

ORGANIZATIONAL MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
JANUARY 4, 2006

The organizational meeting of the Delaware County Board of Supervisors was held Wednesday, January 4, 2006 at 1:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

TO ALL SUPERVISORS:

Pursuant to County Law, §151 and Board Rule 1, the Organizational Meeting of the Delaware County Board of Supervisors will be held in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York on Wednesday, January 4, 2006 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2006, including election of a Chairman, Vice Chairman, and Clerk. Any other business that may properly be brought before the Board will be conducted.

Christa M. Schafer, Clerk
Delaware County Board of Supervisors

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

Martin A. Donnelly	134 Damgaard Road	Andes
Tina B. Molé	P.O. Box 63, Bovina Center	Bovina
Robert A. Homovich	River Street, P.O. Box 137, Downsview	Colchester
Dennis J. Valente	11600 St. Rt. 23, PO Box 123	Davenport
Peter J. Bracci	931 Dick Mason Road	Delhi
Stanley E. Woodford	668 Old Route 10	Deposit
Donald Smith	21 Bartlett Hollow Road	Franklin
Wayne E. Marshfield	6754 Basin Clove Road	Hamden
Samuel Rowe, Jr.	661 Main Street	Hancock
James E. Eisel, Sr.	25171 State Highway 23	Harpersfield
George Haynes	Main Street, P.O. Box 752, Bloomville	Kortright
Craig S. DuMond	3613 Pine Swamp Road, Sidney Center	Masonville
Frank Bachler	57 Bachler Road, East Meredith,	Meredith
Leonard Utter	3947 Millbrook Road, Margaretville	Middletown
Thomas S. Hynes	Main Street, P.O. Box 277	Roxbury
Joseph A. Maddalone	6 Weir Street	Sidney
Patrick J. Ryan	1172 Clove Road, Hobart	Stamford
Perry Shelton	P.O. Box 23, Trout Creek	Tompkins
John W. Meredith	129 North Street	Walton

Mr. Donnelly offered the invocation.

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

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

Acting County Clerk Sharon O'Dell administered the Oath of Office to Mr. Eisel.

Chairman Eisel thanked the Board for their support, adding we have a very challenging year ahead of us. He referenced the eminent sale of Countryside Care Center and pointed out that the county will continue with its freeze on hiring, unnecessary travel, and equipment purchases.

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

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

Chairman Eisel nominated John Meredith for the position of Budget Director. The nomination was seconded by Mr. Ryan.

Mr. Bachler questioned how much time Mr. Hanley spent doing this job and commented that he thought the Board voted to establish the position of part time Budget Officer because of the size of the job. He asked the Board to consider what this vote would mean, adding in his opinion, the Board is going backwards. He further stated that the position has grown to warrant at least the 28 hours, adding this decision will make additional work on Clerk of the Board Schafer and her staff. He pointed out that he supported the part time Budget Officer's position because he felt the Board was leaning towards possibly hiring a County Executive.

Mr. Marshfield recognized the dedication of an elected Supervisor and noted that what he was going to say was not personally directed at Mr. Meredith. In his opinion, the Board of Supervisors needs to look beyond an elected Supervisor for Budget Director to a person who can spend more time and offer more professional accounting assistance to this county and its \$92 million budget.

He pointed out that two years ago the Board felt as he does today to vary from the traditional elected Supervisor as Budget Director and to offer it to someone with many years of experience in county municipal accounting. He stated that he has sat in Finance Committee with an elected Supervisor Budget Director and an appointed Budget Officer outside of this group, adding the difference is like night and day.

Mr. Marshfield pointed out that he supported the position of Budget Officer considering the responsibilities of developing and implementing purchasing policies and control, continual review of departmental expenditures and revenues, reviewing departmental requisitions, and budget requests for the purchase of equipment supplies and services. In addition, he noted that he suggested the additional responsibility of addressing past comments in our audit reports, such as: developing a county wide fleet management plan, an investment policy, a personnel management plan, a purchasing management plan, and a revenue enhancement plan by department and to assist in the financial management of the new jail.

