

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**APRIL 12, 2006**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 12, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Donnelly offered the invocation.

Mr. Marshfield 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 welcomed special guests of Congressman John Sweeney's office, Sean O'Neil, Chief of Staff from Washington, Maureen Donovan, District Director of Clifton Park and, Chris Nedwick, Special Projects of Clifton Park.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier stated the time frame of January 1,- June 30, 2006 is the last opportunity under the current permit to make changes regarding prohibiting the City from purchasing land in fee in designated hamlet areas.

He explained that this is the last opportunity under this permit to change the position of prohibition of acquisition designated by the hamlets, to change parcels in villages, to change your position as to waving the minimum acreage size for acquisition by the City for hamlets, and to identify and set aside 50 acres for industrial or commercial purposes. These changes need to be done by resolution and submitted to the City.

He pointed out there are a few unclear considerations in the permit language, adding a different view of what the language means or says. Even the attorneys within the watershed are not necessarily agreeing with the interpretation of the language. He cited the example of a question which came up asking if hamlet boundaries can be changed. The staff, in conference with our attorneys did not see any language in the permit that prohibits making boundary changes

or change in location of 50 acres for industrial or commercial purposes if one has been established. Also, in our minds we see no restriction on changing the parcels of land that can be identified within one quarter of a mile of a village.

In closing, Commissioner Frazier reminded that the Board the Department of Environmental Conservation (DEC) issued this permit and the Department of Environmental Protection ( DEP) has to operate within the parameters of the permit. He advised that towns affected by any of these issues must draw up a proposal by resolution and submit it to the DEP. Further suggesting writing a letter to the DEC outlining the rationality.

In conclusion, Commissioner Frazier stated that the department continues to work on issues related to the Filtration Avoidance Determination (FAD), land acquisition permits and, changes to watershed rules and regulations with the Coalition of Watershed Towns. He announced that there will be an Environmental Protection Agency (EPA) meeting on May 17, 2006 in the Board of Supervisors' room of the County Office Building from 4 p.m. to 6 p.m.

Mr. Donnelly remarked the village of Andes was dissolved but, the perimeters and boundaries had been set. He questioned if he has to file again or will the established boundaries continue to be recognized even though the village was dissolved. Commissioner Frazier answered to revisit the village as a hamlet, determine the boundaries and submit them as this is a unique situation. He offered to work with Mr. Donnelly to determine the best way to go.

Mr. Marshfield said he was told by a DEP official that hamlet designations could be changed. In addition, he said that he totally supports the efforts made by Commissioner Frazier on behalf of the county. He commented that the Commissioner is very valuable to the town of Hamden.

Chairman Eisel agreed stating that Commission Frazier does a very good job and he wouldn't know what he would do without him.

Mr. Utter commented that Commissioner Frazier is a prime mover on the Technical Advisory Committee. Referencing his work on the Coalition, he said he knows that when you present the higher ups with facts and figures proven and substantiated by professional people they really take notice, adding that is what Commissioner Frazier does for us.

Mr. Donnelly stated it is unfortunate the people who spoke against salary increases are not in attendance to hear what Commissioner Frazier does for Delaware County. He further stated that without the Department of Watershed Affairs we might as well sign over a blank check to the DEP.

In conclusion, Commissioner Frazier thanked the Board for their compliments and support and pointed out that the Planning Department, the Department of Public Works, Economic Development, Cooperative Extension and the Soil and Water Conservation District

have a primary mission and they are taking on the Watershed as part of their workload. What is accomplished reflects the expertise that reside in all of these agencies.

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

**RESOLUTION NO. 90**

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

**WHEREAS**, in conjunction with Resolution No. 83 of 2006 additional financial support is anticipated for an Inter-Governmental Transfer (IGT) program

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

**INCREASE:**

10-16102-54000001	MMIS-IGT	\$63,008.00
42-69095-45503200	MMIS-County Revenue	\$63,008.00

**DECREASE:**

10-19901-59990420	Interfund Transfer OTR	\$63,008.00
42-69095-45503100	Delaware County Subsidy	\$63,008.00

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

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

**RESOLUTION NO. 91**

**TITLE: NEW YORK STATE DIVISION OF CRIMINAL JUSTICE GRANT  
SHERIFF'S DEPARTMENT**

**WHEREAS**, the New York State Division of Criminal Justice Service has announced the availability of a grant with which to subsidize 100 percent of the cost of purchasing a new police vehicle; and

**WHEREAS**, if application for this grant is made and subsequently awarded, the Division of Criminal Justice Services will reimburse the county for the purchase of a new police vehicle in the amount of \$20,000.00; and

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

- To replace an existing police vehicle which has an odometer reading in excess of 140,000 miles.
- 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**, at the conclusion of the grant period, the county will be responsible for maintaining the equipment purchased under the terms of this grant.

