

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
DECEMBER 14, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, December 14, 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.

Mr. Donnelly offered the invocation.

Mr. Meredith 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 Commissioner of Public Works Wayne Reynolds who introduced Lisa Reed as Employee of the Month.

Ms. Reed started with the Highway Department as an Account Clerk in 1995. In 1998 she was promoted to Senior Account Clerk and within six months to Principal Account Clerk. In October 2000 she was promoted to her current position of Assistant to the Commissioner of Public Works.

Ms. Reed is an extremely dedicated employee who is always looking out for the best interest of the county. She has an excellent understanding of all the responsibilities and policies of the department. Ms. Reed is constantly striving for more efficient ways to accomplish her work and is willing to put in whatever time is required to get the department's work done. She has been instrumental in getting the department transitioned into the USL accounting system and in bringing the department into compliance with the GASBY 34 requirements. She is a tremendous asset to Delaware County and DPW.

Ms. Reed expressed her thanks and stated that the Commissioner makes it a pleasure to do the job she does.

Mr. Utter referenced his time on the Bridge Crew and now as a town Supervisor expressing his gratitude to Ms. Reed for the excellent way in which she ran the office. He pointed out that he hated filling in the necessary forms each day but, that Ms. Reed could tell you anything you want to know about anything that has gone on in the Department of Public Works. Mr. Utter thanked Ms. Reed for the outstanding job she and her staff did to provide the necessary financial statements to the Highway Committee and DPW during the USL transition.

Commissioner Reynolds presented Ms. Reed with a \$100.00 Savings Bond thanking her for her dedication. Chairman Eisel remarked that Ms. Reed does an outstanding job and burns the midnight oil to get it done. He 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 Mr. Hynes who introduced County Historian Patrick Grimes.

Mr. Grimes discussed the value of saving family records from one generation to another and asked the Supervisors to help him with his effort to preserve the historical material within Delaware County.

He cited a situation in the Town of Kortright where boxes containing records from 1860 were found and brought to the Kortright Museum for preservation. Mr. Grimes pointed out how easily the records could have been lost had the town supervisor not made an effort to preserve them. On another occasion he received a call from a woman in Chenago County who advised that she had negatives of pictures that were taken in Delaware County. His research identified two tintypes, he explained that tintypes started in 1850, and were of two people from Masonville. He pointed out that these people were around before Delaware County so had these pictures been lost there would have been nothing to show for the people that helped make Delaware County great. In another situation, he received from the Chenago County Historian's office a box of negatives containing packets from each of the towns in Delaware County dating back as far as 75 to 100 years ago.

In conclusion, Mr. Grimes, said that he is researching ways to ensure that 100 years from now these photographs will still be around. He also plans to contact Information Technology to discuss how these pictures can be retained for the future, adding he would like to see each town have their photographs on a compact disk. He suggested that the Board of Supervisors should have a photograph taken and archived for the future.

Mr. Hynes complimented the fine job Mr. Grimes has done as County Historian, adding that Delaware County is very fortunate to have Mr. Grimes as its County Historian.

Chairman Eisel commented that he has met with Mr. Grimes on several occasions, adding he is dedicated and truly interested in the history of Delaware County.

Chairman Eisel granted privilege of the floor to Mr. Utter who stated that on November 4, 2005 the first load of garbage went through the composting facility. He said the facility is gearing up and at the present time is at approximately 25 percent of capacity. He passed around a jar containing a sample of the product that has gone through the first process in the maceration building. He explained that the final product would be further refined.

Mr. Utter introduced Commissioner of Public Works Wayne Reynolds.

Commissioner Reynolds explained the process is working well. He pointed out that the material in the jar is between three to five days old. Commissioner Reynolds stated that based upon the figures provided by Solid Waste Director Susan McIntyre for November the total amount of solid waste that went through the gate at the facility was 2,000 tons of MSW, of that 500 tons or 25 percent was diverted to the compost. He said that there is about 160 tons of material actually in the bio-reactor, adding that the design capacity of the bio-reactor is 320 tons, there is material going in and out every day. There is about a 59 percent reduction in what would go into the landfill in just the first month. He noted that in the first part of January the facility will begin to accept sewage sludge. The Commissioner pointed out the bugs are still being worked out but, overall he is very proud of Ms. McIntyre and her staff.

In reply to Mr. Marshfield, Commissioner Reynolds said that the anticipated goal is to reduce what goes into the landfill by 70 percent, we are at 59 percent now. Once the sewage

sludge, which is very organic, is figured in estimates will raise to 68 percent. He noted that residuals such as plastic bags will cause the percentage to fluctuate but, said at this time, primary concerns are television and/or video monitors for computers. He noted that Ms. McIntyre has done a good job of setting up the Annual Household Waste Day where such product's can be dealt with for free and also a collection program throughout the year for a \$10 tipping fee to dispose of these products properly.

In reply to Chairman Eisel, Commissioner Reynolds said it was too early to identify any other residual items. Ms. McIntyre is still evaluating this and within the next six months recommendations will be made.

Chairman Eisel commented that he is glad to see the Facility underway.

For Standing Committee Reports, Chairman Eisel reported that on December 8, 2005 the Hospital Board approved the Certificate of Need for Leatherstocking Health Care to assume the operation of the Countryside Care Center. He stated the last step in the approval process that is needed is from the Public Health Council, adding he hopes the closing will be before the end of the year.

He thanked Senator Bonacic for interceding and helping us with the Certificate of Need. He also thank Ms. Molé and Mr. Donnelly for helping move the process along.

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

RESOLUTION NO. 275

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 Ms. Molé and unanimously adopted.

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

RESOLUTION NO. 276

**TITLE: 2005 BUDGET MODIFICATION
SHERIFF'S DEPARTMENT**

WHEREAS, the U. S. Department of Justice, Office of Problem Oriented Patrol Improvement (POPI), working jointly with the Edward Byrne Formula Grant program has announced the availability of a grant with which to continue an existing grant and subsidize 75% of the cost of purchasing 3 police vehicles. (It should be noted that this is the last time we will be able to purchase transportation-related equipment with grant funds. In the future we will be restricted from doing so); and

WHEREAS, application for this grant is made and when awarded, the Federal Government will reimburse the county in the amount of \$50,000; and

WHEREAS, this grant is established to continue the following goals:

- * To provide funding for replacement police vehicles for use in our Drug Enforcement Program.
- * To initiate programs, or improve/expand existing programs, designed to enhance patrol and related activities to combat drugs and violent crimes in rural areas.
- * To save the taxpayers of Delaware County a substantial amount of money

WHEREAS, the county will be responsible for matching this grant in the amount of 25%; and

WHEREAS, at the conclusion of the grant period, the County will be responsible for maintaining the equipment purchased under the terms of this

NOW THEREFORE, BE IT RESOLVED that the Sheriff's Office is given permission to accept grant funding under the grant program identified above.

INCREASE REVENUE:

10-13110-44432000-3110021-907	Fed Crime Control	\$50,000.00
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DECREASE APPROPRIATION:

10-11990-54900000	Contingency	\$16,667.00
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INCREASE APPROPRIATION:

10-13110-52200001-3110021-907	Equipment Grant	\$66,667.00
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The resolution was seconded by Mr. Utter.

In reply to Mr. Hynes, Budget Director Joe Hanley advised that \$20,000 of this money could not be used to purchase a vehicle for Stop-DWI, the grant was written so the money could only be used to purchase patrol cars.

Mr. Thomas pointed out that \$16,667 will be coming from contingency to assist in purchases.

In answer to Mr. Marshfield, Mr. Hanley stated that what is in the budget now is for the replacement of marked vehicles.

The resolution was adopted by the following vote: Ayes: 4806, Noes 0. Absent 0.