He further stated that much has been accomplished but much more remains to be done. He pointed out that he has conferred with an independent accounting firm and they have concurred with his opinion. Mr. Marshfield further stated it is his belief that a \$32,000 a year position as Budget Officer is warranted with the defined duties as mentioned. He added the

salary has been appropriated in the 2006 budget and suggested that the Board advertise to find a qualified person to fill this position.

In conclusion, Mr. Marshfield recommended that the Board table this decision for one month to advertise for a candidate to fill this position. Further stating that if an appropriate candidate could not be found he would gladly support an elected Supervisor in this room to fill the position with the reduced duties of strictly a Budget Director.

Mr. Hynes asked if it was official that Budget Officer Joe Hanley had resigned. Chairman Eisel answered that he received a letter of resignation from Mr. Hanley. Mr. Hynes stated he was annoyed to learn of the decision the caucus made by reading the newspaper. He pointed out that the decision to create the position and appoint Mr. Hanley as Budget Officer was made by this Board, adding, in his opinion, any changes to that decision should have come back to the full Board.

Mr. Utter stated that he supports Mr. Meredith and feels he is a fine young man but, agrees with Mr. Marshfield's analysis.

Mr. Bracci stated that he does not support Mr. Marshfield's request to table Mr. Meredith's appointment. He said that he has been impressed with Mr. Meredith's performance on this Board and the job he has been doing for his town. He pointed out that Mr. Meredith holds a master's degree in business administration and in his opinion, is more than qualified to be Budget Officer.

Mr. Marshfield, in reply, suggested that Mr. Meredith apply for the position.

In answer to Mr. Valente, Chairman Eisel explained that the position has evolved as Mr. Marshfield pointed out. Mr. Meredith agreed to do the job of Budget Director which is what the job was in the past. Mr. Meredith is computer literate and has a strong accounting background, adding once Mr. Meredith has an understanding of the budget more responsibilities can be given to him. He further stated that in the meantime, the duties that will no longer be getting done will fall on the Chairman of the Board and the Finance Committee.

Mr. Ryan stated it is his opinion that many of the duties outlined by Mr. Marshfield should be the responsibility of the Board of Supervisors. He suggested that rather than hire a new Budget Officer at \$32,000 a year why doesn't this Board start earning its salary by having the department heads answer to the Supervisors in committee and the Board will tell the Budget Director what to do.

Mr. Marshfield agreed that there are some things committees can do responsibly. He referenced the fact that the Budget Officer was researching competitive pricing for several items, adding that he did not think that a committee could diligently do that job. He further stated that already in 2006 we have paid the price for not having this position as we are paying more for a copier than what he believes we should be paying.

Mr. Ryan asked if that should be the responsibility of the department head. Mr. Marshfield stated that the purchase came through a department head. Mr. Bracci agreed with Mr. Ryan and added that what we are looking at is political accountability and that is what we have in an elected official, Mr. Meredith.

Mr. Marshfield stated that he believed at a \$92 million budget we need more. He said he has sat on the Finance Committee with elected Supervisors and they were just overwhelmed.

Mr. Bachler commented that it should not be about the person but about the position. He stated the size of the job is enormous, adding he is not on the Finance Committee but, when it comes time to work on the budget he delves into the budget and it is huge. He added he hates to see us go backwards.

Chairman Eisel replied in answer to Mr. Homovich that Mr. Marshfield is speaking for himself, but that he is a member of the Finance Committee.

In response to Mr. Homovich, County Attorney Richard Spinney explained that Mr. Marshfield is not presenting a resolution, only asking to delay a previous motion appointing a Budget Director. He further stated that if the motion were to appropriate money it must first be referred to the applicable committee.

Mr. Marshfield commented that he only wants to table the nomination for a month until further investigation could be done.