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

**ESTIMATED REVENUE**

10-13110-43308900/3110022/907	State Other Gov.	\$20,000.00
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**APPROPRIATION:**

10-13110-52200001/3110022/907	Equipment Grant	\$20,000.00
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The resolution was seconded by Mr. Donnelly and Mr. Bachler and adopted by the following vote: Ayes 4806, Noes, 0, Absent 0.

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

**RESOLUTION NO. 92**

**TITLE: AUTHORIZATION FOR AWARD  
PROPOSAL NO. SW 1-06 USED TRACTOR  
DEPARTMENT OF PUBLIC WORKS - SOLID WASTE DIVISION**

**LETTING OF APRIL 5, 2006**

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

**WHEREAS**, the secondary tractor used to haul leachate from the landfill is structurally unsound and failed NYS inspection; and

**WHEREAS**, the 2006 budget includes monies for the replacement of this tractor; and

**WHEREAS**, the Department has found a quality used tractor meeting the required demands for the replacement of the secondary leachate tractor;

**THEREFORE BE IT RESOLVED**, that the Department of Public Works is authorized to make award to:

Beam Mack Sales & Service Inc.  
3050 Lake Road  
Horseheads, NY 14845

Bid Price: \$57,500.00

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

The resolution was seconded by Mr. Woodford.

Mr. Utter stated this tractor is a budgeted item which will replace a used tractor at the Solid Waste Division. The tractor is a 2003 with 320,000 miles on it and has been inspected and approved by our mechanics. He pointed out that purchasing the tractor used is about half the price of a new one.

In answer to Chairman Eisel, Mr. Utter stated the miles were not put on by DPW.

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. 93**

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

**LETTING OF MARCH 7, 2006**

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. 29-05  
Rehabilitation of BR 5, BIN 3352060  
Corbett Road over East Branch Delaware River to:

R. DeVincentis Const. Inc.  
One Brick Avenue

Binghamton, NY 13901

Bid Price: \$583,000.00

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

The resolution was seconded by Mr. Bachler.

In answer to Mr. Marshfield, Mr. Utter stated this is for the rehabilitation of Corbett bridge, a suspension bridge of Robling Design.

In response to Chairman Eisel, Mr. Utter stated we have used R. DeVincentis Const. Inc. in the past.

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. 94**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF MARCH 15, 2006**

**WHEREAS**, notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney; and

**WHEREAS**, the bid is open to all municipalities in Delaware County; and

**WHEREAS**, Resolution No. 88 of 2006 only awarded the “with trade” option; and

**WHEREAS**, a municipality is interested in purchasing off the bid on an outright purchase basis.

**NOW, THEREFORE, 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. 35-06 Backhoe to:

Five Star Equipment, Inc.  
1653 NY RT 11, Box 383  
Kirkwood, NY 13795

Bid Price: \$87,497.00

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

The resolution was seconded by Mr. Rowe.

Mr. Utter pointed out the Department of Public Works writes the specifications of a bid to allow the towns to use the bid. He advised there was a town interested in purchasing a machine from the bid however, they did not have a trade-in. This resolution allows for the town to purchase the machine without a trade-in.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 95**

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

**LETTING OF APRIL 4, 2006**

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. 36-06 2006 Minivan to: Delhi Motor Co., Inc.,  
4 Meredith Street  
Delhi, NY 13753

Bid Price: \$18,378.00

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

The resolution was seconded by Mr. 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. 96**

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

**LETTING OF MARCH 30, 2006**

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. 37-06 Welding Gasses to: Airgas Inc.,  
643 Upper Court Street  
Binghamton, NY 13904

Bid Price: \$4,566.44

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. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 97**

**TITLE: STANDARDIZATION OF ROADSIDE MOWING EQUIPMENT  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, General Municipal Law Section 103(5) authorizes counties to standardize purchase contracts for a particular type or kind of equipment in the interest of efficiency or economy; and

**WHEREAS**, the County currently owns three Tiger mowers which are mounted on tractors; and

**WHEREAS**, the tractor mounting frames for the Tiger mowers are interchangeable

between the side mounted flail and the over the rail attachments making the tractor use more flexible; and

**WHEREAS**, standardizing on one manufacturer will reduce the parts and knife inventory as well as making the equipment interchangeable between tractors.

**NOW, THEREFORE, BE IT RESOLVED** that the County Department of Public works is herewith authorized to standardize its mowing equipment to Tiger.

