office signs the check but Commissioner Moon certifies the spending.

Mr. Marshfield questioned how the amount to be deposited into the checking account would be determined. Mrs. Shield answered that the amount will be provided to her from the Department of Fiscal Affairs.

The resolution was unanimously adopted.

Chairman Eisel granted privilege of the floor to Ms. Freyer to discuss the county-owned Certified Home Health Agency (CHHA).

Ms. Freyer stated that when one buyer requested that the CHHA program be sold along with the Countryside Care Center the Board began to question what affect the sale of the CHHA would have on the County. The concern being that the Board could inadvertently sell the CHHA and its underlying services leaving vast holes in coverage if the buyer decided not to continue with the services the county has been running under and through the CHHA license.

Ms. Freyer explained that CHHA is the operating license under which the office of Public Health operates within the county and is a revenue source, adding that both medicare and medicaid can be billed through CHHA, as a reimbursement source for many programs that take place through the County.

Ms. Freyer referenced her handout detailing the integrated services provided by Delaware County agencies including Countryside Care Center, Public Health, Office for the Aging, Social Services, Mental Health and Delaware Opportunities. These integrated services would be otherwise unavailable without the county owned CHHA. She said these agencies have worked together over the years to develop an integrated web of services for the residents of Delaware County.

She further stated that the committee is recommending that these papers be forwarded to the prospective buyer, Mr. Michael Melnick and his attorney to help understand the extent of services being performed under the CHHA at this time by the County.

Ms. Freyer thanked the members of the committee and department heads for their contributions towards getting the facts on paper.

Chairman Eisel stated that there will be an executive session on Thursday, January 13th at 10:00 A.M. in the Board Room with the second firm interested in purchasing Countryside Care Center. Immediately following the executive session Supervisors will have an open discussion of where we currently are and where we are going.

Mr. Donnelly offered the following resolution and moved its adoption:

RESOLUTION NO. 18

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss litigation.

The resolution was seconded by Mr. Smith and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present except Mr. Rowe.

Upon a motion, the meeting was adjourned at 4:00 P.M.