Mr. Homovich felt that advertising and interviewing could not be done within a months time. He further stated in his opinion a Budget Director should start immediately. He further stated that budgets don't really change you just deal with larger numbers, adding he is personally comfortable with Mr. Meredith doing the job.

Chairman Eisel restated that he is supporting Mr. Meredith because he believes that he can do the job and that this is the way the Board should go.

Mr. Marshfield made a motion to table the Chairman's nomination of Mr. Meredith as Budget Director until the February 22, 2006 meeting. The motion was seconded by Ms. Molé. The motion did not pass by the following vote: Ayes 2181, Noes 2625 (Homovich, Valente, Bracci, Woodford, Rowe, Eisel, DuMond, Ryan, Shelton, Meredith), Absent 0.

Upon a nomination by Chairman Eisel, seconded by Mr. Woodford, John Meredith was elected Budget Director by the following vote: Ayes 4544, Noes 262 (Smith), Absent 0.

Chairman Eisel made the following committee appointments:

2006 COMMITTEE APPOINTMENTS

AGRICULTURAL AND FARMLAND PROTECTION BOARD

Fred Huneke, Delhi

COMMUNITY SERVICES BOARD

Supervisor Martin Donnelly
Mary McDowell
Kathy McLarney

DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

James Thomson, Delhi, Chairman
Robin W. Turner, Treas.
Joan Lawrence Bauer

DELAWARE COUNTY PLANNING BOARD

Mark Lee, Sidney
John Reynolds, Andes

Donald Kearney

FISH AN WILDLIFE MANAGEMENT BOARD

Supervisor Frank Bachler

HEALTH SERVICES ADVISORY BOARD

William R. Moon, Comm. Of Social Services
Tom Briggs, Director of Office for the Aging
Bonnie Hamilton, Director of Patient Services
Robert Pierce, Department of Health
Barbara Canfield
Wayne Shepard

SOIL & WATER CONSERVATION DISTRICT BOARD

Andy Kiraly, Franklin

Chairman Eisel stated he is in the process of working on oversight committee assignments and will announce the committee appointments at the next meeting. He explained that with the passage of the Budget Director he is establishing a Budget Oversight Committee.

Chairman Eisel appointed Mr. Meredith as Chairman of the Budget Oversight Committee which will be a three member committee.

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.

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

RESOLUTION NO. 1

TITLE: RE-APPOINTMENT OF COUNTY ATTORNEY

WHEREAS, Section 500 of the County Law of the State of New York provides that the Board of Supervisors shall appoint a resident attorney at law as County Attorney for the term of office for which the then members of the Board were elected;

BE IT RESOLVED, that Richard B. Spinney, a resident attorney of the County of Delaware, be re-appointed for the performance of such duties as are described in Section 501 of the County Law and that his appointment shall be for the ensuing two years at the salary specified in the budget.

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

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

RESOLUTION NO. 2

TITLE: RE-APPOINTMENT OF DIRECTOR OF ECONOMIC DEVELOPMENT

BE IT RESOLVED that Glenn Nealis is hereby appointed as Director of Economic Development at the salary contained in the budget for a term of office effective January 1, 2006 and ending December 31, 2007.

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

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

RESOLUTION NO. 3

TITLE: APPOINTMENT OF REPUBLICAN ELECTION COMMISSIONER

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

NOW, THEREFORE, BE IT RESOLVED that William J. Campbell be and he hereby is appointed Republican Election Commissioner for the County of Delaware for the years 2006-2007 at the salary stated in the budget.

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

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

RESOLUTION NO. 4

TITLE: RE-APPOINTMENT, DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES

BE IT RESOLVED that Patricia Thomson be re-appointed as Director of Community Mental Health Services for a term effective January 1, 2006 and ending December 31, 2009, at the salary contained in the budget.

