

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**AUGUST 22, 2007**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 22, 2007 at 7:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Marshfield, Mr. Rowe, Mr. Ryan and Mr. Meredith.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Director of Solid Waste Susan McIntyre and Plant Manager Marshal Aikens who presented Patrick Conklin as Employee of the Month.

Mr. Conklin was hired as an HEO in July 2005 and promoted to working supervisor in January 2007. As working supervisor, he ensures the proper operation of the compost plant and oversees and teaches others how to operate equipment.

Ms. McIntyre stated that Mr. Conklin is a very dedicated, conscientious employee who works well with others. He is a good teacher, very precise and patient and has the ability to bring out the best in his crew. Mr. Conklin has shown leadership and commitment when it comes to understanding the composting process and is always striving to make the process better.

Mr. Aikens commented that Mr. Conklin has been required to do some very unpleasant jobs in order to keep the composting process going. He always does what is asked of him without a complaint. Mr. Aikens stated that he appreciates Mr. Conklin's willingness to step up and take charge when he is unavailable.

Ms. McIntyre presented Mr. Conklin with a \$100.00 Savings Bond. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Chairman Eisel granted privilege of the floor to Mr. Bracci who introduced Commissioner of Social Services William Moon.

Commissioner Moon provided each Supervisor with a copy of the Delaware County Household Disaster Guide. The guide was prepared by the Delaware Support & Services, Inc. and the Delaware County Human Needs Committee. The guide was created to help families prepare for a disaster at home, work or at school, respond effectively to a disaster when it occurs and how to recover from the physical and emotional trauma caused by a disaster. The booklet will be printed in quantity and made available to the public in several locations, including the office of the Clerk of the Board.

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

Commissioner Frazier updated the Board on the status of the mailing of letters educating property owners desiring to sell conservation easements to New York City (NYC). The mailing is scheduled for early September 2007. He thanked the Real Property Tax Services for their efforts in helping to prepare the letter for mailing.

Commissioner Frazier discussed the ten year Filtration Avoidance Document (FAD) and the impact the \$300 million land acquisition program will have on our local economics and communities. He advised that the Watershed Affairs Department is pursuing a Cumulative Economic Impact Study (CEIS). The study will concentrate on determining the impact on Delaware County's businesses, lost opportunities in the local economy, and the impact on communities and individuals. A draft of the CEIS has been shared with a small working group and interested county staff for their review. Supervisors wanting a copy of the draft or to offer their suggestions or concerns should contact the Department of Watershed Affairs.

Commissioner Frazier pointed out that the goal for the land acquisition program is to control over 50 percent of land west of the Hudson. He noted that NYC must have its Long Term Acquisition Strategy to the Environmental Protection Agency (EPA), the New York State Department of Health (NYSDOH) and the New York State Department of Environmental Conservation (NYSDEC) by September 30, 2009. The City must apply for its new permit in January 21, 2010. The goal is to have the CEIS completed before the City applies for the new permit.

He referenced Resolution No. 166 which was presented later in the meeting. The resolution requests the Board of Supervisors to support the Coalition of Watershed Towns' (CWT) suit against the EPA for improperly withdrawing primacy from the NYSDOH. He encouraged the Board to consider the resolution favorably.

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

**RESOLUTION NO. 166**

**TITLE: SUPPORT FOR THE COALITION OF TOWNS LAWSUIT AGAINST THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ON FILTRATION AVOIDANCE PRIMACY AUTHORITY WATERSHED AFFAIRS**

**WHEREAS**, Delaware County is a committed partner to the terms of the Memorandum of Agreement (MOA). Delaware County also acknowledges and supports the watershed protection partnership program improvements that are contained in the 2007 Filtration Avoidance Determination (FAD). Delaware County has also invested substantially in local watershed protection and stewardship initiatives through the Delaware County Action Plan and through the efforts of the local towns and villages; and

**WHEREAS**, notwithstanding that 2007 Filtration Avoidance Determination (FAD) contains some important watershed protection partnership program improvements, Delaware County strongly opposes key conditions of the 2007 FAD granted to New York City by the United States Environmental Protection Agency (EPA) specifically the term of the FAD and funding for the land acquisition program as they excluded local input; and

**WHEREAS**, a \$300 million land acquisition program poses major implications for the future of our communities; and

**WHEREAS**, a ten year FAD is too long a time period to accommodate changing information and a ten year FAD decreases New York City's accountability to the Partnership of the MOA and the watershed communities; and

