

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

February 16, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 16, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Ryan.

Mr. Donnelly offered the invocation.

Ms. Freyer led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Director of Patient Services Wayne Shepard who introduced Loretta Babcock as Employee of the Month.

Mr. Shepard said that as the Director of Patient Services he has the opportunity to work with Mrs. Babcock in several different capacities, first as Staff RN, then as her immediate supervisor, and presently as the Director of Patient Services. Mrs. Babcock started with Public Health as a per-diem registered nurse in April 1987 and became a full time employee in 1992. Mr. Shepard announced that after 18 years of service to Delaware County Mrs. Babcock has decided to retire in April 2005, adding she will be missed by the agency and her clients.

Through the years Mrs. Babcock has visited patients of all ages including newborns, new moms, teens, and the elderly to provide direct nursing care and teaching in the home. She has traveled all areas of the county and helps with outreach activities such as immunization clinics and health fairs. She has done an excellent job in assisting, training and mentoring new staff members. Mrs. Babcock is professional, conscious, dedicated and compassionate to the agency staff and clients as evidenced by the many complimentary comments received from the patients upon their discharge.

Mr. Shepard presented Mrs. Babcock with a \$100.00 Savings Bond thanking her for her dedication. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Chairman Eisel granted privilege of the floor to Director of Employment and Training

Teddie Storey who thanked the Board for allowing the move from 97 Main Street to the office formerly occupied by the Probation Department on Gallant Avenue. She complimented the Building and Maintenance Department for their hard work, saying they were very patient and good natured throughout the entire move.

On behalf of Employment and Training, Watershed Affairs and Economic Development in token of their gratitude, Ms. Storey presented a gift certificate to Superintendent of Buildings & Grounds Ron Beers and his staff.

Mr. Beers thanked the departments for the gift certificate and said that they were all just doing their jobs.

Chairman Eisel granted privilege of the floor to Mr. Thomas who introduced Commissioner of Social Services William Moon for a review of Countryside.

Commissioner Moon passed out a handout entitled: "Countryside Care Center Facts for the Future" and said he did not feel it is was his role to take a position on what is the best possible decision the Board should make for Countryside but, to present the facts and issues in a balanced manner. He referenced his handout and stated that its purpose is to bring key issues into focus for the Board as well as the public.

The Commissioner pointed out that Countryside Administrator Kurt Apthorpe has provided studies and explanations regarding every aspect of Countryside including an analysis on the impact of opening an adult home and building a new nursing home. From this analysis he explained that in excess of five million dollars has been invested in a variety of capital projects, including renovations, replacements and upgrades to the facility. However, it was later learned that rebasing of the county's Medicaid rate would not occur with a renovation project, only a new owner would be eligible for rebasing if they were renovating the facility. It was in 2002 that a decision was made to change from a renovation project to building a new facility. In 2004 it was decided that selling the facility was another viable option that needed to be looked at. A decision needs to be made by analyzing the facts to determine whether to build or sell.

The State reimbursement system known as RUGS does not recognize the full range of costs associated with operating a county nursing home especially homes 15 years or older. Commissioner Moon discussed the Intergovernmental Transfer Program (IGT) and noted that previously the State required that counties were responsible for a capital investment of 10% for a new nursing home however, a new rule change requires a capital investment of 25%.

In addition, the county must abide by the New York State Municipal Civil Services rules and regulation which provides less flexibility with personnel. The Civil Service process complicates matters further as a result of the collective bargaining agent of a municipality versus the proprietary operators.

He noted that the RUGS system provides the smallest reimbursement for care of dementia patients, making it less desirable to place persons with Alzheimer or related forms of

dementia in a nursing home.

In conclusion, Commissioner Moon stated that the decision to build a new facility or to sell Countryside would not change the need for the county to be intimately involved with the long-term care needs in the county nor would it significantly affect the county's funding of the Medicaid program. He added that Medicaid will keep the county tied closely to whatever decision the Board makes. In his opinion, the best option for the Board and the county is to complete the Request for Proposal (RFP) information gathering process on purchase offers for sale so that the many comparisons the process has generated can be effectively analyzed.

Chairman Eisel commented he read the report and found it to be objective and informative. He said what stood out to him and is worth repeating is what the private sector could do that the county could not. He pointed out that if a private concern purchased the facility they would be rebased immediately, they could rehabilitate the existing facility and continue to receive full rebasing. Also, he said in the Governor's budget there is talk of increasing the bed tax from five percent to six percent. Furthermore, there would be a dramatic savings in tax dollars if we privatize and in addition, the facility would go back on the tax rolls.

Chairman Eisel stated that he prepared a handout responding to the questions from the two public meetings held on January 19, 2005 entitled: "Countryside Questions & Suggestions." He explained the responses have been reviewed by Budget Director Joe Hanley and County Attorney Richard Spinney as part of the Board's process of doing due diligence on this very important issue.