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

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

#### **RESOLUTION NO. 98**

#### **TITLE: STANDARDIZATION OF SNOW PLOWS & WINGS DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, General Municipal Law Section 103(5) authorizes counties to standardize purchase contracts for a particular type or kind of equipment in the interest of efficiency or economy; and

**WHEREAS**, the Delaware County Department of Public Works operates fourteen heavy trucks with snow plows; and

**WHEREAS**, it is critical that the plows and wings be interchangeable with other trucks because they outlast the trucks and get moved around; and

**WHEREAS**, stocking parts for only one manufacturer of snow plows reduces inventory costs; and

**WHEREAS**, to keep the front axles of our trucks within the manufacturer's load rating when plows are raised it is critical to have a light weight but durable plow.

**NOW, THEREFORE, BE IT RESOLVED** that the County Department of Public works is herewith authorized to standardize to Tenco for snow plow equipment.

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

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

## **RESOLUTION NO. 99**

### **TITLE: MODIFICATION OF HOST COMMUNITY BENEFIT PROGRAM DEPARTMENT OF PUBLIC WORKS - SOLID WASTE DIVISION**

**WHEREAS**, Resolution No. 106 of 1994 established a Host Community Benefit Package to compensate the Host Community of the Delaware County Solid Waste Management Center in accordance with Resolution No. 224 of 1992; and

**WHEREAS**, the Village of Walton, as a named party within the Host Community Benefit Program, seeks to contractually provide disposal services at their Village Waste Water Treatment Plant for nonhazardous leachate generated at the Solid Waste Management Center; and

**WHEREAS**, the Delaware County Department of Public Works – Solid Waste Division seeks to secure disposal capacity for said leachate.

**NOW, THEREFORE BE IT RESOLVED**, that the Host Community Benefit Program be modified to include provisions for a negotiated agreement for leachate disposal services between the Village of Walton and Delaware County; terms of which include a \$0.04 per gallon disposal fee payable by the County to the Village, commitment to deliver 75% of leachate disposal volume to the Village, and a five year contract term to expire May 31, 2011.

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

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

## **RESOLUTION NO. 100**

### **TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, a Project for Corbett Road over East Branch Delaware River (BIN 3352060) in the Town of Colchester, Delaware County, PIN 9752.95 (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

**WHEREAS**, the County of Delaware desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of the Right-of-Way Acquisition work.

**NOW, THEREFORE**, the Delaware County Board, duly convened, does hereby  
**RESOLVE**, that the Delaware County Board hereby approves the above subject project;  
and

**IT IS FURTHER RESOLVED**, that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the federal and non-federal share of the costs of the Right-of-Way Acquisition work for the Project or portions thereof; and

**IT IS FURTHER RESOLVED**, that the sum of \$2,700 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and

**IT IS FURTHER RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Delaware County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

**IT IS FURTHER RESOLVED**, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

**IT IS FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

**IT IS FURTHER RESOLVED**, this Resolution shall take effect immediately.

The resolution was seconded by Mr. Maddalone.

Mr. Utter stated this is the Marchiselli aid for the right-of-way purchase for the Corbett bridge.

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

Mr. Hynes withdrew Resolution No. 101 entitled: Establishing Fees for Election Workers to be recalled after recess.

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

**RESOLUTION NO. 102**

**TITLE: AMENDMENT TO 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, per Resolution No. 9 dated January 4, 2006, 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 one 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 RESOLVED** that the Wilber National Bank has submitted an Amended Depository Limit. The amount will be increased by \$6,000,000.00 to a total of \$10,000,000.00.

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

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

**RESOLUTION NO. 103**

**TITLE: ADDITIONAL CORRECTIONS OFFICER POSITION  
SHERIFF'S DEPARTMENT**

**WHEREAS**, the New York State Court System has recommended that an additional full-time Corrections Officer be added to the existing staff of two at the Delaware County Courthouse; and

**WHEREAS**, the charges incurred in connection with the salary, uniform and equipment used by said additional officer will be reimbursed by the Sixth Judicial District of the State of New York; and

**WHEREAS**, it is recommended that an existing experienced Corrections Officer be reassigned from the Correctional Facility to the Courthouse; and

**WHEREAS**, it is recommended that a full-time Corrections Officer be hired to fill the position vacated due to the reassignment described above

**THEREFORE, BE IT RESOLVED**, that an additional full-time Corrections Officer position be established in the Correctional Facility to replace the officer reassigned to Court Security, in order to remain compliant with the manpower requirements established by the New York State Commission of Corrections.