**WHEREAS**, the EPA's June 1997 Order and the MOA, an agreement here-to-fore honored by the EPA, New York State, local municipalities and select environmental groups, clearly state the EPA was to and did delegate primacy to the New York State Department of Health (NYSDOH) on May 15, 2007; and

**WHEREAS**, without following the procedure for withdrawing primacy, EPA unilaterally attempted to withdraw primacy from NYSDOH in April, 2007, thereby depriving watershed municipalities of due public process inherent in NYSDOH's SEQRA review of the FAD; and

**WHEREAS**, on behalf of watershed residents, the Coalition of Watershed Towns has filed suit against the EPA for improperly withdrawing primacy from the NYSDOH; and

**WHEREAS**, Delaware County has supported the Coalition throughout the negotiation process of the 2007 FAD and supports the Coalition lawsuit.

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors authorizes the transfer of funds in support of the lawsuit as follows:

**FROM:**

10-11990-54900000	Contingency	\$25,000.00
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**TO:**

10-11010-54245000	Dues and Membership	\$25,000.00
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**BE IT FURTHER RESOLVED**, that we call on our New York State Representatives to provide financial assistance to the CWT in their litigation; recognizing that this issue is as important as other battles that are being supported currently; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be sent to Governor Eliot Spitzer, Senator Charles Schumer, Senator Hillary Rodham Clinton, Congresswoman Kristen Gillibrand, Congressman Maurice Hinchey, and Senator John Bonacic, Assemblymen Clifford Crouch and Peter D. Lopez and the Coalition of Watershed Towns.

The resolution was seconded by Mr. Bachler.

In answer to Mr. Donnelly, Commissioner Frazier said the CWT Chairman was assured by the Commissioner of the New York City Department of Environmental Protection (NYCDEP) that not-for-profit land trusts will be required to pay land taxes.

Mr. Utter commented that he is a member of the executive committee of the CWT and CWT was pushed aside as was everyone in the watershed. He pointed out that it was the CWT that brought forth the MOA. Leaving the CWT out of the negotiation process deprived the watershed municipalities the opportunities to voice their concerns. As a result, the CWT has decided to take legal action on behalf of the watershed residents for improperly withdrawing primacy from the NYSDOH. He advised that members of the Ulster County Legislation expressed interest in presenting a similar resolution to their Board pending the outcome of this resolution. Mr. Utter noted that several towns have already pledged money in support of the lawsuit and hoped that the Board would pass this resolution.

In answer to Mr. Homovich, Mr. Utter advised that CWT Attorney Kevin Young will be handling the lawsuit.

Mr. Bachler advised that the town of Meredith has given, \$1,000 to the CWT. He noted that Middletown, Hamden, Kortright, Stamford and Walton also pledged financial support.

Mr. Bachler felt that the CWT had basis for the lawsuit and there was a good possibility that CWT would win. He noted that the CWT had gained a great deal already, pointing out that the lawsuit has gotten NYC and EPA's attention. He suggested a copy of this resolution be sent

to the neighboring counties.

Chairman Eisel encouraged the Board to support the CWT, he agreed there was a good chance of winning the lawsuit and felt that a select group of people decided this. We can't stand alone, we need to stand together. It is also possible that more funding will be needed in the future.

The resolution was adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 167**

**TITLE: 2007 BUDGET AMENDMENT  
APPROPRIATION OF A GRANT FOR PURCHASE OF A WIDE FORMAT COLOR  
SCANNER/COPIER AND SOFTWARE FOR THE DELAWARE COUNTY COUNTY  
CLERK'S OFFICE/ RECORDS MANAGEMENT**

**WHEREAS**, the Commissioner of Education is offering a Local Government Records Management Improvement Fund (LGMIF) grant in the amount of \$25,131.00 to Delaware County for an Individual Active Records Imaging and Document Management project to purchase a Wide Format Color Scanner/ Copier and software.

**THEREFORE, BE IT RESOLVED** that this grant be accepted and appropriated as follows:

**INCREASE REVENUE ACCOUNT**

10-1141-43306000/1410002/963	State Aid, Records Management	\$25,131.00
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**INCREASE APPROPRIATION**

10-11410-54327595/1410002/963	Supplies & Materials	\$3,419.00
10-11410-52200001/1410002/963	Equipment	\$21,712.00

The resolution was seconded by Mr. Homovich and adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 168**

**TITLE: 2007 BUDGET AMENDMENT  
INCREASE IN FUNDS FOR DIABETES PREVENTION & CONTROL GRANT  
PUBLIC HEALTH NURSING**

**WHEREAS**, Broome County has been awarded additional funding for the Diabetes Prevention and Control Grant for this region; and