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

RESOLUTION NO. 277

**TITLE: 2005 BUDGET MODIFICATION
COURTHOUSE RENOVATION PROJECT
SHERIFF'S DEPARTMENT**

WHEREAS, the Sheriff's Office has received a recommendation from the New York State Office of Court Administration that the Delaware County Courthouse be modified in order to conform with minimum security and court safety issues; and

WHEREAS, New York State will reimburse Delaware County up to \$25,000 for the initial design phase involved with providing a more secure environment for prisoners being brought into the courthouse for trial. This project will entail erecting a holding cell, a secure attorney/prisoner interview room, inmate restroom, a secure rear entrance to the courthouse, and installing additional security cameras; and

WHEREAS, once the design phase has been completed, we have been advised that New York State will thereafter reimburse Delaware County for the expense of completing the construction phase (with the exception of the HVAC system of which only 25% is eligible for reimbursement.)

THEREFORE, BE IT RESOLVED that Delaware County agrees to participate in the Courthouse Renovation project and accept reimbursement therefor by New York State

BE IT FURTHER RESOLVED THAT the following 2005 budget modification be authorized:

INCREASE REVENUES:

10-11620-43302100-1620002-975 State Aid Court Facilities \$25,000.00

INCREASE APPROPRIATIONS:

10-11620-54195000-1620002-975 Consultant \$25,000.00

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 278

**TITLE: AMENDMENT TO RESOLUTION NO. 89 of 2004
SAFE DRINKING WATER ACT 2002**

WHEREAS, in Resolution No. 89 of 2004, Delaware County was awarded \$242,000 under the Safe Drinking Water Act 2002 for monitoring purposes in support of the Delaware County Action Plan; and

WHEREAS, stormwater event monitoring, described as a project funded by Safe Drinking Water Act 2002 could not proceed due to financial constraints involving the

infrastructure installations; and

WHEREAS, Delaware County's Geographic Information System (GIS) and Global Positioning System (GPS) are in dire need of upgrading; and

WHEREAS, these two systems are an integral part of DCAP and a significant portion of the County's GIS and GPS work is water quality related; and

WHEREAS, the New York State Department of Environmental Conservation has approved this amendment to the SDWA 2002 budget that provides the requisite funding of the system upgrades

NOW, THEREFORE, BE IT RESOLVED, that the 2005 budget for the Safe Drinking Water Act 2002 amended as follows:

ESTIMATED REVENUE:

10-18741-44498900-8740003-900	NYS Dept. of Environmental Conservation	\$242,000
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APPROPRIATIONS:

10-18741-51327000-8740003-900	Salary	\$10,190.00
10-18741-58000000-8740003-900	Benefits	\$845.00
10-18741-52200001-8740003-900	Equipment	\$38,870.00
10-18741-54327595-8740003-900	Supplies	\$828.00
10-18741-54327422-8740003-900	Outreach	\$3,500.00
10-18741-54327625-8740003-900	Travel	\$767.00
10-18741-54327535-8740003-900	Professional Fees	\$6,000.00
10-18741-54327200-8740003-900	Contractual	\$181,000.00

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 279

**TITLE: AMENDMENT TO RESOLUTION NO. 239 of 2004
SAFE DRINKING WATER ACT 2003**

WHEREAS, in Resolution No. 239 of 2004, Delaware County was awarded \$50,000 under the Safe Drinking Water Act Project No. 2003WQI 6179 to cover monitoring costs at the lowland farm in the Cannonsville Basin; and

WHEREAS, the New York State Department of Environmental Conservation recently adjusted the total award to equal to \$66,691.00; and

WHEREAS, the additional monies will be contractual expenses used to offset the unanticipated operation and maintenance costs of a vehicle needed for sample collection over the life of the grant

NOW, THEREFORE BE IT RESOLVED, that the 2005 budget for project No.

2003WQI6179 be amended as follows:

ESTIMATED REVENUE:

10-18741-44498900-8740011-900	NYS Dept. of Environmental Conservation	\$66,691.00
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APPROPRIATIONS:

10-18741-52200001-8740011-900	Equipment	\$2,200.00
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10-18741-54327200-8740011-900	Contractual	\$64,491.00
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The resolution was seconded by Mr. Rowe and Mr. Bachler.

In answer to Mr. Thomas, Commissioner Frazier stated that DEC employees will go out and collect samples. The additional grant money will cover the vehicle expenses the county will need to reimburse NYSDEC.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

In response to Mr. Hynes, Commissioner Frazier answered that DEC owns the vehicles.

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

RESOLUTION NO. 280

**TITLE: 2005 BUDGET MODIFICATION
PLANNING DEPARTMENT**

WHEREAS, the department is in receipt of revenues of \$21,000 from various sources and the revenue will be posted as receipts to the Miscellaneous Planning Revenues account; and

WHEREAS, the Planning Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Budget Officer, have agreed that additional funding of appropriations is needed at this time; and

NOW THEREFORE BE IT RESOLVED, that the following budget modifications be authorized:

INCREASE REVENUE:

10-18020-41128900	Other General Department Income	\$21,000.00
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INCREASE APPROPRIATION:

10-18020-52200000	Equipment	\$5,000.00
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10-18020-54535000	Professional Fees	\$16,000.00
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The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 281

**TITLE: 2005 BUDGET MODIFICATION
PLANNING DEPARTMENT**

WHEREAS, the department has been advised of a grant from Southern Tier East that will allow the department to help with the sewer inventory within the county; and

WHEREAS, the Planning, Recreation, Culture and Community Committee have agreed to accept the grant and allow for the following appropriations to help the department with the work endeavor

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

INCREASE REVENUE:

10-18020-42238905-8020096-908	Misc. Rev. Grant Related	\$5,000.00
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INCREASE APPROPRIATIONS:

10-18020-52200001-8020096-908	Equipment Grant	\$ 500.00
10-18020-54327580-8020096-908	Grant Software	4,000.00
10-18020-54327595-8020096-908	Grant Supplies	<u>500.00</u>
	TOTAL	\$5,000.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 282

**TITLE: 2005 BUDGET MODIFICATION
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the CHHA Program has two computers in need of replacement; and

WHEREAS, the money was not appropriated in the 2005 CHHA equipment account

THEREFORE BE IT RESOLVED, that the following transfer be made:

FROM:

10-14016-54535520	Contracted Services	\$2,300.00
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TO:

10-14010-52200000 Equipment \$2,300.00

The resolution was seconded by Mr. Utter and Mr. Meredith and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 283

**TITLE: 2005 BUDGET MODIFICATION
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, several Public Health programs were reorganized with changes in staffing patterns; and

WHEREAS, there are insufficient funds in the 2005 Personal Services for Immunization and in the 2005 Fringe Benefits for Lead

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

FROM:

10-14010-5100000 Personal Services \$5,800.00

TO:

10-14013-51000000 Personal Services \$5,000.00

10-14050-58300000 Social Security Employer Cont. \$600.00

10-14050-58900000 Medicare Employer Cont. \$200.00

The resolution was seconded by Mr. Donnelly.

In answer to Mr. Marshfield, Director of Public Health Bonnie Hamilton explained that this resolution is not an increase in spending but, a transfer of grant money from one department to another within Public Health.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 284

**TITLE: 2005 BUDGET MODIFICATION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following 2005 appropriation accounts are in need of funds

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

FROM:

10-16102-54200000	MMIS	\$425,000.00
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TO:

10-16010-58600000	Health Insurance	\$100,000.00
10-16070-54575000	Services for Recipients	\$250,000.00
10-16010-51000000	Personal Services	\$75,000.00

The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 285

**TITLE: 2005 BUDGET MODIFICATION
YOUTH BUREAU**

WHEREAS, the Delaware County Youth Bureau Personal Services account is in need of funds in the 2005 budget

NOW, THEREFORE E IT RESOLVED that the 2005 Youth Bureau budget be increased as follows:

INCREASED REVENUE

10-17310-43382000	State Youth Programs	\$50,000.00
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INCREASED APPROPRIATION:

10-17310-51000000	Personal Services Exp-YB	\$50,000.00
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The resolution was seconded by Mr. Meredith and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 286

**TITLE: CHANGE ORDER NO. 1, PROPOSAL 26-05
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No.116 of 2005 authorized the Department of Public Works to make award to New Century Construction, LLC for the replacement of Bridge 60, Otego Road over Ouleout Creek, Proposal 26-05 in the amount of \$1,465,000.00; and

WHEREAS, the reconstruction of the bridge has been completed and the final quantities

have been calculated.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to execute Change Order No. 1 representing a decrease of \$110,180.77 bringing the final contract amount to \$1,354,819.23.

