

ORGANIZATIONAL MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 2, 2008

The Organizational Meeting of the Delaware County Board of Supervisors was held Wednesday, January 2, 2008 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 2, 2008 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2008, 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, Downsville	Colchester
Dennis J. Valente	11600 State Route 23, P.O. Box 123	Davenport
Peter J. Bracci	931 Dick Mason Road	Delhi
Thomas Axtell	3737 State Highway 8	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.	22 Wilcox Road	Harpersfield
George Haynes	Main Street, P.O. Box 752, Bloomville	Kortright
Craig S. DuMond	3613 Pine Swamp Road, Sidney Center	Masonville
Keitha Capouya	485 Meyerdierks 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
Michael Triolo	12193 County Highway 18, P.O. Box 326, Hobart	Stamford
William Layton	634 Pine Swamp Road, Sidney Center	Tompkins
John W. Meredith	129 North Street	Walton

Mr. Donnelly offered the invocation.

Mr. Rowe 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. Homovich, James Eisel, Sr. was unanimously re-elected to the position.

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 demanding year ahead of us. He wished all a happy New Year.

Upon a nomination by Chairman Eisel, seconded by Mr. Maddalone and Mr. Rowe, Tina Molé was unanimously re-elected as Vice-Chairman.

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

Upon a nomination by Mr. Homovich, seconded by Mr. Bracci, John Meredith was unanimously re-elected as Budget Director.

Upon a nomination by Mr. DuMond, seconded by Mr. Marshfield, Richard Spinney was unanimously re-elected as County Attorney.

Chairman Eisel made the following committee appointments:

2008 COMMITTEE APPOINTMENTS

HEALTH SERVICES ADVISORY BOARD

William R. Moon
Tom Briggs
Bonnie Hamilton
Wayne Shepard
Robert Pierce

SOIL & WATER CONSERVATION DISTRICT BOARD

Frank Bachler

Dennis Hill

TRAFFIC SAFETY BOARD

Supervisor Joseph Maddalone
Supervisor Pete Bracci
Sheriff Thomas Mills
Lisa Barrows
William Beers
Rich Bennet
Tom Glass
Steve Hood
David Halaquist
Andrew Leahy
John Reynolds
Craig Whitten

Chairman Eisel stated that the oversight committees will remain the same until changes are announced at the next Board meeting.

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. Rowe thanked the Supervisors for their cards, notes and e-mails sent while he was recovering from his surgery.

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

RESOLUTION NO. 1

**TITLE: 2007 BUDGET AMENDMENT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following 2007 appropriation account is in need of funds

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

<u>FROM:</u>		
10-16102-54200000	MMIS	\$295,000.00
<u>TO:</u>		
10-16010-54465000	Miscellaneous	\$295,000.00

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

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

RESOLUTION NO. 2

**TITLE: APPORTIONMENT OF SURPLUS OF DOG LICENSE FEES, PENALTIES AND COSTS 2007
DEPARTMENT OF FISCAL AFFAIRS**

WHEREAS, the report of the Department of Fiscal Affairs to the Board of Supervisors regarding receipts from dog license fees for the year ending December 31, 2007 shows a surplus of \$7,234.03 after payments made to NYS Ag & Markets for dog license/tag fees and dog damage claims of which 75 % of the surplus amounts to \$5,425.51

NOW, THEREFORE, BE IT RESOLVED that the Department of Fiscal Affairs 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	\$ 202.07	\$ 110.24
Bovina	\$ 146.85	\$ 80.12
Colchester	\$ 661.48	\$ 360.88
Davenport	\$ 244.42	\$ 133.35
Delhi	\$ 1,549.76	\$ 845.49
Deposit	\$ 289.01	\$ 157.67
Franklin	\$ 277.26	\$ 151.26
Hamden	\$ 357.17	\$ 194.86
Hancock	\$ 522.86	\$ 285.26
Harpersfield	\$ 179.74	\$ 98.06
Kortright	\$ 291.36	\$ 158.96
Masonville	\$ 210.30	\$ 114.73
Meredith	\$ 434.78	\$ 237.20
Middletown	\$ 1,032.81	\$ 563.47
Roxbury	\$ 465.28	\$ 253.84
Sidney	\$ 1,021.04	\$ 557.05
Stamford	\$ 270.22	\$ 147.42
Tompkins	\$ 156.26	\$ 85.25
Walton	\$ 1,632.05	\$ 890.39
Totals	<u>\$ 9,944.72</u>	<u>\$5,425.51</u>

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

4806, Noes 0, Absent 0.

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

RESOLUTION NO. 3

**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; and

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

NOW, THEREFORE, 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 2008.

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

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

RESOLUTION NO. 4

TITLE: RE-APPOINTMENT DIRECTOR OF ECONOMIC DEVELOPMENT

BE IT RESOLVED that Glenn Nealis is hereby reappointed as Director of Economic Development for a term of two years effective January 1, 2008 and ending December 31, 2009 at the salary contained in the budget.

The resolution was seconded Mr. Rowe.