Chairman Eisel announced that two trips have been scheduled for the Supervisors. The first, on Wednesday, March 2nd will leave at 11:00 a.m to tour the Mohawk Nursing Home in Ilion, which is owned by the potential buyers. The second on Thursday, March 3rd will leave at 12 p.m. to tour Otsego Manor in Cooperstown. He said transportation will be provided and asked that the Supervisors contact Clerk of the Board Christa Schafer to sign up. He felt it very important that the Supervisors see both of these facilities.

Mr. Marshfield commented on January 29, 2005 he and his wife visited the Mohawk Valley Nursing Home. He explained the facility has three floors with forty residents per floor, adding there were eight open beds at the time he was there. There were twenty-five residents in rehabilitation which he explained came from the Utica hospital. He said the Mohawk Nursing Home offers adult and child day care. It is an efficient facility, each floor has a combination activity room and cafeteria, noting that there are plans to renovate these areas. He noted that Mohawk was a skilled facility and did not have any assisted living residents walking around. He concluded that the facility is clean and very well run. He said he and his wife, who used to work as a nurse, toured the facility on their own and talked with staff from housekeeping as well as the head nurse who had been with Mohawk for 23 years. He also noted that the facility was linked right into a medical arts facility.

Chairman Eisel remarked that Mohawk Nursing Home was a public facility at one time.

Mr. Marshfield asked the Chairman if he remembered what year it privatized, adding that the head nurse did not remember the change. Chairman Eisel replied, perhaps it was that seamless of a transition, to which Mr. Marshfield, replied “that was my point”.

Mr. Bracci commented that he, Mr. Meredith and members of the Delaware County staff also visited the Mohawk facility and came away with the same impression as Mr. Marshfield. He added they left with knowledge they did not have before and a very positive impression of the facility.

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

RESOLUTION NO. 37

TITLE: WATERSHED AGRICULTURAL COUNCIL (WAC) GRANT FOR PRECISION ANIMAL FEEDING AND FORAGE SYSTEMS

WHEREAS, Delaware County has adopted the Delaware County Action Plan (DCAP) for the purpose of protecting its economic interests while protecting water quality; and

WHEREAS, Delaware County has received notice from the WAC that it has been awarded a grant to be used as match in conducting the Watershed Environmental Assistance Program grant for Precision Animal Feeding and Forage Systems in support of DCAP; and

WHEREAS, the WAC grant will be used to support forage systems on demonstration farms to evaluate the impact on phosphorus reductions on farms through the implementation of intensive forage systems thereby reducing phosphorus loading to the water supply; and

WHEREAS, Cornell Cooperative Extension retains the expertise to conduct this project.

THEREFORE BE IT RESOLVED, that the Delaware Board of Supervisors accept the WAC grant and authorize the Chairman of the Board to enter into a contract with the WAC; and

BE IT FURTHER RESOLVED, that the Chairman of the Board be authorized to enter into a contract with Cornell Cooperative Extension of Delaware County (CCE/DC) to perform services required to conduct the grant

BE IT FURTHERED RESOLVED, that the year 2005 budget be amended as follows:

ESTIMATED REVENUE

10-18741-42270700-8740014-905	Watershed Agricultural Council	\$90,000.00
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APPROPRIATIONS

10-18741-54327200-8740014-905	Contractual	\$90,000.00
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The resolution was seconded by Mr. Rider and adopted by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

Mr. Maddalone offered the following resolution and moved for its adoption:

RESOLUTION NO. 38

**TITLE: SHERIFFS' MULTI-COUNTY UNDERAGE DRINKING AND DRIVING ENFORCEMENT INITIATIVE
SHERIFF'S DEPARTMENT**

WHEREAS, the Delaware County Sheriff's Office agrees to participate in the New York State Governor's Traffic Safety Committee ("GTSC") program entitled, "Sheriffs' Multi-County Underage Drinking and Driving Enforcement Initiative". This program is sanctioned by the New York State Sheriffs Association.

WHEREAS, involvement will include using dedicated overtime enforcement hours to participate in joint checkpoints with the State Police or other agencies where practical, or independently, in the planned waves of visibility enforcement throughout this program's operation; and

WHEREAS, participation in this program will result in an award of \$4,320.00 in enhanced funding, to be used during peak underage drinking and driving times (prom, graduation and summer vacation) and \$3,240.00 to be used at the discretion during the course of the project. These discretionary funds are presently available and can be used at any time. Funds realized from this grant will be used to pay the salaries of the road patrol deputies participating in this program.

THEREFORE, BE IT RESOLVED that the Sheriff's Office be given permission to accept grant funding as described above and that the following accounts be established to accommodate the monies received and expenditures to be incurred under this program.