The resolution was seconded by Mr. Bachler.

Mr. Maddalone stated the salary for the additional full-time Corrections Officer is for the Courthouse and will be paid in full by the state.

Mr. Marshfield advised if a workers' compensation claim is filed it would be the county's responsibility, adding there was an employee at the courthouse with a similar situation years ago. Mr. Marshfield noted if the county were not self-insured on our workers' compensation the claim would be covered.

Mr. Maddalone commented this employee would be treated the same as any other employee of the county.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 104**

**TITLE: PUBLIC HEARING FOR THE INCLUSION OF AGRICULTURALLY VIABLE  
LAND INTO CERTIFIED AGRICULTURAL DISTRICTS NOS. 1 AND 5  
DURING THE DESIGNATED THIRTY-DAY PERIOD FOR ANNUAL DISTRICT  
REVIEW**

**WHEREAS**, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period starting on January 31, 2006 and closing March 1, 2006 in which a landowner may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the county established review period; and

**WHEREAS**, the Delaware County Agricultural and Farmland Protection Board has verified that each parcel proposed is "viable agricultural land", and meets the eligibility requirements for inclusion into a Certified Agricultural District; and

**WHEREAS**, the Delaware County Board of Supervisors must hold a Public Hearing to

consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural Districts Nos. 1 and 5.

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday, May 10, 2006 at 6:45 P.M. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, N.Y.

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

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

**RESOLUTION NO. 105**

**TITLE: AN AMENDMENT TO THE TAX LAW TO PROVIDE A CREDIT AGAINST PERSONAL INCOME TAX FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL**

**ADOPTION OF SENATE BILL 3804 AND ASSEMBLY BILL 10572**

**WHEREAS**, volunteer fire and rescue departments provide untold value in public service to their communities by their selfless dedication in responding at all hours to the needs of their community; and

**WHEREAS**, volunteer firefighters and rescue members must undergo countless hours of training and practice to become certified in the various aspects and skills necessary for firefighting and rescue; and

**WHEREAS**, this dedication to service to others is given freely to the community by the many members of the volunteer services; and

**WHEREAS**, in this ever changing and busy world the recruitment and retention of volunteer department members is becoming an issue of having adequate numbers of trained and qualified volunteers to respond to the community needs; and

**WHEREAS**, it would be fitting recognition and a reward for the selfless dedication of the members of volunteer fire and rescue departments to provide a credit against personal income tax for members in good standing of a volunteer fire and/or rescue department

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors does hereby urge the passage and adoption into law of Senate Bill 3804 that would provide such a benefit;

**BE IT FURTHER RESOLVED**, that the Clerk of the Delaware County Board of Supervisors shall forward a certified copy of this resolution to Governor George Pataki,

Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, Senator John Bonacic and Assemblyman Clifford Crouch.

The resolution was seconded by Ms. Molé.

Chairman Eisel reported that neighboring counties are looking to give volunteer firefighters and rescue members a credit toward their property assessments however, the Judicial/Legislative Committee decided against it because they felt this would only benefit those that owned a home.

In the meantime, Senator Bonacic and others brought forward Senate Bill 3804 giving volunteer firefighters and rescue members a \$1,200 tax credit on their income taxes. Chairman Eisel said he received a letter and a copy of a resolution unanimously passed in support of the Bill sponsored by the Franklin County Legislature. The letter stated that currently there is no sponsorship of Senate Bill 3804 in the Assembly and asked our support in furthering its passage. The Committee felt that offering a tax credit was the fairest way to recognize and reward these volunteers. Chairman Eisel contacted Assemblyman Clifford Crouch who stated he would be happy to sponsor the legislation.

Chairman Eisel pointed out that as of April 3, 2006 the legislation is in the Ways and Means Committee and will soon be before the body for passage. He added this is a good bill, we need to support these firemen and rescue workers.

The resolution was unanimously adopted.

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

Mr. Hynes recalled Resolution No. 101.