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

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

RESOLUTION NO. 5

TITLE: RE-APPOINTMENT OF THE DIRECTOR OF VETERANS SERVICE AGENCY

BE IT RESOLVED that in accordance with Section 357 of the Executive Law, the appointment of Robert Johnson by the Chairman of the Board as Director of the Veterans Service Agency for a term of office effective January 1, 2006 and ending December 31, 2007 at the salary contained in the budget is hereby approved; and

BE IT FURTHER RESOLVED that in accordance with Section 148 of the General Municipal Law, Robert Johnson is hereby designated as the person to oversee the burial of members of the armed forces of the United States and their families who do not have sufficient means to defray their funeral expenses.

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

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

RESOLUTION NO. 6

TITLE: RE-APPOINTMENT OF COMMISSIONER OF WATERSHED AFFAIRS

BE IT RESOLVED that Dean Frazier is hereby appointed as Commissioner of Watershed Affairs at the salary contained in the budget for a term of office effective January 1, 2006 and ending December 31, 2007.

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

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

RESOLUTION NO. 7

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

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

NOW, THEREFORE, BE IT RESOLVED that pursuant to County Law 214 (2) that The Walton Reporter is designated for the calendar year 2006 to publish local laws and notices.

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

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

RESOLUTION NO. 8

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

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

NOW, THEREFORE, BE IT RESOLVED that pursuant to County Law 214 (2) that the Deposit Courier is designated for the calendar year 2006 to publish local laws and notices.

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

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

RESOLUTION NO. 9

TITLE: DESIGNATION OF DEPOSITORY FOR DELAWARE COUNTY FUNDS

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

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

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

The National Bank of Delaware County	\$17,500,000.00
The Delaware National Bank of Delhi	\$5,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$500,000.00
The National Bank and Trust Company	\$40,000,000.00
The National Bank of Stamford	\$10,000,000.00
Wilber National Bank	\$4,000,000.00

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

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

RESOLUTION NO. 10

**TITLE: 2006 BUDGET MODIFICATION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, Dr. Babauro Samudrala has been the medical director for the Department of Social Services for a number of years and was on the Social Services payroll prior to 2005 but due to a conflict with his contractual services at Countryside Care Center and the Sheriff's Department he was moved to contractual services for 2005; and

WHEREAS, Dr. Samudrala no longer provides contractual services at Countryside Care Center or for the Sheriff's Department and it is preferred that the position be moved back to the Social Services personal expense

NOW, THEREFORE BE IT RESOLVED that the 2006 budget is hereby adjusted as follows:

FROM:

10-16010-54427021	Medical Director Contract	\$8,000.00
10-16010-54435000	Medical Examiner Admin	\$500.00

TO:

10-16010-51000000 Personal Services \$8,500.00

The resolution was seconded by Mr. Marshfield.

In answer to Personnel Director Lorna Taber, Clerk of the Board Christa Schafer stated that it is her understanding that the fringe benefit line has enough money to absorb the FICA and the health insurance is included in the fringe benefit line already.

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. 11

**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. 27-06 Lubricating Oils to:
 Superior Lubricants Co., Inc
 2775 Broadway Street
 Cheektowaga, NY 14227

Bid Price: \$23,999.30

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

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

RESOLUTION NO. 12

**TITLE: VEHICLE BIDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services advertised on behalf of the County for automobile bids for low mileage 2005 vehicles and has received three bids meeting specifications, and

WHEREAS, the County Attorney has reviewed the bids and determined they are consistent with the specifications;

NOW, THEREFORE BE IT RESOLVED, that the bid from Whitaker & Son for a 2005 Chevrolet Malibu Classic with 20,431 miles at a bid price of \$9,848 be accepted subject to County inspection and the bid from Kaplan Chevrolet-Buick for two (2) 2005 Chevrolet Malibu Classic vehicles with 22,000 miles each at a bid price of \$9,399 be accepted subject to County inspection and the bid from Robert H. Lewis & Son for five (5) 2005 Chevrolet Malibu Classic vehicles with mileage under 24,000 each at a bid price of \$9,838 each be accepted subject to County inspection.