**WHEREAS**, Broome County has a one year subcontract agreement with Delaware County Public Health Nursing Service to provide Diabetes Prevention and Control training and education in Delaware County and will award additional grant monies in the amount of \$4,100.00 to support this project; and

**WHEREAS**, Delaware County Public Health Nursing Service believes it is important to educate the community as to the consequences of diabetes and benefits in controlling the disease process; and

**WHEREAS**, no expenses will be paid until grant money is secured

**THEREFORE, BE IT RESOLVED** that the 2007 budget be amended as follows:

**INCREASE REVENUE:**

10-14012-43345001	State PH Grants	\$4,100.00
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**INCREASE APPROPRIATION:**

10-14012-54327000	General Grant Related Expense	\$648.00
10-14012-52200000	Equipment	\$3,452.00

The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 169**

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

**LETTING OF AUGUST 8, 2007**

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. 36-07 3 Ton Vibratory Roller to: Liftech Equipment Companies  
6847 Ellicott Drive  
E. Syracuse, NY 13057

Bid Price: \$25,000.00

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. Woodford.

Mr. Utter stated that this is a budget item.

The resolution was adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 170**

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

**LETTING OF AUGUST 8, 2007**

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. 38-07 Debris Processing to:

Base Bid: Stephen J. Reinhart  
701 Moxham Road  
Harpersfield, NY 13786

Bid Price: \$31,321.60

Alternate #1: Waste Recovery Ent., LLC

PO Box 2189  
Sidney, NY 13838

Bid Price: \$4.50/CY

Alternate #2: Scott Lawn Yard Inc.  
5552 Townline Road  
Sanborn, NY 14132

Bid Price: \$7.48/CY

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. Maddalone.

Mr. Utter noted that this bid is for the grinding of the stumps that were taken out of the Cat Hollow disaster.

In answer to Mr. Donnelly, Commissioner Reynolds replied that reimbursement will be made by the Federal Highway Administration.

The resolution was adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 171**

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

**LETTING OF AUGUST 8, 2007**

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. SW4-07 Purchase of Roll-off Containers to:



United Services Group Inc.  
46 Sager Drive  
Rochester, NY 14607

Bid Price: See Summary Sheet

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.

Mr. Utter stated that this is a budgeted item.

The resolution was adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 172**

**TITLE: AUTHORIZATION FOR AWARD  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 163 of 2005 authorized the Chairman of the Board of Supervisors to enter into an agreement with the New York State Department of Transportation for federal funding for the rehabilitation of the Harvard Road Bridge over the East Branch of the Delaware River (PIN 9753.05); and

**WHEREAS**, Resolution No. 112 of 2007 authorized the Chairman of the Board of Supervisors to enter into an agreement with NYSDOT for the Right of Way Acquisition phase of the rehabilitation project; and

**WHEREAS**, the design phase is nearing completion and it is anticipated that the plans and specifications will be advertised for bidding in the fall of 2007 for 2008 construction; and

**WHEREAS**, the department has negotiated a contract with Delta Engineers for the construction phase services; and

**WHEREAS**, the Department of Public Works had undertaken an approved consultant selection process and has completed the negotiation phase.

**NOW, THEREFORE BE IT RESOLVED** that the Delaware County Department of

Public Works is authorized to make award to Delta Engineers, 184 Court Street, Binghamton, NY for the final preparation of construction plans and construction phase services.

Proposal Fee: Maximum Amount Payable \$140,001.00

The resolution was seconded by Mr. Bachler and adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 173**

**TITLE: CHANGE ORDER PROPOSAL NO. 52-06  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 189 of 2006 authorized the Department of Public Works to make award of Proposal No. 52-06 to New Century Construction, LLC for Emergency Bridge Repairs No. 4; and

**WHEREAS**, the original emergency plans that were put together for the bridge could not be built due to physical constraints at the site; and

**WHEREAS**, DPW has negotiated with the contractor and his engineer to develop a cost effective plan that can be constructed.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to execute a Change Order as follows:

<u>Bridge No.</u>	<u>Current Contract Amount</u>	<u>Change Order No. 1 Amount</u>	<u>Revised Total Amount</u>
28-4	\$1,003,957.76	\$850,383.31	\$1,854,341.07

The resolution was seconded by Mr. Bachler.

Mr. Utter explained that Bridge No. 28-4 is a very complicated site and this change order is the result of several unforeseen situations. FEMA has agreed to pay for the difference.