ESTIMATED REVENUE:

10-13110-43338900/3110104/907	State Other Public Safety	\$7,560.00
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APPROPRIATION:

10-13110-51327000/3110104/907	Personal Service-Grant	\$6,425.00
10-13110-58132700/3110104/907	State Retirement-Grant	\$642.00
10-13110-58332700/3110104/907	Social Security-Grant	\$400.00
10-13110-58932700/3110104/907	Medicare-Grant	\$93.00

The resolution was seconded by Mr. Bachler and adopted by the following vote: Ayes

4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 39

**TITLE: FIRST ANNUAL STOP-DWI GOLF TOURNAMENT
DELAWARE COUNTY STOP-DWI PROGRAM**

WHEREAS, the Delaware County STOP-DWI Program would like to increase Appropriations in Community Outreach and Education; and

WHEREAS, donations are already being received for this tournament; and

WHEREAS, it is anticipated there will be \$12,600.00 in donations; and

WHEREAS, the money will not be spent until it has been collected

NOW, THEREFORE, BE IT RESOLVED that the following account be modified to accommodate the monies to be received and expenditures to be incurred under this program.

ESTIMATED REVENUE

10-13315-42270500/3315018/903	Gifts and Donations	\$12,600.00
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APPROPRIATIONS

10-13315-54595000/3315018/903	Supplies	\$12,600.00
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The resolution was seconded by Mr. Utter.

Mr. Maddalone stated that Stop DWI Coordinator Lisa Barrows is already getting back responses. He remarked that it seems like the golf tournament is really going to take off.

The resolution was adopted by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 40

**TITLE: APPROVAL TO SPEND FUNDS FROM FOSTER CARE ACCOUNT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services maintains a Foster Care Account for the

purpose of purchasing equipment for its agency operated Foster Care Program; and

WHEREAS, the Agency Operated Foster Home is in need of security equipment in the amount of \$555.00.

THEREFORE, BE IT RESOLVED that the budget be amended as follows:

INCREASE ACCOUNT

10-18989-52200000	Foster Care Home-Hamden-Equipment	\$555.00
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DECREASE ACCOUNT

10-00000-11120120	Cash-in Time Deposits Foster Care	\$555.00
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The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 41

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 8, 2005

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 22-05	Loader/Backhoe to: Five Star Equipment Inc. PO Box 383 Kirkwood, NY 13795
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Bid Price w/Trade: \$118,752.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Woodford and Mr. Rowe.

Mr. Utter explained that this is a budgeted item and that bids were sent to four different companies, but only one vendor submitted a bid.

In response to Mr. Marshfield, Mr. Utter stated they were different manufacturers.

Mr. Utter commented in response to Mr. Thomas that the State bids had been reviewed.

The resolution was adopted by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 42

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 2, 2005

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 20-05 Lubricating Oils to:
R.H. Crown Co. Inc.
100 N. Market Street
Johnstown, NY 12095

Bid Price: \$22,059.80

PROPOSAL NO. 21-05 Used 4WD Telescoping Boom Forklift to:
NES Rentals
2316 Old Vestal Road
Vestal, NY 13850

Bid Price: \$24,900.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rider.

Mr. Thomas questioned what the telescoping boom forklift would be used for. Commissioner of Public Works Wayne Reynolds replied it would be used to move all types of material and to get closer to elevated work like bridges.

The resolution was adopted by the following vote: vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 43

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 8, 2005

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 3-05 Asphalt Concrete & Related Work for Parking Lots,
Sidewalks & Misc. Small Jobs to:
Contour Construction
145 Podpadic Road
Richmondville, NY 12149

Bid Price: See Summary Sheet

PROPOSAL NO. 4-05 Cutting and Trimming Trees to:
Asplundh Tree Expert Co.
708 Blair Mill Road
Willow Grove, PA 19090-1784

Bid Price: \$86.77/hour

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Bachler and Mr. Maddalone.

Mr. Utter stated that bids were sent to eight operators under Proposal No. 4-05, Cutting and Trimming.

In answer to Chairman Eisel, Mr. Utter said that the \$86.77 an hour includes a truck and two men. He noted that this bid is open to any town in the county, adding the town of Middletown utilizes this.

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

RESOLUTION NO. 44

**TITLE: PURCHASE OF HIGHWAY RIGHT OF WAY
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Delaware County Department of Public Works has entered into an agreement with the New York State Department of Transportation to receive Federal Aid under PIN 9752.85 for the reconstruction of County Bridge 60, BIN 3352390 and its approaches; and

WHEREAS, the new structure and highway realignment requires additional right of way; and

WHEREAS, the Department of Public Works has followed all the Federal Requirements for acquiring highway right of way including certified appraisals and appraisal reviews; and

WHEREAS, the Delaware County Department of Public Works was authorized by Resolution No. 155 of 2004 to purchase the following parcels in the Town of Franklin, from Mr. Harold Radiloff for the respective amounts including damages; and

Map No. 3 Parcel No. 4	0.857 Acres	Fee
Map No. 7 Parcel No. 8	140 sq.ft.	Fee
		\$2,000.00

WHEREAS, Parcel No. 4, Map No. 3 and Parcel No. 8, Map No. 7 owned by Mr. Radiloff are encumbered by a mortgage to Key Bank; and

WHEREAS, a partial release of mortgage is required for the County of Delaware to purchase said parcels; and

WHEREAS, Key Bank requires a legal description of the property to be released from the mortgage and a legal description of the property retained by Mr. Radiloff; and

WHEREAS, Mr. Radiloff has engaged the services of Mr. Ward Mack, Licensed Land Surveyor, to provide him the necessary descriptions for the partial release of mortgage.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Department of Public Works is authorized to reimburse Mr. Radiloff the amount of \$487.50 for the legal description to be used for the mortgage release.