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

In answer to Mr. DuMond, Commissioner Moon explained that the 2005 Malibus listed in the resolution are four cylinder program cars that meet the needs of Social Services and the Office for the Aging. These vehicles are more cost effective and economical than the State bid which is for the six cylinder model. He further stated that departments that wanted to purchase from the State bid are not included in this resolution.

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

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

RESOLUTION NO. 13

TITLE: INCREASE IN STENOGRAPHIC FEES DISTRICT ATTORNEY

WHEREAS, Section 703-a of the County Law requires that the Board of Supervisors set the rate of compensation to be paid to stenographers employed by the District Attorney and the current rate is inadequate to ensure availability of stenographers for Grand Jury and Justice Court work

NOW, THEREFORE BE IT RESOLVED that the current fee allowed for the daily attendance of stenographers for Grand Jury be increased from \$125.00 per day to \$175 per day.

The resolution was seconded by Mr. Marshfield.

In answer to Mr. Bracci, Mr. Marshfield explained it was determined that the current rate of \$125 was inadequate when compared to other counties. The increase to \$175 per day is competitive with other counties and necessary to ensure availability of stenographers.

Mr. Donnelly added that even at the \$175 per day we don't always get a stenographer when we need one because of the demand.

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

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

RESOLUTION NO. 14

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

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

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has met and passed a resolution recommending that the thirty-day period be from January 31, 2006 to March 1, 2006; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby designate the time period from January 31, 2006 to March 1, 2006 to be the annual thirty-day review period for the year 2006.

The resolution was seconded by Mr. Smith.

Mr. Bachler explained that this resolution is being done yearly to allow anyone interested in being involved in the agricultural districts to do so without having to wait for the eight year review.

The resolution was unanimously adopted.

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

RESOLUTION NO. 15

**TITLE: APPORTIONMENT OF SURPLUS OF DOG LICENSE FEES, PENALTIES AND COSTS 2005
TREASURER'S OFFICE**

WHEREAS, the report of the County Treasurer to the Board of Supervisors regarding receipts from dog license fees for the year ending December 31, 2005 shows a surplus of \$6,740.49 after payments made to NYS Ag & Markets for dog license/tag fees and dog damage claims of which 75 % of the surplus amounts to \$4,852.87

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

<u>REMITTING MUNICIPALITY</u>	<u>AMOUNT REMITTED</u>	<u>SEVENTY-FIVE % OF SURPLUS APPORTIONED</u>
ANDES	\$ 299.61	\$ 149.45
BOVINA	\$ 175.04	\$ 87.31
COLCHESTER	\$ 681.47	\$ 339.93
DAVENPORT	\$ 285.55	\$ 142.44
DELHI	\$1,031.61	\$ 514.60
DEPOSIT	\$ 319.58	\$ 159.41
FRANKLIN	\$ 312.53	\$ 155.90

HAMDEN	\$ 420.63	\$ 209.82
HANCOCK	\$ 454.70	\$ 226.82
HARPERSFIELD	\$ 162.12	\$ 80.87
KORTRIGHT	\$ 399.46	\$ 199.26
MASONVILLE	\$ 236.15	\$ 117.80
MEREDITH	\$ 401.86	\$ 200.46
MIDDLETOWN	\$1,046.90	\$ 522.22
ROXBURY	\$ 406.54	\$ 202.79
SIDNEY	\$1,318.32	\$ 657.61
STAMFORD	\$ 390.07	\$ 194.58
TOMPKINS	\$ 185.63	\$ 92.60
WALTON	<u>\$1,200.82</u>	<u>\$ 599.00</u>
TOTALS	\$9,728.59	\$ 4,852.87