The resolution was adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

## RESOLUTION NO. 174

### TITLE: MODIFICATION TO BOARD RESOLUTION NO. 250 OF 1994 DEPARTMENT OF SOCIAL SERVICES

**WHEREAS**, the Departments of Public Health, Public Works and Social Services believe that they can decrease safety and risk issues among their staff that operate county vehicles, decrease response times thereby improving county services and increase the retention rate for professional staff, especially in Social Services, by permitting the Public Health Director, Public Works Commissioner and Social Services Commissioner to exercise greater discretion in permitting certain members of their staff to use the county vehicle for commuting purposes;

**NOW, THEREFORE, BE IT RESOLVED** that the Board approves an amendment to Board Resolution 250 of 1994 as follows: The Public Health Director, Public Works Commissioner and Social Services Commissioner are authorized to permit public health nurses, public health therapists and home health aides, highway foremen and casework staff as part of their direct service functions to the public to commute in their assigned county vehicles as a trial program for the period August 2007 to December 2008 provided that a list of those commuting is provided to the Clerk of the Board and each six months during this authorization period the Director and Commissioners shall file a report on use of these vehicles which shall include all complaints, costs and related operation issues with the vehicles.

The resolution was seconded by Mr. Hynes.

Mr. Bracci pointed out that this resolution is asking for a six month pilot program which will allow certain staff from the departments of Public Health, Public Works and Social Services to use their assigned county vehicle for commuting purposes.

Mr. Smith stated that he will be voting “no” and explained that Resolution No. 250-94 was written as a result of county vehicle abuses. In his opinion, approving this resolution would be a mistake.

Mr. Bracci said that the members of the Public Health and Public Works committees feel strongly that modifying Resolution No. 250-94 would positively impact the departments. In the case of the Department of Social Services, allowing certain staff to use a county vehicle for commuting purposes would positively impact retention in the department. Regarding the Department of Public Nursing, it is felt that there will be a greater efficiency in the use of vehicles. In the case of the Department of Public Works, it is felt that the response time will likely increase significantly by eliminating the need to first access the county vehicle at a county parking site. According to Mr. Bracci this would be a trial period and times have changed since 1994.

In Mr. Maddalone’s opinion, it is time to change the policy. He noted that the county and

town parking locations are often in out of the way places and there is no care of the cars. He felt the cars were safer parked at the employees homes. He added that the employees have to be trusted to do what is right.

In answer to Ms. Molé, Commissioner Moon said only the staff residing in the county will be permitted to take the cars home. Those with residence outside the county will not be able to participate. He pointed out the cars will only leave the county on official business.

Mr. Homovich said that he is very apprehensive of making this change because he remembers too well the problems that lead to the Resolution No. 250-04. He said that he felt he could go along with this modification but, added if complaints are brought to the Board the department heads are going to have to answer to the Board. He remarked that he hopes the employees will appreciate what the county is doing for them. Mr. Homovich noted that he can appreciate Mr. Smith's concerns.

Mr. Bracci stated that he did not view this modification as a benefit to the employees, as much as it is a benefit to the county. For example, a highway supervisor that is called for an emergency needs to take his personal vehicle to the parking site, pick up the county vehicle and then drive to the emergency.

Mr. Smith noted that he knows of a highway foreman who has a vehicle in his yard now, adding he does not have a problem with that. The problem is with the vehicles leaving town and being used for personal commuting.

Commissioner Reynolds stated that particular foreman is the only one who is grandfathered in because he had the vehicle before the policy changed.

Chairman Eisel said that he is going to support this resolution because there is an 18 month time frame. He remembers the abuses that went on with the county vehicles and he hopes that it does not happen again. He does not feel this modification will help retain employment for the Department of Social Services but, felt that it would make the county more efficient. He encouraged the Supervisors to report any abuses they see.

Mr. Utter said he can appreciate the apprehension because he also remembers the abuses but, has also seen the times when a highway foreman had to drive by an emergency they were called to in order to pick up the county vehicle. He felt the success of this will be based on integrity, honesty and direct supervision.

Mr. Donnelly suggested a policy be established that reprimands only the employee abusing the policy. Commissioner Moon replied that the staff involved will be asked to sign a statement that basically says they will abide by the policy and if they don't, they will lose the privilege.

Mr. DuMond said that he agrees with the modification and felt that any abuses of the policy could be handled by direct supervision.