The resolution was seconded by Mr. Rowe.

In reply to Mr. Thomas, Commissioner of Public Works Wayne Reynolds confirmed that the \$2,000 was for both parcels.

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

RESOLUTION NO. 45

**TITLE: CHANGE ORDER NUMBER TWO (2) FOR PROPOSAL NO. 29-04
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 170 on June 16, 2004, authorized the Department of Public Works to make award to New Century Construction for the replacement of Bridge 33-1, County Route 33 over Wright's Brook, Proposal 29-04 in the amount of \$809,589.08, and

WHEREAS, Resolution No. 273 of 2004 authorized the Department of Public Works to execute Change Order No. 1 resulting in an amended contract amount of \$809,229.73; and

WHEREAS, the final project resulted in the increasing of some quantities, decreasing of others and the addition of nine new items; and

WHEREAS, the project is substantially complete and the final quantities have all been determined.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works be authorized to execute Change Order No. 2 representing a net decrease of \$2,886.02 and changing the total contract amount to \$806,343.71.

The resolution was seconded by Mr. Rider.

Mr. Utter said this is one of the better change orders. New Century Construction is the same company that had the bid for the bridge on County Route 7 and it turned into a nightmare. This time, they delivered what they promised and even gave us a little money back.

The resolution was adopted by the following vote: vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 46

**TITLE: AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK
STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR
ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING
PROBATION DEPARTMENT**

WHEREAS, the Director of Delaware County Probation Department/Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives, in order to receive grant funds in the amount of \$8,600.00

THEREFORE, BE IT RESOLVED that the Chairman of Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute and submit an application to the New York State Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, New York 12205, for receipt of grant funds in the amount of \$8,600.00 for Alternatives to Incarceration Funding, for a term commencing January 1, 2005 and terminating December 31, 2005

BE IT FURTHER RESOLVED, that upon notification of the award of said funds, the Chairman of the Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute any and all grant documents on behalf of the County of Delaware relative to the above.

The resolution was seconded by Mr. Utter.

Mr. Thomas questioned if this resolution referred to monitoring bracelets. Director of Probation Terri Theobald said that it is referring to community service.

The resolution was unanimously adopted.

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

RESOLUTION NO. 47

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2005
PUBLIC HEALTH NURSING**

WHEREAS, the Delaware County Public Health Nursing Service and its Early Intervention Program and its Committee on Preschool Special Education Program have been contracting with the following itinerants and agencies during the year of 2004 at the New York State Department of Health established rate of reimbursement,

PURCHASE OF SERVICES:

Lizabeth Bonacum for physical therapy services
Joann Currie for physical therapy services
Theresa Sullivan for DBA TMSPT services
Anita Grays for physical therapy services
Karina White for physical therapy services
Step By Step Physical Therapy, PLLC for evaluations and services
Jeanne Keahon for medical social work services
Mary McDowell for medical social work services

Barbara Sue Agoglia for medical social work services
Gene Homer for speech language pathology
Dr. William Benedict for speech language pathology
Judy Breese for speech language pathology
Jennifer Kollig for speech language pathology
Lisa Henderson for speech language pathology
Brenda Geehrer-Todd for speech language pathology
Kara Morgan-Neer for speech language pathology
Katherine Reich for speech language pathology
Julie Ford for occupational therapy services
Jean Downin for occupational therapy services
Kristen Figary for occupational therapy services
Traci Ostrander for occupational therapy services
Linda Noble for occupational therapy services
Dorothy Haney for registered dietitian services
Geanine Eisel for special educational services
Patricia Zawisza for special educational services
Nancy Masucci for special educational services
Mary Foley for special educational services
Association for Vision, Rehab and Employment, Inc. for evaluations and services
AO Fox Hospital for evaluations and services
Cloverpatch Early Childhood for evaluations and services
Otsego County Department for Children With Special Needs for evaluations and services
Delaware Valley Hospital for evaluations and services
NYSARC Delaware County/Carousel Children's Center for evaluations and services
Handicapped Children's Association for evaluations
Broome Developmental for evaluations and services
Mary Imogene Bassett Hospital for evaluations and services
Upstate Home For Children, Inc. for evaluations and services
Best Friends Childrens Services for evaluations
Buchanan Transportation for transportation services (thru 3-5 program)
Delaware Opportunities, Inc., for respite and transportation
Delaware County PHNS for evaluations and services
Enable for evaluation services
The Children's Annex for evaluation services
Developmental Pediatrics for evaluations
Charlotte Valley Central School for services
ONC Boces for services
Heather Thomson for occupational therapy services
Barbara Weiss for occupational therapy services
Susan Morales for speech consultant services
Elizabeth Morrissey for speech language pathology
LaRae Gross for medical social work services