The resolution was seconded by Mr. Woodford.

In answer to Mr. Marshfield, Mr. Utter stated that New Century Construction was the contractor that had been put on notice for poor performance in the past but, pointed out that since then they have done a good job.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 287

**TITLE: CHANGE ORDER NO. 2, PROPOSAL 28-04
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 121 of 2004 authorized the Department of Public Works to make award to Delaney Construction for the replacement of Bridge 14-1, County Route 14 over Spring Valley Brook, Proposal 28-04 in the amount of \$2,565,656.00; and

WHEREAS, Resolution No. 272 of 2004 authorized the execution of Change Order No. 1 that reduced the contract by \$73,056.00; and

WHEREAS, the final quantities have been determined and a negative change order is necessary to close out the project.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is authorized to execute Change Order No. 2 representing a decrease of \$170,444.59 and bring the final contract amount to \$2,322,155.41.

The resolution was seconded by Mr. Woodford.

Mr. Utter explained that he has worked with Delaney Construction in the past and feels very confident with them. He said that the replacement of Bridge 14-1 was a complicated job but, as a result of working well with the landowner and the company we all came out a little bit ahead.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 288

**TITLE: AUTHORIZATION TO SIGN CONTRACTS
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED that the Delaware County Commissioner of Public Works and/or Deputy Commissioner is authorized to sign an agreement with the Village of Sidney for the control of snow and ice on the roadways and sidewalks of the inter-county bridge over the Susquehanna River at Sidney for the sum of \$1,750.00 per calendar year. The term of contract will be from January 1, 2006 through December 31, 2007.

The resolution seconded by Mr. Bachler.

In answer to Mr. Thomas, Commissioner Reynolds said that the contract was the same in 2004 and 2005. This year the contract went up \$500, which is split between Delaware and Otsego County.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 289

TITLE: INCREASE IN MILEAGE AND MEAL ALLOWANCES

WHEREAS, it has been determined that the maximum allowance for the reimbursement for meals and mileage is no longer sufficient

THEREFORE, BE IT RESOLVED, that Resolution No. 140 of 1975 be amended for the reimbursement for mileage and meals effective January 1, 2006 as follows:

Mileage for use of personal vehicles while on County business be increased to \$0.40 per mile.

Reimbursement for meals while on official business outside of Delaware County are not to exceed:

Breakfast	\$5.00
Lunch	\$8.00
Dinner	\$15.00

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

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

RESOLUTION NO. 290

**TITLE: FAILURE TO PAY BUILDING PERMIT FEE - JRL OUTREACH PROGRAM
CODE ENFORCEMENT OFFICER**

WHEREAS, the County Code Enforcement Officer issued a building permit fee on June 29, 2004 in the amount of \$2,500.00 to JRL Outreach Program for construction done at Camp L'Man Achai, located in the Town of Andes; and

WHEREAS, the payment was not received and a second billing was sent on April 28, 2005 and payment again was not received; and

WHEREAS, the County Attorney was informed of JRL Outreach Program's failure to pay said fee and notified JRL Outreach Program that payment must be received by no later than October 31, 2005 and to date payment has not been received

THEREFORE, BE IT RESOLVED, that the County Attorney be authorized to take legal action against JRL Outreach Program for the payment of the outstanding building permit fee.

The resolution was seconded by Mr. Thomas.

Mr. Thomas asked if the resolution should be expanded to include that interest should be added due to failure to pay. County Attorney Richard Spinney stated interest and costs are statutory fees therefore, it does not have to be stated.

Mr. Utter asked if it is customary to have fee in hand before the permit is issued and commented on the fee schedule of Middletown. Mr. Thomas explained that this happened after the fact. JRL Outreach started building, then it was brought to the attention of the Finance Committee and then Code Enforcer Dale Downin went to the site.

In answer to Mr. Hynes, Mr. Donnelly stated that the cabins were in deplorable condition.

In response to Mr. Utter, Mr. Donnelly said that the property of JRL Outreach has come before the Board before due to failure to pay taxes.

In reply to Mr. Marshfield, Mr. Spinney stated that the amount owed could not be added to their taxes at this time. Mr. Utter stated that the property would have to be condemned by the county code enforcer and if JRL refuses to do anything and the county has to take the buildings down, then the fees could be added to their taxes.

The resolution was unanimously adopted.

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

RESOLUTION NO. 291

**TITLE: AUTHORIZATION FOR DISPOSITION OF COUNTY MATERIALS
NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works has accumulated a significant amount of firewood at some of the patrol garages around the County; and

WHEREAS, subsequent to the Fishs Eddy Patrol Garage fire the department has suspended the use of all wood burning stoves.

NOW, THEREFORE, BE IT RESOLVED that the firewood is herewith declared as surplus property and the department is authorized to accept sealed bids for its sale.

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

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

RESOLUTION NO. 292

TITLE: 2005 YEAR END ACCOUNTING MODIFICATIONS

WHEREAS, there are many bookkeeping entries that are needed to close out the books for 2005 and there is a long break in between County Board meetings; and

WHEREAS, there will be no increase in the actual spending, just a balancing of accounts between Personal Services, Equipment, Contractual, Employee Benefits and Undistributed Employee Benefits; and

WHEREAS, departments will be contacted prior to transfers being made; and

WHEREAS, an accounting of all transactions will be presented to the Finance Committee.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors authorizes the Fiscal Affairs Department to make the necessary adjustments to the 2005 Budget and to file a written report to the Finance Committee before the books for 2005 are actually closed.

The resolution was seconded by Ms. Molé and unanimously adopted.

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

RESOLUTION NO. 293

**TITLE: LEASE OF TOWER SPACE
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Independent Wireless One has requested the lease of space on a tower operated by the Department of Emergency Services in the Village of Delhi; and

WHEREAS, the term of lease and fee are in the process of being negotiated

NOW, THEREFORE, BE IT RESOLVED that upon approval by the county Attorney , the Chairman of the Board of Supervisors is authorized to enter into a lease with Independent Wireless One for use of said facilities.

The resolution was seconded by Mr. Utter.

In answer to Chairman Eisel, Budget Director Joe Hanley stated that the tower is located behind the old jail.

In reply to Mr. Thomas, Mr. Hanley stated a rental fee of \$1,200 per month is being charged and Independent Wireless One will be responsible for the maintenance and insurance. He added the contract is currently being reviewed by the County Attorney for proper language then it will go to Independent Wireless One for final approval.

The resolution was unanimously adopted.

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

RESOLUTION NO. 294

**TITLE: AUTHORIZATION TO EXECUTE AN AGREEMENT
WITH OTHER MUNICIPALITIES
FOR SHARED HIGHWAY SERVICES**

WHEREAS, the NYS Legislative Commission on Rural Resources and Opinions of the State Comptroller indicate that approval of Governing Boards is required for Cooperative Agreements; and

WHEREAS, all municipalities, including the County of Delaware have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities; and

WHEREAS, all municipalities, including the County of Delaware, have the power and authority to borrow or lend materials and supplies to other municipalities; and

WHEREAS, it is hereby determined that the County of Delaware and other municipalities have machinery and equipment which is not used during certain periods; and

WHEREAS, it is determined that the County of Delaware and other municipalities often have materials and supplies on hand which are not immediately needed; and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Delaware and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money; and

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing, renting or maintaining of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement has to receive prior approval by the County Board and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing bodies are not in session; and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with a swift approval process; and

WHEREAS, it is the intent of the County of Delaware to give the Commissioner of Public Works the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Board of Supervisors prior to the making of each individual arrangements; and

WHEREAS, a standard contract shall be prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position

comparable to that of the head of the highway department, authority to make similar arrangements; and

WHEREAS, it is hereby determined that it will be in the best interests of the County of Delaware to be a party to such shared services arrangements.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board, subject to legal approval by the County Attorney, is hereby authorized to sign agreements with other municipalities for shared highway services.