The resolution was adopted by the following vote: Ayes 3316, Noes 262 (Smith), Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 175**

**TITLE: RESCINDING OF RESOLUTION NO. 157-07  
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE  
PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF  
HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF  
THE TAX LAW OF THE STATE OF NEW YORK**

**WHEREAS**, Resolution No. 157-07 should not have been adopted at the July 22, 2007 Board meeting and must be re-submitted for adoption

**NOW, THEREFORE, BE IT RESOLVED** that said resolution is hereby rescinded.

The resolution was seconded by Ms. Molé.

Chairman Eisel explained that Resolution No. 157 was presented to the Board before the Governor signed the bill.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 176**

**TITLE: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE  
PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF  
HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF  
THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the Board of Supervisors of the County of Delaware, as follows:

SECTION 1. Section 4-A of Resolution No.144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and compensating use taxes, as

amended, is amended to read as follows:

**SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.**

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2009. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

**SECTION 2.** Paragraph (C) of subdivision (1) of section 11 of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and use taxes, as amended, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2009, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

**SECTION 3.** This enactment shall take effect December 1, 2007.

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

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

**RESOLUTION NO. 177**

**TITLE: APPOINTMENT DIRECTOR REAL PROPERTY TAX SERVICES II**

**BE IT RESOLVED** that in accordance with §1530 of the Real Property Tax Law Michael Sabansky is hereby appointed as Director of Real Property Tax Services II at the salary contained in the budget for a term of office effective October 1, 2007 to September 30, 2013.

The resolution was seconded by Mr. Bracci.

Mr. Donnelly commented that Mr. Sabansky came on board at a very difficult time but, he stepped up to the plate and has done a very good job.

Mr. Valente said that Mr. Sabansky has been a tremendous help to the town of Davenport.

Mr. DuMond remarked that the town of Masonville recently went to 100 percent assessment and Mr. Sabansky was instrumental in helping the town through the transition.

Mr. Bachler stated that Mr. Sabansky was invaluable to the town of Meredith when they went through their re-evaluation and the transition to 100 percent assessment.

Chairman Eisel commented that in the beginning he thought Mr. Sabansky was going to run but he hung tough and is making good progress.

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. Utter offered the following resolution and moved its adoption:

#### **RESOLUTION NO. 178**

##### **TITLE: AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Firefighter's Association has erected various buildings/structures on land owned by the County in the Town of Hamden for purposes of training; and

**WHEREAS**, NYSDOT owns the abandoned property of the New York Ontario & Western Railroad; and

**WHEREAS**, the NYSDOT property bisects the County property; and

**WHEREAS**, a number of the firefighters buildings encroach upon the NYSDOT property; and

**WHEREAS**, the County is negotiating with the NYSDOT to acquire the property which may take a significant amount of time; and

**WHEREAS**, NYSDOT is desirous of a \$1.00 (fee waived) lease agreement to maintain the buildings on their property until the acquisition can be finalized.

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board of Supervisors is herewith authorized to enter into an agreement with NYSDOT.

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

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

**RESOLUTION NO. 179**

**TITLE: 2007 BUDGET AMENDMENT  
HOME ENERGY ASSISTANCE PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the County's Home Energy Assistance Program (HEAP) for 2006-2007, said monies to be utilized to reimburse the county at 100 percent of its expenditures:

**THEREFORE, BE IT RESOLVED** that the 2007 budget be amended as follows:

**REVENUE:**

10-16141-44464100-6141007-971	HEAP	\$20,000.00
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**APPROPRIATIONS:**

10-16141-54342040-6141007-971	HEAP NPA	\$20,000.00
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The resolution was seconded by Mr. Hynes.

In answer to Chairman Eisel, Commissioner Moon said that the state is sending administrative money early again this year anticipating fuel prices will remain high.

The resolution was adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

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

**RESOLUTION NO. 180**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,838,656.59 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	\$1,269,316.13
Jail	\$7,826.23
OET	\$51,613.42
Countryside	\$6,147.03

Highway Audits, as Follows:

Road	\$381,242.25
Machinery	\$220,072.61
Capital Road & Bridge	\$1,657,092.64
Capital Solid Waste	\$52,847.76
Solid Waste/Landfill	\$192,498.52

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 3578, Noes 0, Absent 1228 (Marshfield, Rowe, Ryan, Meredith).

Chairman Eisel made the following appointments to the Countryside Community Advisory Committee:

Supervisor Thomas Hynes - town of Roxbury  
Supervisor Wayne Marshfield - town of Hamden  
Tom Briggs - Office for the Aging Director  
Commissioner William Moon - Department of Social Services  
Christa Schafer - town of Roxbury

Upon a motion, the meeting was adjourned at 8:00 P.M.