Linda Brennen for speech language pathology services
Capital Area Speech Center, Inc. for speech therapy services
Carrie Ann Charpinsky for speech language pathology
Laurie Freeman for medical social work services
Krzysztof Madej for physical therapy services
John Pasquale for physical therapy services
David Rissberger for physical therapy services
Rachel Rissberger for occupational therapy services
Theresa Swartwout for special education services
Sullivan Diagnostic Treatment Center-The Center for Discovery for evaluations
and services

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Public Health Nursing Services' Early Intervention Program continue the above contracts for the year of 2005.

The resolution was seconded by Mr. Maddalone.

Ms. Molé stated that this resolution and the next two are yearly contracts.

Chairman Eisel noted that he would abstain from voting on this resolution.

The resolution was unanimously adopted.

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

RESOLUTION NO. 48

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2005
PUBLIC HEALTH NURSING**

WHEREAS, the Delaware County Public Health Nursing Service has been contracting with the following agencies during the year 2004,

PURCHASE OF SERVICES:

AO Fox Hospital for physical therapy
Lizbeth Bonacum for physical therapy
Patricia Cleary for physical therapy services
Joann Currie for physical therapy services
Delaware Valley Hospital for physical therapy
Anita Grays for physical therapy services
Allison Sherwood for physical therapy services
Country Side Care Center for physical therapy and occupational therapy services
Maryluz Mann for physical therapy services
O'Connor Hospital for physical therapy
Theresa Sullivan for DBA TMSPT services

Jeanne Keahon for medical social work services
Mary McDowell for medical social work services
Dr. William Benedict for speech language pathology services
Brenda Geerher-Todd for speech language pathology services
Gene Homer for speech language pathology services
Jennifer Kollig for speech language pathology services
Katherine Reich for speech language pathology services
Kristen Figary for occupational therapy services
Krzysztof Madej for physical therapy services
Linda Noble for occupational therapy services
Dorothy Haney for registered dietitian services
Linda Brennen for speech language pathology services
Carrie Charpinsky for speech language pathology services
David Rissberger for physical therapy services
John Pasquale for physical therapy services
LaRae Gross for medical social work services
Robin Malone for physical therapy services
Jeremy Pain for physical therapy services
Laurie Freeman for medical social work services
SECO for physical therapy services; and

WHEREAS, the agency has been contracting with the following agencies or consultants at an annually negotiated rate,

HOME HEALTH AIDE AGENCY CONTRACTS:

US Care Systems for aide services
Robynwood for aide services
Family Home Care for aide services

MISCELLANEOUS CONTRACTS:

Barry Warren for consultant services
Dawn Paulsen for healthcare compliance and HIPAA
Delaware County Department of Social Services for OLTC Case Managers
Delaware County Sheriff's Department for answering service
Dr. Riaz Lone for Medical Director of Agency/PHCP
Emergency Medical Services
Planned Parenthood
Delaware Valley Medical Supply
Urbach Kahn & Werlin PC, CPA Consulting Firm and HIPAA
Delhi Animal Hospital
Joan Puritz (vet)
Leigh Wilcox (vet)
James Zimmer (vet)

THEREFORE, BE IT RESOLVED that the Delaware County Public Health

Nursing Service continue the above contracts for the year of 2005.

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

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

RESOLUTION NO. 49

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2005
PUBLIC HEALTH NURSING**

WHEREAS, the Delaware County Public Health Nursing Service has been contracting with the following agencies for services for the Long Term Program during the year 2004,

MISCELLANEOUS CONTRACTS:

Delaware Opportunities - Home Delivered and Congregate Meals
Delaware Opportunities - Home Improvements
Office for the Aging - Lifeline
Sentry Alarms - Lifeline
The Hospital - Lifeline
Broome County Office for the Aging - Social Day Care
Catskill Area Hospice

THEREFORE, BE IT RESOLVED that the Delaware County Public Health Nursing Service continue the above contracts for the year of 2005.

The resolution was seconded by Mr. Donnelly and 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. 50

TITLE: TRANSFER OF FUNDS - ROAD FUND FRINGE BENEFITS

WHEREAS, the 2005 Budget was passed showing the Departments Undistributed Fringe Benefits all being paid out of a general account; and

WHEREAS, with the implementation of the USL system, these benefits need to be paid out of fund specific accounts.