The resolution was seconded by Mr. Bracci.

Mr. Utter explained that this is an agreement to be used by municipalities that share work, which spells out all of the ins and outs.

In answer to Mr. Marshfield, Commissioner Reynolds stated that he will be developing similar contracts for use by the towns.

Chairman Eisel commented that he believed the Association of Towns suggested this be done.

In answer to Mr. Thomas, Commissioner Reynolds said that the contract is open ended enough to all allow the town superintendents to make necessary decisions quickly without any bookkeeping, if that is how they choose to do it.

In answer to Mr. Marshfield, Commissioner Reynolds said that if the county provides a service to any of the towns it should get something equally in return, adding it would be up to this Board to decide if they want to charge the rates that are published by the NYSDOT. He suggested that the towns keep track of their costs as they relate to shared services. He added that for many towns it all comes out in the wash.

Mr. Shelton said the Town of Tompkins would be in real bad shape if they didn't have help from other towns and hoped to pay them back.

The resolution was unanimously adopted.

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

RESOLUTION NO. 295

TITLE: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO ENTER INTO A "PRELIMINARY PLANNING AGREEMENT" WITH THE NEW YORK STATE OFFICE FOR TECHNOLOGY IN CONNECTION WITH THE STATEWIDE WIRELESS NETWORK" EMERGENCY SERVICES

WHEREAS, Resolution Number 170 of 2003 authorized the Sheriff to apply for a grant to study the county's needs for a new emergency communications system; and

WHEREAS, the county received the grant to perform the study; and

WHEREAS, Kimball Associates has completed the first phase and presented a report entitled “Wireless Communications Infrastructure Needs Assessment Report “ dated August 2005 to the Board at the September 14, 2005 meeting; and

WHEREAS, Kimball Associates has attempted to obtain licenses from the Federal Communications Commission for the number of frequencies required to implement the findings of the needs assessment in the study only to find out that they are not available therefore rendering the proposed plan unable to be implemented; and

WHEREAS, subsequent to the completion of the study, the State has finally entered into an agreement with a vendor to implement a statewide wireless network for emergency communications; and

WHEREAS, County representatives have met with representatives from the New York State Wireless Network (NYSWN) and have determined that it is in the best interest of the county taxpayers that the county work with the state to minimize county infrastructure costs while achieving a reliable interoperative radio system; and

WHEREAS, the Public Safety Committee is in support of working cooperatively with the State NYSWN

THEREFORE, BE IT RESOLVED, that the Chairman of the Board is herewith authorized to enter into the Preliminary Planning Agreement with the New York State Office for Technology.

The resolution was seconded by Mr. Utter.

Director of Emergency Services Nelson Delameter explained that the county applied for and received grant money to study the county’s needs for a new emergency communication system. He referenced the Wireless Communications Infrastructure Needs Assessment Report presented by Kimball Associates and their attempt to obtain licenses from the Federal Communications Commission for the number of frequencies required to implement the findings of the needs assessment in the study. Mr. Delameter advised that the needed frequency could not be bought and pointed out that it will not be available until 2013, rendering the proposed plan unable to be implemented.

Mr. Delameter advised that the State has entered into an agreement with a vendor to implement a statewide wireless network for emergency communications. As a result of a meeting with representatives from the Statewide Wireless Network it was determined that it is in best interest of the county taxpayers to work with the State. This resolution authorizes the Chairman of the Board to enter into an agreement with the New York State Office for Technology.

Chairman Eisel pointed out that this agreement gets Delaware County in on the ground floor with the Statewide Wireless Network.

The resolution was unanimously adopted.

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

RESOLUTION NO. 296

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
SHERIFF'S OFFICE**

WHEREAS, Resolution No. 269 of 1990 prohibited County employees from holding more than one County position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

WHEREAS, the Sheriff's Office is experiencing difficulties in recruiting deputies, dispatchers, registered nurses and correction officers; and

WHEREAS, from time to time employees in other county departments are willing to work on a per hour, as needed basis in the Sheriff's Office.

THEREFORE, BE IT RESOLVED that Resolution No. 269 of 1990 is hereby temporarily waived until December 31, 2006 for County employees who are willing to work on a per hour, as needed basis in the Sheriff's Office.

The resolution was seconded by Mr. Utter.

Mr. Thomas commented that if a person is performing the same duties that they do for another department they have to be paid time and half but if they are, for example, a nurse and work for the Sheriff's department as a cook they get paid straight time.

Sheriff Mills replied in answer to Mr. Thomas, that most employees do not work in a related field but, if the situation arises there is another resolution that covers that situation.

The resolution was unanimously adopted.

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

RESOLUTION NO. 297

**TITLE: FOUR DAY WORK WEEK
SHERIFF'S OFFICE**

WHEREAS, by Resolution No. 289 of October 27, 1999, the Board of Supervisors approved an agreement with the Delaware County Deputy Sheriff's Police Benevolent Association regarding a four-day work week for the Sheriff's Office personnel assigned to road patrol; and

WHEREAS, said agreement provides for an annual vote by employees assigned to a four-day work week and the Board in order to continue the four-day work week in the following year; and

WHEREAS, Sheriff's Office employees participation in the four-day work week have voted in favor of continuing the four-day work week; and

WHEREAS, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2006.

THEREFORE, BE IT RESOLVED that continuation of said four-day work week until December 31, 2006 is hereby approved.

The resolution was seconded by Mr. Utter.

In reply to Mr. Marshfield, Sheriff Mills said that the four-day work week provides better coverage and helps avoid overtime. However, the Sheriff was not able at this time to state how much over time is created as a result the four-day work week. Mr. Marshfield remarked that he is not totally sold on the benefits of the four-day work week.

In answer to Chairman Eisel, Sheriff Mills stated that the coverage would not be as good without the four day work week.

In response to Mr. Thomas, Sheriff Mills said that the deputy's work four 10 hour days and only if a special detail arises do any of them work a fifth day.

The resolution was unanimously adopted.

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

RESOLUTION NO. 298

**TITLE: AUTHORIZATION OF FOUR DAY WORK WEEK
PUBLIC WORKS**

WHEREAS, Resolution No. 55 of 1993, as modified, authorizes a four ten hour per day work week in the Public Works Department which is subject to annual approval by the County and Public Works employees,

NOW THEREFORE BE IT RESOLVED, that subject to approval of the Public Works employees, four day work schedules for 2006 are hereby approved in the Public Works Department as follows:

- 1) January 1 to April 8, 2006: Bridge Crews only.
- 2) April 23 to September 9, 2006: All Public Works employees, except those employees specifically excluded from the four day work week by agreement with the union, ie. office staff, landfill employees, certain engineering staff, etc.
- 3) November 19 to December 31, 2006: Bridge Crews only.

The resolution was seconded by Mr. Rider.

Mr. Marshfield stated that he can understand this resolution better because the crew goes to one site and stay there, adding it is different from the previous resolution.

Mr. Utter remarked that in this case the employer is gaining some, adding that he saw this when he was working on the Bridge Crew.

Mr. Thomas questioned why the Bridge Crew is not on a four-day work week all year long. Commissioner Reynolds explained that the Bridge Crew has always worked five ten hour

days. However, the Commissioner said that there was animosity among the bridge workers because they never had a Friday off. To remedy the situation, it was decided with the Union, that the Bridge Crew would be given Fridays off for the same length of time during the winter.

The resolution was unanimously adopted.