#### **RESOLUTION NO. 101**

#### **TITLE: ESTABLISHING FEES FOR ELECTION WORKERS BOARD OF ELECTIONS**

**WHEREAS**, New York State Election Law §3-420.1 and §3-300.6 mandate that all election workers be paid by the county; and

**WHEREAS**, all inspectors and custodians, respectively, must be paid the same fee; and

**WHEREAS**, fees must be established for the 2006 Primary and General elections; and

**WHEREAS**, New York State Election Law §3-420.2 mandates an annual fee of \$25.00

for training all election workers; and

**WHEREAS**, the cost of hiring election workers was formerly a town responsibility, the county will develop an appropriate charge back system to each town to cover election worker fees; and

**WHEREAS**, the county must now pay for the use of polling places that are rented, a charge back system to the towns will be developed to cover the cost of polling place fees

**THEREFORE, BE IT RESOLVED**, that Delaware County will modify its 2006 budget to include the following fees for election workers:

Inspector Training Fee	\$25.00 equaling \$6,200.00* annually *HAVA money available for training
Inspector Fee for Primary Election	\$130.00 equaling \$31,460 annually
Inspector Fee for General Election	\$180.00 equaling \$43,560 annually
Custodian Fee for Primary and General Election	\$60.00 per machine set up
Custodian Fee for Set Up in another town	\$85.00 per machine set up
Combined total for Custodian Fee	Equaling \$10,000.00 annually

The resolution was seconded by Mr. Utter.

Mr. Hynes noted the changes that were done to the original resolution. He pointed out that the Inspector fee was reduced from \$140 to \$130 and the General Election fee from \$190 to \$180.

Mr. Ryan spoke against this resolution saying he has heard the frustrations of this Board over unfunded state and federal mandates. Now, here the Board is telling the towns that they have to spend this money for the elections. He said the state is telling us what do, in his opinion, we should stop the buck right here and have the county forget about the charge back to the towns and make a provision in the county budget. He further stated, this way we can complain with some credibility when the state tells us to spend money.

Mr. Homovich stated the town of Colchester pays the biggest share of the county tax levy and does not have that many votes. In his opinion, the larger towns and districts should pay their fair share, adding there should not be a burden put onto the town of Colchester. He said this is a higher rate than the town of Colchester pays its people now. If the Board makes it a county responsibility instead of a charge back Colchester will still have to pay more. He further stated he would go for this if the town of Colchester could have equal votes. In his opinion, to be fair, each town should be charged back at the current town rates. In Colchester, we base our salaries on the ability of the people in our town to pay.

Mr. Meredith stated that he is in agreement with Mr. Homovich, adding he feels the rates are still too high. He said the new rates will break the town of Walton's election budget and cause us to increase our taxes. The ones hit hardest by the increases are the retirees and the elderly, adding they are the ones he keeps the taxes down for and the ones that usually work the polls.

Mr. Valente said he could never understand why the towns have to carry the full burden of the elections when the state, federal and county government are using our machines and our people. He questioned if splitting the fees between the county and town had ever been discussed. Mr. Hynes answered it is against the law and cannot be done as it is a county responsibility.

Mr. Hynes stated he does not believe these numbers are that far out of line or that they will break any town's budget. He pointed out this has been discussed in Committee, it has been brought up and discussed on the Board floor and again today. These are the numbers the Committee came up with and he does not see them getting any lower. He further stated these workers are putting in 16-17 hours and the towns are having difficulty finding people to work.

Mr. Valente commented he is not opposed to the fees and understands these workers put in a very long day. He further stated he is in agreement with Mr. Ryan, this is an unfunded mandate being imposed by the county onto the town, adding this is nothing to be proud of.

Mr. Bachler referenced a list of fees for the different towns provided by the Board of Elections and pointed out the rate for the town of Meredith was incorrect. He questioned where the information used to prepare the list came from. Mr. Campbell replied these are the fees that were reported to the Board of Elections by each of the 19 town clerks. Mr. Bachler stated that the rates for the Town of Meredith are too high.

Mr. Maddalone pointed out that almost everyone of his election workers are elderly, adding they don't like the 16 to 17 hour day. He said he would like see less hours and more workers. In reply, Mr. Buccheri stated that could not be done.

In response to Mr. Bachler, County Attorney Richard Spinney confirmed that the charge backs would be done in the same manner the towns are charged their fees. He pointed out the charge back system would begin in 2007.

The resolution was adopted by the following vote: Ayes 3391, Noes 1415 (Homovich, Rowe, Ryan, Shelton, Meredith), Absent 0.

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

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

## **RESOLUTION NO. 106**

### **TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,962,702.86 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	\$980,839.21
Countryside Care Center	\$203,189.55
Jail	\$3,875.38

Highway Audits, as Follows:

Road	\$93,747.70
Machinery	\$110,874.80
Capital Road & Bridge	\$204,030.03
Capital Solid Waste	\$317,850.47
Solid Waste/Landfill	\$48,295.72

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

Chairman Eisel made the following appointments to the Health Service Advisory Board:

Craig DuMond, Supervisor town of Masonville  
Richard Bell  
Dr. Lone as Medical Advisor

Upon a motion, the meeting was adjourned at 2:45 P.M.