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

From: 24-19030-58300000 Social Security \$ 60,307.74
To: 34-15112-58300000 Social Security \$ 60,307.74

From: 24-19070-58800000 Medicare \$ 14,104.25
To: 34-15112-58900000 Medicare \$ 14,104.25

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 51

**TITLE: PERMISSION TO EXECUTE A MEMORANDUM OF UNDERSTANDING
REQUIRED FOR PARTICIPATION IN THE CATSKILL AREA COMMUNICATIONS
NETWORK
EMERGENCY MANAGEMENT**

WHEREAS, the Delaware County Sheriff's Office and Delaware County Office of Emergency Management have promoted an Alliance, comprised of representatives from like organizations among our eight neighboring counties in New York State, and Wayne County, Pennsylvania; and

WHEREAS, the object of the Alliance is to collectively seek funding for communication upgrade goals, which may not be forthcoming if petitioned for by a sole entity; and

WHEREAS, the need to update antiquated radio systems and the capability to obtain interoperability capabilities across county borders would be of mutual benefit to all Delaware County residents, Alliance members; and

WHEREAS, information received by the Catskill Regional Communications Alliance will be shared by all participating agencies; and

WHEREAS, the Catskill Regional Communications Alliance will not require additional manpower.

NOW, THEREFORE, BE IT RESOLVED that permission be given to officially participate in the Catskill Regional Communications Alliance so that we can aggressively pursue securing the funding necessary to achieve our goals.

The resolution was seconded by Mr. Bracci.

In response to Mr. Rider, Mr. Maddalone said there is no cost associated with this resolution. He further explained that what this will do is get the counties working together to

share information and resources.

Mr. Bracci said in reply to Mr. Thomas, that this will not affect the \$180,000 grant earmarked for the communication study.

Director of Emergency Services Nelson Delameter explained that the resolution had nothing to do with contract work for the study. He said this will serve two purposes, the first to formalize the group so that we as a region could lobby State and Federal legislators for money to be brought to the region to solve all of our aging communication needs. Second, because there are new requirements regarding terrorism response and planning. The National Incident Management System also requires a working relationship with our neighboring counties to parallel the National Incident Response Plan. He pointed out that the lobbyist group in Schoharie netted \$3 million last year in federal money because of the activeness of the group.

Mr. Hynes asked how this ties into what the State is doing. Mr. Delameter stated that the State has spent four and half years reviewing a perspective vendor. There has not been a contract awarded at this point.

Mr. Marshfield said he was in a joint meeting with Emergency Services, Capital Projects and the Sheriff and realized the seriousness of the problem. He added our system has been around for a long time and it is at a point where something has to be done.

Mr. Maddalone said that we have gotten almost 20 years out of a 10 year system. The problem he said, comes in when something breaks and parts are no longer made for an analog system.

The resolution was adopted by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

Chairman Eisel noted the cookies on each of the Supervisors' desks are from Judy diLorenzo, adding she is a great baker.

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

Chairman Eisel granted privilege of the floor to Finance Committee Chairman Mr. Donnelly. Mr. Donnelly stated that some Supervisors questioned where the money came from in the 2003 Audit. He further stated that Mr. Hanley wanted to provide an explanation of his findings.

Mr. Hanley advised after the budget was adopted he reviewed the Annual Update Document (AUD) as a result of a question raised by Mr. Bachler during the budget season concerning what was included in the \$43 million cash on hand as of 12/31/03. The question was referred to the County Treasurer however, she was unable to provide an answer.

He explained that upon review of the Capital Fund he learned of the existence of a Sales Tax Reserve. The County Accountant Julie Bullock, provided a worksheet that showed a distribution of sales tax as 1/3 General Fund, 1/3 Solid Waste and 1/3 Bond Payment/Capital Projects Reserve. Mrs. Bullock explained to him that Capital Projects Reserve was created by Board resolution and was considered a "Standing Resolution." Based upon Resolution No. 136 of 1990, the sales tax was allocated 1% to the General Fund and 1% to the Solid Waste Capital Fund. Resolution Nos. 306 and 307 of 2001 pertain to the collection of the third 1% and it clearly indicates in No. 307 that the first \$1.2 million was to be recognized in the 2002 budget and used as indicated and the balance was to go into a capital reserve fund. He noted that Resolution No. 307 makes this separation and dedication for the year 2002 only. Resolution No. 141 of 2003 deals with the fourth 1% sales tax increase.

Mr. Hanley stated that it was revealed during this review that the Treasurer had instructed her staff to continue after 2002 separating the collection of sales tax with no indicated change. This meant that the full third 1% was being collected and was being recognized as revenue in the General Fund, however, a limit of \$1,777,200 had been set by the Treasurer and when reached the balance was funneled into a Sales Tax Capital Reserve account. Mr. Hanley stated that the worksheets that were revealed were prepared by the staff and provided to the Treasurer when she inquired about the sales tax, however, they never made their way to the Finance Committee or Budget Officer.