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

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

RESOLUTION NO. 16

TITLE: CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM BILLING RATE INCREASE PUBLIC HEALTH NURSING SERVICE

WHEREAS, the 2004 Medicaid Cost Report shows costs for certain services have increased:

WHEREAS, the per visit charge for these services must exceed costs;

WHEREAS, Medicaid and Medicare reimbursement rates are in accordance “with the lower of cost or charges” principle,

THEREFORE, BE IT RESOLVED to approve the increase of the following billing rates effective February 1, 2006:

Speech Therapists	From \$106.00 to \$110.00
Medical Social Worker	From \$106.00 to \$110.00
Nutritional Therapists	From \$106.00 to \$110.00
Respiratory Therapists	From \$106.00 to \$110.00
Physical Therapists	From \$106.00 to \$110.00
Home Health Aides	From \$70.00 to \$75.00

The resolution was seconded by Mr. Woodford.

In answer to Mr. Marshfield, Director of Public Health Bonnie Hamilton explained that

the accountant has reviewed the charges and found that they were less than the reimbursable costs, adding he suggested increasing the charges so that we do not lose revenue. She further stated that no one will be denied services due to the rate increases.

The resolution was unanimously adopted.

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

RESOLUTION NO. 17

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

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

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

BE IT RESOLVED, that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2006.

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

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

RESOLUTION NO. 18

**TITLE: ISSUANCE OF EXCLUSIVE LANDFILL GAS RIGHTS
SOLID WASTE DEPARTMENT**

WHEREAS, the Delaware County Solid Waste Management Center currently operates a landfill gas extraction system for the purpose of odor and gas control; and

WHEREAS, landfill gas is a fuel source that can be utilized for energy production commonly referred to as "green power"; and

WHEREAS, the County had worked with the New York State Power Authority for the development of a "green power" project during the period of 2004 - 2005; and

WHEREAS, Resolution No. 42 of 2004 authorized the Chairman of the Board to enter into a contract with ECONergy Energy Company Inc. for the sale of "green power" electricity; and

WHEREAS, the proposed "green power" project did not work out to be financially viable for the County and therefore the contracts were terminated; and

WHEREAS, the Delaware County Electric Cooperative (DCEC) is now interested in

evaluating the feasibility of developing landfill gas to power project (project); and

WHEREAS, DCEC is unable to invest the cost of engineering studies into the project without assurances that if determined feasible they could obtain the gas from the County; and

WHEREAS, the physical size of the County landfill has not historically been sufficient to attract “for profit” energy developers; and

WHEREAS, the County is unable and unwilling to guarantee a volume and duration of gas generation; and

WHEREAS, DCEC provides electricity to a number of Delaware County residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does herewith grant the DCEC exclusive rights to the landfill gas generated at the Delaware County Solid Waste Management Facility for the purposes of developing a landfill gas to electricity project; and

BE IT FURTHER RESOLVED that exclusive rights will terminate after four years from this date if the DCEC fails to meet established, mutually agreed upon, milestones leading up to a completed project; and

BE IT FURTHER RESOLVED that should the DCEC determine after an engineering study that a project is feasible, a further resolution will be presented to the Board authorizing the Chairman of the Board to enter into an agreement with DCEC for the operation of the project.

The resolution was seconded by Mr. Rowe.

Chairman Eisel granted Mr. Marshfield’s request to abstain from discussion and the vote on this resolution as he is an employee of the DCEC.

Mr. Utter referenced the county’s agreement with the New York State Power Authority to perform a study on the use of methane gas to generate electricity. He pointed out that the result of that study was that it was not feasible and advised that in accordance with the contract both parties opted out of the agreement. He explained that this is a similar resolution granting exclusive rights to DCEC during the study period and authorizing the Chairman of the Board to enter into a contract with DCEC.

Chairman Eisel noted that the exclusive rights will terminate after four years.