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

RESOLUTION NO. 299

TITLE: REGARDING VOLUNTARY RESTRICTIONS BY THE COUNTY ON ITS POWER OF EMINENT DOMAIN

WHEREAS, the United States Supreme Court on June 23, 2005 decided the case of Kelo vs. City of New London, (125 s.Ct. 2655) in which the court upheld the taking of private property by a municipality or entity with the power of eminent domain in furtherance of an economic development plan that it is believed will provide appreciable benefits to the community; and

WHEREAS, opponents have argued that eminent domain should only be used for projects that have a clear public purpose, not private projects that typically displace less affluent communities to make way for developments enriching both the municipality and the developer; and

WHEREAS, lawmakers in 34 states have introduced bills or begun to study ways to prohibit use of eminent domain for private economic development; and

WHEREAS, the New York State Assembly is hosting a series of statewide hearings on eminent domain to discuss what changes, if any, should be made to the long held ability of governments to take property for public use if its owner refuses to sell outright; and

WHEREAS, promoting economic development is a traditional and long accepted function of government; and

WHEREAS, the Fifth Amendment to the federal Constitution prohibits the taking of private property for public use without just compensation;

NOW, THEREFORE, BE IT RESOLVED that the County of Delaware shall voluntarily forego the use of its power of eminent domain pursuant to the Eminent Domain Procedural Law of the State of New York insofar as it will refrain from taking private real property to benefit another private entity or person for the purposes of generating higher tax revenue from private development of the property so seized, and shall support only property exchanged through voluntary methods in the market place; and

IT IS FURTHER RESOLVED, that the Board of Supervisors hereby resolves that it is in the public interest of the people of Delaware County to have the State government review the current eminent domain laws with the goal of placing additional limitations on the eminent domain power beyond those already contained in the law protecting the property owners.

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded immediately to Senator John Bonacic, Assemblyman Clifford Crouch, Assemblyman Daniel

Hooker and The Association of Counties.

The resolution was seconded by Mr. Thomas.

Chairman Eisel commented that he could not believe that the Supreme Court allowed such a thing to happen. He cited an example in Riveria Beach, Florida where private developers want to displace up to 3,000 people to put in condos and a marina. Further stating that what this resolution does for this Board is take the politics out of it.

In answer to Mr. Rider, Chairman Eisel stated that it is in the State Legislature, adding that this is just a Delaware County resolution.

The resolution was unanimously adopted.

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

RESOLUTION NO. 300

**TITLE: LEVY OF TAXES FOR SPECIAL DISTRICTS,
HIGHWAYS AND GENERAL OUTSIDE OF VILLAGE**

WHEREAS there has been presented to the Board of Supervisors a duly certified copy of the annual budget of each of the several towns of Delaware County for the fiscal year beginning January 1, 2006;

RESOLVED that there shall be and hereby is assessed and levied upon and collected from the taxable property situated wholly or partially therein the amounts indicated below for the Highway Outside Village and General Outside Village purposes as specified in the budgets of the respective towns:

TOWN	HIGHWAY OUTSIDE VILLAGE	GENERAL OUTSIDE VILLAGE
Delhi	\$366,081.00	\$63,349.00
Deposit	\$203,579.00	\$18,161.00
Franklin	\$327,317,.00	\$29,095.00
Hancock	\$580,000.00	\$33,500.00
Harpersfield	\$317,268.00	\$29,870.00
Middletown	\$622,756.00	\$65,683.00
Sidney	\$195,779.00	\$9,853.00
Stamford	\$186,420.00	\$18,641.00
Walton	\$456,350.00	\$36,733.00

FURTHER RESOLVED that there shall be and hereby is assessed and levied upon and collected from the real property liable therefore within the respective budgets:

ANDES

Andes Joint Fire District	\$180,770.00
Arena Fire District	\$11,316.63
Andes Light District	\$7,280.00
BOVINA	
Bovina Center Light District	\$2,650.00
Delhi Fire District	\$1,306.94
Bovina Rural Fire District	\$103,350.00
Bovina Sewer District	\$9,412.00
COLCHESTER	
Downsville Light District	\$10,000.00
Downsville Fire District	\$196,303.92
Beaverkill Valley Fire District	\$376.28
Colchester Fire Protection District	\$7,800.00
DAVENPORT	
East Meredith Fire District	\$90,547.41
Davenport Fire District	\$39,904.49
Davenport Light District	\$2,000.00
Davenport Center Light District	\$2,900.00
West Davenport Light District	\$1,600.00
DELHI	
Delhi Rural Fire District	\$78,180.00
DEPOSIT	
Deposit Fire and Ambulance	\$65,870.00
FRANKLIN	
Treadwell Light District	\$2,982.50
Treadwell Water District	\$8,885.00
Franklin-Treadwell Fire District	\$146,233.09
Delhi Rural Fire District	\$310.73
HAMDEN	
Hamden Light District	\$3,300.00
DeLancey Light District	\$2,300.00
Delhi Fire District	\$278.60
Walton Fire Protection	\$17,120.00
Downsville Fire Protection	\$3,500.00
Delhi Rural Fire Protection	\$28,000.00
Downsville Fire District	\$3,273.58
HANCOCK	
Cadosia Light District	\$2,800.00
East Branch Light District	\$4,600.00
East Branch Fire District	\$74,000.00
Fish's Eddy Light District	\$3,400.00
Hancock Rural Fire District	\$81,841.61
Long Eddy Fire District	\$23,706.90
Upper Del. Valley Volunteer Ambulance Corp. Dist.	\$2,552.42

HARPERSFIELD	
Stamford Fire District	\$34,912.20
Hobart Fire District	\$4,249.11
Davenport Fire District	\$9,140.77
North Harpersfield Fire Protection	\$34,206.00
North Harpersfield Light District	\$2,000.00
KORTRIGHT	
Kortright Fire District	\$54,074.06
Bloomville Light District	\$3,538.44
Stamford Fire District	\$5,861.94
Hobart Rural Fire District	\$7,676.57
East Meredith Fire District	\$2,969.41
Davenport Fire District	\$6,565.25
MASONVILLE	
Masonville Fire District	\$56,750.00
Masonville Light District	\$3,000.00
MEREDITH	
East Meredith Light District	\$1,200.00
Delhi Rural Fire District	\$18,698.60
Meredith Square Light District	\$550.00
Franklin-Treadwell Fire District	\$18,003.88
Meridale Rural Fire District	\$44,000.00
East Meredith Fire District	\$15,595.18
Meridale Light District	\$1,300.00
MIDDLETOWN	
Halcottsville Light District	\$1,580.00
Arena Fire District	\$13,830.05
Arkville Light District	\$8,910.00
Arkville Water District	\$32,486.00
New Kingston Light District	\$842.00
Arkville Fire District	\$25,530.00
Middletown Fire District No. 1	\$41,797.00
Middletown-Hardenburgh Fire District	\$209,402.14
ROXBURY	
Roxbury Fire District	\$114,808.00
Roxbury Light District	\$12,840.00
Roxbury Water District	\$9,765.00
Grand Gorge Fire District	\$135,575.00
Grand Gorge Light District	\$11,130.00
Grand Gorge Water District	\$56,311.00
Middletown/Hardenburgh Fire District	\$5,330.00
Roxbury Run Light District	\$2,805.00
Roxbury Sewer District (unit charge)	\$30,009.10
Denver Sewer District	\$21,616.00
Denver Sewer District (unit charge)	\$70,810.00
Denver Water District	\$23,700.00

SIDNEY	
Consolidated Health District	\$3,300.00
Sidney Center Light District	\$5,700.00
Sidney Center Fire District	\$55,310.00
Sidney Fire Protection District	\$41,950.00
STAMFORD	
Stamford Fire District	\$8,114.32
South Kortright Fire District	\$4,000.00
Hobart Fire District	\$28,074.32
Kortright Fire District	\$6,845.94
South Kortright Light District	\$980.00
TOMPKINS	
Tompkins Fire District	\$79,018.00
Hancock Rural Fire District	\$11,374.20
WALTON	
Walton Fire District	\$287,917.00