Mr. Hanley said that upon discussion with the Chairman of the Board, the Chairman of the Finance Committee and the members of the Finance Committee this has been corrected. The Sales Tax Capital Reserve will show a balance of \$2,245,644.17, plus interest as of 12/31/04. The remainder, \$7,920,157.55 will be shown as part of the General Fund Surplus Balance where it should have been shown in the AUD for 2003. The issue will be discussed with the auditors upon their return in the spring of 2005. This reserve can be used for any capital project the Board sees fit to use it for.

In addition, Mr. Hanley advised that in his conversation with the Office of the State Comptroller it was pointed out that the loan between the Solid Waste Capital and the General Fund needs to be paid off. He was informed that there is no section in the law that allows for this type of loan and the loan has never actually been shown on the Treasurer's books since it was created back in 2002. Mr. Hanley suggested that the Board pay off the loan in the amount of \$2,773,356.64 plus some accrued interest.

It should be noted that this is not the first incident where monies have been set aside by the Treasurer without the Board's approval. Mr. Hanley referenced a situation in 1997 that created a reserve for future Countryside Care Center Capital Projects in the amount of \$1,575,000. Expenditures approved by Board resolutions were made however, the Treasurer held the original amount of the resolution plus interest "hostage" until the County Attorney issued a letter stating that the reserve was not authorized. It took gathering all of the resolutions and associated paperwork to convince the Treasurer that she was in error and that she needed to release the reserve for operating expenses.

An ongoing problem has been the Finance Committee has not received a monthly financial report since September 2002. The Committee understands that the Treasurer had been working hard to put a financial system together however, the law states that the Finance Committee must be given a report by the 10th of each month. He stated he sent a memo to the Treasurer in January asking her to provide the Committee and himself with a report and has never received one.

In reply to Mr. Marshfield, Mr. Hanley stated that \$2.2 million would be left in the reserve, \$2.8 million would be used to pay off the loan and that \$2.5 million was used towards the tax levy leaving \$400,000 in the General Fund Surplus.

In response to Mr. Meredith, Mr. Hanley explained that the Finance Committee had directed him to request copies of bank statements and that this information when analyzed would make it obvious if something was askew.

Mr. Bachler stated with the sales tax going to the General Fund and the 1% still going to the highway and the \$400,000 in the General Surplus we should be in good shape. Mr. Hanley agreed with Mr. Bachler that the 1% sales tax will generate approximately \$4 million a year however, we will need to renew the 1% this year.

Mr. Hynes questioned how \$7.5 million was not found by the auditors. In response, Mr. Hanley said that this question will be asked of the auditors when they come back. He said that in his opinion, there are better firms available to the county but, we are obligated to a contract at this time. Mr. Hanley said that if asked, he would not recommend using these auditors once the contract is complete.

Mr. Thomas referenced the loan between the Solid Waste Capital and General Fund and questioned how could the county do something illegal with a County Attorney and all the guidelines we must follow. Mr. Hanley replied that the loan was not illegal, it was not proper and the Office of the State Comptroller pointed out that it needs to be paid off.

Chairman Eisel explained that the loan was given to take advantage of the low interest rate for a period of twenty years. Mr. Hanley added that loans between departments are allowable but, not for that long a period. He explained that the auditors should have picked this up in 2003 because the proper accounting practices were not followed.

In response to Mr. Bachler, Mr. Hanley said that the County pays approximately \$34,000 to \$45,000 a year to the auditors and the contract he believes should end in 2005.

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

RESOLUTION NO. 52

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,398,927.57 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	\$749,331.89
Countryside Care Center	\$201,084.25
Highway Audits, as Follows:	
Road	\$234,303.18
Machinery	\$60,553.24
Capital Road & Bridge	\$73,882.45
Capital Solid Waste	\$52,634.65
Solid Waste/Landfill	\$27,137.91

The resolution was seconded by Ms. Molé and approved by the following vote: Ayes 4612, Noes 0, Absent 194 (Ryan).

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

RESOLUTION NO. 53

TITLE: COUNTY TREASURER TO COMPLY WITH SECTION 370 OF THE COUNTY LAW

WHEREAS, the County Treasurer is required by Section 370 of the County Law to file on or before the 10th day of each month a statement of financial condition of the County as of the last day of the proceeding month, such statement showing the aggregate revenue received and other information as required by Section 370; and

WHEREAS, the Treasurer has previously provided statements which substantially complied with section 370; and

WHEREAS, no such statements have been provided since approximately September 2002; and

WHEREAS, the statement of financial condition has been requested in the past and the Treasurer has failed to provide the statements required by Section 370

NOW, THEREFORE, BE IT RESOLVED, that this Board requires that the County Treasurer shall immediately and henceforth comply with Section 370 of the County Law.

The resolution was seconded by Mr. Marshfield.

Mr. Bracci asked if the Treasurer would have an opportunity to respond to this resolution.

County Treasurer Beverly Shields stated she felt her obligation was being met by the fact that the information is available on the USL System and the Budget Director has access to it.