In reply to Mr. Valente, Mr. Utter stated that this resolution will not restrict our uses, adding the facility will be using the methane gas for our own purposes first, adding that the methane gases will be used to fire up the boilers at the facility.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 19

TITLE: SALARY FOR BUDGET DIRECTOR

The salary for the Budget Director for the year beginning January 1, 2006 thru December 31, 2006 is to be fixed at \$12,000.00.

The resolution was seconded by Mr. Marshfield.

Mr. Woodford explained that he would be voting against this resolution as he felt the salary should be higher, suggesting \$20,000.

Mr. Marshfield commented that the \$12,000 salary is in line with the last Supervisor elected Budget Director and Mr. Meredith agreed to do the job for this figure.

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

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

RESOLUTION NO. 20

TITLE: SALE OF TAX ACQUIRED PROPERTY

RESOLVED that the following described parcels of tax acquired property be sold to the party indicated for the price of \$20,000.00 and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

ASSESSED TO:

	SID03TX.027
	<u>PEARL STREET LLC</u>
TOWN OF:	125001:SIDNEY
TAX MAP NO:	115.20-2-19
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	110.00'F x 94.00'D: 0.25A ACRES
CONVEYED TO:	VILLAGE OF SIDNEY 21 LIBERTY ST SIDNEY NY 13838

ASSESSED TO:

	SID03TX.028
	<u>PEARL STREET LLC</u>
TOWN OF:	125001:SIDNEY
TAX MAP NO:	115.20-2-20
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	108.00'F x 94.57'D: 0.25A ACRES
CONVEYED TO:	VILLAGE OF SIDNEY 21 LIBERTY ST SIDNEY NY 13838

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

SID03TX.029
PEARL STREET LLC
125001:SIDNEY
115.20-2-23
125001:SIDNEY
116.00'F x 94.61'D: 0.25A ACRES
VILLAGE OF SIDNEY
21 LIBERTY ST
SIDNEY NY 13838

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

SID03TX.030
PEARL STREET LLC
125001:SIDNEY
115.20-2-28
125001:SIDNEY
100.00'F x 159.71'D: 0.25A ACRES
VILLAGE OF SIDNEY
21 LIBERTY ST
SIDNEY NY 13838

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

SID03TX.031
PEARL STREET LLC
125001:SIDNEY
115.20-3-6.1
125001:SIDNEY
84.50'F x 131.50'D ACRES
VILLAGE OF SIDNEY
21 LIBERTY ST
SIDNEY NY 13838

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

SID03TX.032
PEARL STREET LLC
125001:SIDNEY
115.20-3-6.31
125001:SIDNEY
231.00'F x 84.50'D ACRES
VILLAGE OF SIDNEY
21 LIBERTY ST
SIDNEY NY 13838

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:

SID03TX.033
PEARL STREET LLC
125001:SIDNEY
115.20-3-6.32
125001:SIDNEY

ACREAGE: 84.50'F X 96.59'D ACRES
 CONVEYED TO: VILLAGE OF SIDNEY
 21 LIBERTY ST
 SIDNEY NY 13838

SID03TX.034

ASSESSED TO: **PEARL STREET LLC**
 TOWN OF: 125001:SIDNEY
 TAX MAP NO: 115.20-3-16
 SCHOOL DISTRICT: 125001:SIDNEY
 ACREAGE: 180.00'F X 125.00'D ACRES
 CONVEYED TO: VILLAGE OF SIDNEY
 21 LIBERTY ST
 SIDNEY NY 13838

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

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

RESOLUTION NO. 21

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,145,382.48 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	\$500,292.20
Countryside Care Center	\$167,070.57
Jail	\$16,924.17
Highway Audits, as Follows:	
Road	\$147,023.59
Machinery	\$59,154.83
Capital Road & Bridge	\$120,197.83
Capital Solid Waste	\$71,443.09
Solid Waste/Landfill	\$63,276.20

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

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

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

RESOLUTION NO. 22

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present.

Upon a motion the meeting was adjourned at 4:45 P.M.