FURTHER RESOLVED that the amounts to be raised by tax for all other purposes, as specified in the annual budgets as presented to the Board and which are on file in the office of the Clerk of the Board, are hereby assessed and levied upon and collected from all of the taxable property in the towns as enumerated below, except as otherwise provided by law; namely:

<u>TOWN</u>	<u>TOWN GENERAL</u>	<u>HIGHWAY TOWNWIDE</u>
Andes	\$431,280.00	\$556,000.00
Bovina	\$161,345.00	\$292,616.00
Colchester	\$621,180.00	\$1,038,800.00
Davenport	\$184,615.00	\$462,200.00
Delhi	\$255,940.00	\$300,929.00
Deposit	\$197,653.00	\$239,879.00
Franklin	\$127,605.00	\$373,317.00
Hamden	\$102,029.00	\$395,276.00
Hancock	\$398,850.00	\$565,125.00
Harpersfield	\$203,045.00	\$101,734.00
Kortright	\$183,368.42	\$423,227.29
Masonville	\$79,318.00	\$264,700.00
Meredith	\$110,270.00	\$571,600.00
Middletown	\$597,631.00	\$763,295.00
Roxbury	\$682,345.00	\$1,476,594.00

<u>TOWN</u>	<u>TOWN GENERAL</u>	<u>HIGHWAY TOWNWIDE</u>
Sidney	\$281,298.00	\$248,319.00
Stamford	\$159,585.00	\$182,520.00
Tompkins	\$148,000.00	\$446,000.00
Walton	\$212,516.00	\$478,318.00

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

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

RESOLUTION NO. 301

**TITLE: LEVY OF COUNTY TAX, EXTENSION OF ROLL,
WARRANTS FOR SAME**

RESOLVED, that the sum of \$23,631,648.89 be levied against the taxable property of the County of Delaware and the same be credited by the County Treasurer to the objects specified in the Appropriation Resolution; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors be and hereby is directed to extend the tax according to this resolution on the tax rolls of the several towns and that, when the same have been extended, the various rolls of the several towns shall become the tax rolls thereof.

BE IT FURTHER RESOLVED that the several tax rolls, when completed in accordance with the direction of the Board and the several warrants are signed for the collection of taxes by the Chairman and the Clerk of the Board to bear the date of December 27, 2005, the taxes be returnable the first day of April, 2006 and that the County Treasurer of the County of Delaware be and hereby is authorized to extend the time of collection in any town not beyond the first day of June 2006, upon the collector's complying with the statute thereto.

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

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

RESOLUTION NO. 302

**TITLE: AUTHORIZING THE CLERK OF THE BOARD OF SUPERVISORS TO
CAUSE TO BE PRINTED A SUMMARY OF ABSTRACT OF THE TOWN BUDGETS**

WHEREAS, Section 115 of the Town Law requires that the budgets of the respective towns for each year be printed in the Proceedings of the Board of Supervisors; and

WHEREAS, said section authorizes the Clerk of the Board of Supervisors to cause to be printed a summary or abstract of each budget;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board be and hereby is

authorized and directed to cause to be printed in the Proceedings of this Board a summary or abstract of the budgets of the respective towns in this County in such form as the State Comptroller shall prescribe.

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

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

RESOLUTION NO. 303

TITLE: CALLING ORGANIZATIONAL MEETING

RESOLVED that pursuant to Section 151 [1] of the County Law and Rule 1 of the Delaware County Board of Supervisors, the organizational meeting of the Board of Supervisors shall be held on January 4, 2006 at 1:00 P.M. in the Supervisors' Room of the County Office Building, Delhi, New York.

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

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

RESOLUTION NO. 304

TITLE: 2006 BOARD OF SUPERVISORS MEETING SCHEDULE

WHEREAS, in accordance to Rule 2 of the Rules of the Delaware County Board of Supervisors, Board Meeting dates are annually designated in December each year for the following year;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors meetings will be held on the dates and times as stated below.

January 4, 2006	- 1:00 P.M.	January 25, 2006 - 1:00 P.M.
February 22, 2006	- 1:00 P.M.	
March 8, 2006	- 1:00 P.M.	March 22, 2006 - 1:00 P.M.
April 12, 2006	- 1:00 P.M.	April 26, 2006 - 1:00 P.M.
May 10, 2006	- 7:00 P.M.	May 24, 2006- 1:00 P.M.
June 21, 2006	- 7:00 P.M.	
July 19, 2006	- 7:00 P.M.	
August 23, 2006	- 7:00 P.M.	
September 13, 2006	- 7:00 P.M.	September 27, 2006 - 1:00 P.M.
October 11, 2006	- 1:00 P.M.	October 25, 2006 - 1:00 P.M.
November 8, 2006	- 1:00 P.M.	November 21, 2006 - 1:00 P.M.

December 13, 2006 - 1:00 P.M.

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

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not pre-filed resolutions.

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

RESOLUTION NO: 305

**TITLE: ADOPTION INCENTIVE
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services has received 100 percent federal incentive funds for use in foster care adoptions

NOW, THEREFORE BE IT RESOLVED, that the 2005 Social Services Budget be amended to increase the following accounts:

REVENUE:

10-16010-44461000	Fed Social Services Adm	\$20,885.00
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APPROPRIATION:

10-16010-54200007	Adoption Incentive Program	\$20,885.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote:4806, Noes 0. Absent 0.

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

RESOLUTION NO. 306

**TITLE: 2005 BUDGET MODIFICATION
DISTRICT ATTORNEY**

WHEREAS, the District Attorney has received monies from the State of New York Criminal Justice Services to help offset the cost of prosecution in the county; and

WHEREAS, there have been some additional expenses this year in the DA's office that need some additional funding; and

WHEREAS, the Board of Supervisors agreed to accept this funding and distribute some of the funds back to the office of the Assistant District Attorney's working during the periods concerned.

NOW, THEREFORE BE IT RESOLVED, that the following budget modifications be made to the budget:

INCREASE REVENUE:

10-11165-43308900	State Other General Gov	\$130,000.00
<u>INCREASE APPROPRIATION:</u>		
10-11165-54405000-1165001-964	ADA Special Office Exp	\$120,000.00
10-11165-54595320	Supplies Office	<u>10,000.00</u>
	TOTAL	\$130,000.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 307

**TITLE: 2005 BUDGET MODIFICATION
GENERAL FUND CONTINGENCY**

WHEREAS, it is anticipated that the Contingency Fund will need more funding in order to allow for the payment of payroll and expenditures for the rest of 2005; and

WHEREAS, the accounting of these monies are properly accounted for and reported to the Finance Committee as per the resolution adopted earlier this date.

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

DECREASE FUND BALANCE:

10-00000-349110000	Fund Balance Other Unreserved	\$350,000.00
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INCREASE CONTINGENCY:

10-11990-549000000	Contingency	\$350,000.00
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The resolution was seconded by Mr. Marshfield.

In response to Mr. Bachler, Mr. Hanley explained that the Contingency account had \$400,000. He added that as of this meeting the balance is down to \$236,572.60, adding fringes, benefits and overtime are coming in higher than projected.

The resolution was adopted by the following vote: 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 308

**TITLE: 2005 BUDGET MODIFICATION
911 PUBLIC SAFETY COMMUNICATION SYSTEM**

WHEREAS, the County’s radio consultant, L. R. Kimball, has identified discrepancies in the tower site licenses for East Hill, Johnson Hill and Houck Mountain and strongly recommends that the County rectify this problem before it moves forward with the current study; and

WHEREAS, the coordinates listed on the current Land Mobil Radio Licenses and the Microwave Licences are not the actual coordinates and could create problems for the County with the future search and establishment of additional licenses with the proposed improvement and expansion of the County’s radio system; and

WHEREAS, the County has the funds available in the E911 Reserve account that can be used to pay for this type of expense.