Mr. Marshfield asked Mrs. Shields if she had access to the information and if it was a problem for her to supply the report in accordance with the law. Mrs. Shields replied that providing the report was not a problem however, it is her opinion that it would be more efficient for Mr. Hanley to develop a report to meet his specific needs. Mr. Marshfield remarked that the Committee has had no reports since October of 2002, someone has to supply them.

Mr. Donnelly stated that it was discussed at the Finance Committee meeting that the Department of Fiscal Affairs or the Budget Director could not provide financial reports because of the pending law suit. The law says it is the responsibility of the Treasurer to provide a financial report, the Committee felt it was important not to interfere or infringe on any of the constitutional duties of the Treasurer.

Mr. Meredith questioned how many times the Treasurer had been asked to provide this report. Mr. Donnelly replied that she has been asked many times. He added that the Finance Committee has been very understanding of the demands placed on the Treasurer and her staff due to the new accounting system.

Mr. Thomas commented that he was in the Finance Committee meeting but, he is not comfortable with this resolution. He questioned if this information is available, what is the big deal about getting it out.

Chairman Eisel questioned if a report is so simple to provide why hasn't the Finance Committee received them in the last two years. He added, that Mr. Hanley could not utilize USL for most of 2004.

Mr. Hanley noted that it is not his job to provide a financial report and based on the legal advice obtained from County Attorney Richard Spinney he would not overstep the law. He stated that if the Board of Supervisors directs him to provide a report he would do so.

Chairman Eisel noted that Mr. Donnelly makes a good point, providing a report is the responsibility of the Treasurer, adding the Board does not want to take any responsibilities away from her. Further stating, Mrs. Shields should have no problem complying.

Mr. Meredith questioned if this needed to be done by resolution, to which Chairman Eisel replied yes, it seems to be the only way to get her to comply.

Mr. Bracci remarked that Mrs. Shields has given her word in public forum that she would provide financial reports.

Mr. Thomas asked Mrs. Shields how difficult it would be for her to get this information out of the computer. Mrs. Shields replied that it was not difficult, however she said all of this information is under the responsibility of the new Department of Fiscal Affairs. She further stated that she believed her responsibility was being met because the Board had access to the information through USL. Mr. Thomas asked why then doesn't the Department of Fiscal Affairs provide this report so there would be no question.

Chairman Eisel said that providing the report is by law the responsibility of the Treasurer. Mr. Thomas then asked Mrs. Shields what was her hangup if the information is available on line. In reply, Mrs. Shields said the information is available on line and that previously the employees of the Department of Fiscal Affairs were under her supervision, at this point in time by Board resolution those employees have been taken away from her.

Mr. Spinney noted that no duties had been taken away from the Treasurer. He said that is the position taken by Mrs. Shields in her lawsuit and explained that Resolution No. 234 of 2004 establishing the Department of Fiscal Affairs clearly states that the duties of the County Treasurer remain as specifically prescribed in Section 550 of the County Law.

Ms. Freyer stated that she agreed with Mr. Donnelly that the responsibility to provide the financial report should remain with the Treasurer. She pointed out that 2002 was two years before the Department of Fiscal Affairs could even produce a report.

Mr. Rowe stated that he would vote no to the resolution, adding in his opinion, it is a sad day in government when you can't walk across the hall to request a report that is required by law. He further stated that it bothers him that the people of Delaware County have to witness this kind of conduct.

Mr. Marshfield stated that Mrs. Shields did not acknowledge his request to have a financial report for the next Finance Committee meeting, adding if she had said yes, he would have forgotten about this resolution. He stated that the Finance Committee is responsible for a \$100 million budget and cannot function efficiently without financial information which have been asked for many times.

In reply to Mr. Marshfield, Mrs. Shields said due to changes in personnel, a new accountant and the computer system reports have not been provided. She acknowledged his request for a financial report and that she would contact Mrs. Schafer to get the information. Mr. Marshfield remarked, with that admission on the public floor he would vote no to this resolution.

Mr. Bachler said all Supervisors should receive a copy of the financial report as he has saved every report he has ever received. In reply, Mr. Marshfield said that everyone should be aware of what is going on financially.

The resolution was defeated by the following vote: Ayes 2007, Noes 2799 (Bracci, Woodford, Marshfield, Rowe, Thomas, Bachler, Hynes, Shelton, Meredith), Absent 471 (Rider, Ryan).

Mr. Donnelly stated it is the recommendation of the Finance Committee to agree to reenact the sales tax exemptions on clothing and footwear items costing less than \$110 per item. He advised that if we are going to block the exemption it will need to be done as soon as possible. Mr. Donnelly said that this exemption helps our residents.

In response to Mr. Donnelly, Chairman Eisel noted that we are in agree with the state, therefore, no action needs to be taken.

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

RESOLUTION NO. 54

TITLE: EXECUTIVE SESSION

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

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4335, Noes 0, Absent 471 (Rider,Ryan).

The meeting reconvened in regular session with all Supervisors present except Mr. Rider and Mr. Ryan.

Upon a motion, the meeting was adjourned at 3:55.