NOW THEREFORE BE IT RESOLVED, that the following budget modification be made and the department be authorized to contract with the proper consultants to correct the errors:

DECREASE RESERVE:

10-00000-32889000-1325882-889 Miscellaneous Reserve \$10,000.00

INCREASE APPROPRIATION:

10-13020-54200000 Contracted Srvcs \$10,000.00

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 309

TITLE: LEVYING OF 2005-2006 RETURNED SCHOOL TAXES

WHEREAS, the Board of Trustees of the Board of Education of the several school districts of Delaware County have transmitted to the County Treasurer the several amounts of unpaid school taxes, duly verified and certified as provided by the Real Property Tax Law, §1330;

RESOLVED that, pursuant to §1330 of the Real Property Tax Law, there shall be and hereby is assessed and levied upon and collected from the lands of the several towns as listed herewith, upon which the same were imposed, the amounts of said returned school taxes as certified, with seven percentum thereon in addition as follows:

TOWN	TAX	7% PENALTY	TOTAL TAX RELEVIED
Andes	\$174,076.22	\$12,185.31	\$186,261.53
Bovina	113,463.22	7,942.40	121,405.62
Colchester	183,124.94	12,818.88	195,943.82
Davenport	203,842.04	14,268.87	218,110.91
Delhi	215,157.92	15,061.06	230,218.98

TOWN	TAX	7% PENALTY	TOTAL TAX RELEVIED
Deposit	151,301.19	10,591.10	161,892.29
Franklin	222,234.81	15,556.41	237,791.22
Hamden	120,969.08	8,467.82	129,436.90
Hancock	487,143.47	34,100.21	521,243.68
Harpersfield	188,852.27	13,219.63	202,071.90
Kortright	207,270.03	14,508.92	221,778.95
Masonville	150,315.44	10,521.98	160,837.42
Meredith	176,195.46	12,333.72	188,529.18
Middletown	382,260.41	26,758.29	409,018.70
Roxbury	317,184.18	22,203.02	339,387.20
Sidney	355,646.18	24,895.22	380,541.40
Stamford	177,582.46	12,430.91	190,013.37
Tompkins	87,232.08	6,106.24	93,338.32
Walton	269,822.39	18,887.58	288,709.97
Totals ...	\$4,183,673.79	\$292,857.57	\$4,476,531.36

The resolution was seconded by Mr. Thomas.

In answer to Mr. Bachler, County Treasurer Beverly Shields replied that the total tax relevied is up about \$200,000.00

The resolution was unanimously adopted.

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

RESOLUTION NO. 310

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,981,453.65 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	\$858,688.32
Countryside Care Center	\$202,351.69
Jail	\$49,690.27
OET	\$7,474.35
Highway Audits, as Follows:	
Road	\$45,291.93

Machinery	\$80,009.28
Capital Road & Bridge	\$591,228.61
Capital Solid Waste	\$85,649.01
Solid Waste/Landfill	\$61,070.19

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 311

**TITLE: 2005 BUDGET MODIFICATION - ROAD FUND
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Bridge 9 was not constructed as anticipated; and

WHEREAS, money is needed to cover the cost of equipment rental in the Snow and Maintenance Line

NOW, THEREFORE, BE IT RESOLVED that the following transfer be made to cover expenditures in the Snow and Maintenance Equipment Rental lines:

FROM

34-15112-55000000	Capital Equipment Rental	\$112,300.00
34-15112-44458900	Other Highway Aid - Federal	\$112,300.00

TO

24-15142-55000000	Snow Equipment Rental	\$46,700.00
24-15110-55000000	Maintenance Equipment Rental	\$65,600.00
24-15110-42230600	Road & Bridge Charges Otr. Govmt.	\$112,300.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 312

**TITLE: APPROVAL TENTATIVE AGREEMENT
COUNTRYSIDE CARE CENTER IMPACT BARGAINING**

WHEREAS, the Human Resources Committee has reached a tentative agreement with CSEA regarding the impact to employees as a result of the sale Countryside Care Center to Leatherstocking Healthcare

NOW, THEREFORE BE IT RESOLVED that said tentative agreement is hereby

approved as presented to the Board

BE IT FURTHER RESOLVED that the Chairman of the Board is authorized to execute the bargaining agreement which incorporates the terms of said tentative agreement; and

BE IT FURTHER RESOLVED that the County make similar payment to non-union employees at Countryside Care Center.

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

Chairman Eisel granted privilege of the floor to Mr. Thomas who stated that he supports the will of the taxpayers and the people of Delaware County. He felt, in his opinion, that he would be remiss if he did not address the fact that it is time to reunite the Department of Fiscal Affairs with the Treasurer's Department in order to get the county back to working as a team.

Mr. Thomas attempted to introduce a resolution entitled: The Return of the Fiscal Affairs Employees to the Treasurer's Office which would reunite the departments effective January 1, 2006. He pointed out that the Finance Committee is not in agreement with him.

Chairman Eisel commented in reply to Mr. Thomas that this is a committee system and pointed out that resolutions must be referred and reviewed by committee prior to presentation to the Board. He further stated that he felt that next year would be the appropriate time to discuss this matter and added that the new members of the Board will need to become familiar with the problems that exist. He stated that he rejects the introduction of the resolution.

Mr. Thomas stated that he is in total disagreement and expressed concern that the committee has the power to bind up a proper movement. He felt this is an important issue and encouraged the Supervisors that desired to express themselves to do so.

Chairman Eisel stated that he felt more time was needed to complete the USL system and Judge Coccoma ruled that the suit was frivolous and without merit. He pointed out that it is not unusual to have a Department of Fiscal Affairs and we need to finish the job that we started.

Mr. Thomas remarked that he has heard many good reports about the USL system and the fact that it is working. He stated that the people have spoken. He noted that all three of the candidates agreed that the departments should be reunited. He questioned what would be gained by waiting.

Mr. Marshfield commented that the reason the department was spilt was basically because of the USL system. He noted that he has looked at the accomplishments of the Fiscal Affairs Department and what remains to be done. He pointed out that the departments are eager to be part of the process, that a system of checks and balances has been developed, that we now have employees that are cross trained with a sense of direction, a system where all departments, with the exception of Mental Health in Walton, are on the USL system. Departments are able to create vouchers on the USL system and can pull their own financial reports, vendor numbers are now accurate.

He pointed out several items that remain to be done, an inventory system on USL, the PDS payroll system is not yet interfaced with USL and implement the annual audit report. It is anticipated by spring time all departments will be able to do cash receipts and record their own deposits. We need to develop 1099 verification reports and merge those records to USL.

Departmental security needs to be set up as well as customization of other reports still need to be done.

Mr. Marshfield stated that Fiscal Affairs has a lot to be proud of in their accomplishments but, in his opinion, returning the Department of Fiscal Affairs now would be a huge mistake. He pointed out that this Board needs to give the Clerk of the Board Christa Schafer and the employees of the Fiscal Affairs Department the thanks and due respect they deserve for their hard work and dedication.

Ms. Molé added that this is a committee system and that she brought this issue up at this morning's Finance Committee meeting. She pointed out that not one, including Mr. Thomas, objected to putting this off until after the first of the year.

Mr. Thomas pointed out that he will not be here after the first of the year. He said that this is the first time in all his years that he has seen such a disaster.

Chairman Eisel commented that he believes the Board is going in the right direction and that he agrees with Mr. Marshfield. He believes it is the wrong time.

Mr. Maddalone agreed that in time reuniting the department might be the right answer but, not at this time.

Mr. Bracci remarked for the sake of unity reuniting the departments should be considered. He said that when he came on this Board he agreed that there were many issues with USL but, now those issues have been resolved.

Mr. Marshfield added that there is still more to be done. Mr. Bracci pointed out that the issue regarding personnel is also very important. He pointed out that we had an election and the people have spoken.

Mr. Bachler commented that he would like to be able to vote yes on this issue when the time is right but, added that he does not feel this is an appropriate time. He said that he needed to know more and thanked Mr. Marshfield for his insight into the situation.

Ms. Freyer stated that there has not been an opportunity for anyone to discuss the situation. She said the Board made a tough decision for the benefit of the county and added she felt if the Board was to do this today they would be remiss.

Mr. Maddalone said that a decision to reunite the departments today would throw away everything the Board has done.

Mr. Ryan questioned if Mr. Marshfield really believed that the accomplishments made on USL would not have been made without the Department of Fiscal Affairs. Mr. Marshfield stated that he did.

Mr. Meredith remarked that he is in agreement with Mr. Thomas and added it is time we move on with this.

Mr. Shelton said that the division bothers him a great deal and that he has never in all his time on the Board seen anything like it. He said he would like to see this issue resolved but did not believe it should be done today. He added that it is something the Board should be thinking about. He would like to see better feelings within the county.

Chairman Eisel stated that as the year proceeds all of us should become better informed. He referred this matter to the Finance Committee.

Mr. Meredith asked the Finance Committee for a time-line, pointing out that to his knowledge a Capital Reserve account for Roads has never been established and that was something that was going to be addressed as well.

Mr. Marshfield noted that Mr. Meredith's point was well taken and added that if something isn't getting done don't be afraid to get after the committee.

Mr. Donnelly commented with regard to the Capital Reserve account, he was under the impression that the Department of Public Works has been working on putting together a long range plan for Delaware County's infrastructure.

Chairman Eisel made the following appointments to the CDO Workforce Investment Board:

Gina Becraft, HR manager, Kraft Foods
Karen Chichester Controller, Audiosears, Inc.

Chairman Eisel continued the meeting to include the events of this afternoon for posterity. Acknowledging the departing Supervisors Ms. Freyer, Town of Colchester, Mr. Rider, Town of Davenport and Mr. Thomas, Town of Masonville. The Chairman stated that each Supervisor gave of themselves and have represented their towns well at the county seat.

Chairman Eisel presented each Supervisor with a plaque honoring their sense of community and dedication to Delaware County.

Beginning with Lucille Freyer, Chairman Eisel said she served one term, was willing to take on any challenge and was an outspoken member of the Board. He said he will remember Ms. Freyer for her favorite quote "I am going to say only this." He cited the committees she served on and praised her for her acceptance and dedication to chairing the new Governmental Affairs Committee established to represent Delaware County in Albany.

Ms. Freyer stated it was a privilege to serve the Town of Colchester and Delaware County. She praised the level of professionalism and dedication of the county employees who give 100 percent of themselves.

Mr. Donnelly referenced his relationship with Ms. Freyer's father, Eugene Merrill and stated that when he told Ms. Freyer that he was looking forward to working with her she replied, "I am my own person and you may find that I am not my father's daughter." He said that it has been his privilege and honor to work with her.

Director of Public Health Bonnie Hamilton stated that Ms. Freyer has been a welcomed addition to the Health Committee and Public Health Services Advisory Board. Ms. Freyer is very interested in health issues and is truly an advocate of individual and community health and wellness. She said it has been a pleasure to work with Ms. Freyer.

Mr. Maddalone thanked Ms. Freyer for her participation on the Public Safety Committee, adding she did a very good job and will be missed a great deal.

Acknowledging Mr. Rider, Chairman Eisel thanked him for his eight years on the Board

and stated that he considers Mr. Rider a friend. He cited the committees he served and said what he will miss most is Mr. Rider's homespun humor and jokes.

Mr. Rider expressed his thanks to the Supervisors and department heads for a job well done, adding keep up the good work.

Mr. Utter said that he served with Mr. Rider on the Highway Committee adding it has been a great honor to work with Mr. Rider.

Mr. Bachler stated that he and Mr. Rider have gotten to be very good friends as they worked together on issues through the years, adding that he will miss him.

Mr. Bracci said that he will miss sitting next to Mr. Rider, adding that Mr. Rider always had the answer to his questions.

Mr. Woodford said he enjoyed working with Mr. Rider on the Highway Committee, he was sad to see him leave and he will miss.

Acknowledging Mr. Thomas, Chairman Eisel thanked him for his 28 years of service and cited the committees Mr. Thomas served. Chairman Eisel said that he will always remember Mr. Thomas as never being at a loss for words and he praised his dedication to the County and to his town of Masonville. Adding Mr. Thomas is part of the supervisor's Hall of Fame.

Mr. Thomas introduced his wife and thanked her for the price she paid for his dedication to the town and county. He praised the many good people he served with throughout the year. He pointed out that there have been times when he had to speak his mind and that he will miss the combat that being part of the Board of Supervisors has afforded him. He said he will miss everyone.

Commissioner of Social Services William Moon said that Mr. Thomas came in like a tiger and is now leaving like a tiger. The Commissioner said that Mr. Thomas' greatest strength is his love for people. In his opinion, this is what has made his chairmanship of the Social Services Committee distinctive. Mr. Thomas believes in what Social Services tries to do for people. He pointed out that Mr. Thomas will ask the tough questions and has been extremely supportive of the Social Services Department.

Mr. Meredith thanked Mr. Thomas for sharing his knowledge and insight with him as a newcomer to the Board.

Mr. Bachler said he has sat next to Mr. Thomas for eighteen years. He pointed out that he has taught him to ask questions and to look at the issues not just accept them at face value. He said that Mr. Thomas has always had the best interest of Delaware County in his heart and will be missed.

Deputy Treasurer Denise VanDusen said that she will miss Mr. Thomas' visit to the Treasurer's Office to see if they were all working, adding that she hopes he will continue to visit. Mrs. VanDusen said it has been a pleasure working with Mr. Thomas all these years.

Mr. Marshfield said that he has worked with Mr. Thomas on the Social Services and Finance Committees, two very complicated and involved departments. He said that Mr. Thomas has taught him to open his eyes and look at issues in various ways.

Mr. Bracci said that Mr. Thomas has taught him a lot in the short time he has been on the Board. He will miss his dissenting attitude, which he said is at times needed. He added that we'll be losing a very important part of this group.

Mr. Rowe pointed out that he believed his mother served her first term with Mr. Thomas in 1978. He said that Mr. Thomas speaks what is on everyone's mind but have a problem saying. Mr. Rowe said it has been a pleasure to work with Mr. Thomas and he will be missed.

Industrial Development Agency Chairman Jim Thomson said that he appreciates Mr. Thomas' candor on the Board and thanked him for what he has done for the county. He announced that Mr. Thomas has agreed to remain a member of the IDA, adding that Mr. Thomas is a valued member of the IDA Board and puts his heart and soul into working for the businesses of Delaware County.

Commissioner of Watershed Affairs Dean Frazier said that Mr. Thomas was one of the pioneers of the Watershed Affairs Committee. He thanked him for his leadership and support. He said that it was a pleasure working with Mr. Thomas and he will be missed.

Commissioner Frazier noted that he had worked with Ms. Freyer on flooding issues in the Town of Colchester and stated that he admired her forthrightness and willingness to take on issues head on, adding she is always working for just and reasonable solutions.

Commissioner Frazier thanked Mr. Rider for his support as it related to watershed issues and wished him well.

Mr. Donnelly pointed out that Mr. Thomas wears the combat infantry badge on his lapel and stated that he salutes him.

Mr. Utter referenced a newspaper article picturing Mr. Thomas and his daughter on an issue relating to Korean Veterans and pointed out the pride his daughter had in her father. He wished him luck.

Mr. Shelton said that Mr. Thomas is what saved him from being the bad boy, adding we fought some good battles together. Mr. Shelton commented that together they kept sales tax out of this county for ten years. He said Mr. Thomas has served the county well and will be missed.

County Treasurer Beverly Shields said that Mr. Thomas has been the best advocate for Delaware County taxpayers, adding that he hasn't forgotten who he represents.

Mr. Thomas' son, John Thomas said that he enjoyed listening to what everyone had to say about his father. He stated that he admired his father's integrity.

Chairman Eisel invited everyone to share in the reception following the meeting and thanked all those involved with the preparation of the reception.

Upon a motion the meeting was adjourned at 4:30 P.M.