Mr. Bracci remarked that Mr. Nealis has done an outstanding job for the Town of Delhi, is good at what he does and he enjoys working with him.

The resolution was unanimously adopted.

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

RESOLUTION NO. 5

TITLE: RE-APPOINTMENT DIRECTOR OF PLANNING

BE IT RESOLVED that Nicole Franzese is hereby reappointed as Director of Planning for a term of three years effective January 1, 2008 and ending December 31, 2010 at the salary contained in the budget.

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

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

RESOLUTION NO. 6

TITLE: RE-APPOINTMENT OF PUBLIC HEALTH DIRECTOR

BE IT RESOLVED that Bonnie Hamilton is hereby reappointed as Public Health Director for a term of three years effective January 1, 2008 and ending December 31, 2010 at the salary contained in the budget.

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

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

RESOLUTION NO. 7

TITLE: RE-APPOINTMENT COMMISSIONER OF WATERSHED AFFAIRS

BE IT RESOLVED that Dean Frazier is hereby reappointed as Commissioner of Watershed Affairs for a term of two years effective January 1, 2008 and ending December 31, 2009 at the salary contained in the budget.

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

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

RESOLUTION NO. 8

TITLE: RE-APPOINTMENT DIRECTOR OF VETERANS SERVICES

BE IT RESOLVED that Robert Johnson is hereby reappointed as Director, Veterans' Service Agency for a term of two years effective January 1, 2008 and ending December 31, 2009 at the salary contained in the budget.

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. Maddalone and unanimously adopted.

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

RESOLUTION NO. 9

**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 2008 to publish local laws and notices.

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

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

RESOLUTION NO. 10

**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 2008 to publish local laws and notices.

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

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

RESOLUTION NO. 11

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	\$23,000,000.00
The Delaware National Bank of Delhi	\$7,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$7,000,000.00
The National Bank and Trust Company	\$40,000,000.00
Wilber National Bank	\$10,000,000.00

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

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

RESOLUTION NO. 12

TITLE: 2008 BOARD OF SUPERVISORS MEETING SCHEDULE

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

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

January 2, 2008	- 1:00 P.M.	January 23, 2008	- 1:00 P.M.
February 20, 2008	- 1:00 P.M.		

March 12, 2008	- 1:00 P.M.	March 26, 2008 - 1:00 P.M.
April 9, 2008	- 1:00 P.M.	April 23, 2008 - 1:00 P.M.
May 14, 2008	- 7:00 P.M.	May 28, 2008 - 1:00 P.M.
June 11, 2008	- 7:00 P.M.	
July 9, 2008	- 7:00 P.M.	
August 20, 2008	- 1:00 P.M.	
September 10, 2008	- 7:00 P.M.	September 24, 2008 - 1:00 P.M.
October 8, 2008	- 1:00 P.M.	October 22, 2008 - 1:00 P.M.
November 12, 2008	- 1:00 P.M.	November 26, 2008 - 1:00 P.M.
December 10, 2008	- 1:00 P.M.	

The resolution was seconded by Mr. Utter.

Mr. Rowe remarked that there are fewer night meetings each year and it is becoming very difficult for him to continue to take vacation time from his full time job to come to the day meetings.

Mr. Axtell commented that the second meeting in November is the day before Thanksgiving.

Mr. DuMond noted that he agrees with Mr. Rowe and would also appreciate additional night meetings.

Chairman Eisel stated that the Legislative Committee would consider any schedule conflicts as they occur throughout the year.

The resolution was adopted by the following vote: Ayes 4157, Noes 649 (Rowe, Haynes, DuMond), Absent 0.

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

RESOLUTION NO. 13

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF EMPLOYEES FROM THE DEPARTMENT OF FISCAL AFFAIRS TO
THE COUNTY TREASURER'S OFFICE**

WHEREAS, the Clerk of the Board of Supervisors, Christa Schafer, her office, and the Delaware County Department Heads are greatly appreciated for their perseverance in the accomplishment of the implementation of the USL accounting system; and

WHEREAS, the County Treasurer has requested control of employees from the Department of Fiscal Affairs

THEREFORE BE IT RESOLVED that the following employees be transferred from the Department of Fiscal Affairs to the County Treasurer's Office:

Account Clerk
Payroll Clerk

BE IT FURTHER RESOLVED, this resolution shall take effect immediately; and

BE IT FURTHER RESOLVED, that the Finance Committee and Budget Oversight Committee will for a period of one year, monitor and review this move to ensure compliance as well as a seamless implementation by the Treasurer's Office.

INCREASE APPROPRIATION:

10-11325-51000000	Personal Services	\$55,697.00
10-11325-58100000	Retirement	\$4,623.00
10-11325-58300000	FICA	\$4,261.00
10-11325-58550000	Disability	\$142.00
10-11325-58600000	Health Insurance	\$4,990.00

DECREASE APPROPRIATION:

10-11327-51000000	Personal Services	\$55,697.00
10-11327-58100000	Retirement	\$4,623.00
10-11327-58300000	FICA	\$4,261.00
10-11327-58550000	Disability	\$142.00
10-11327-58600000	Health Insurance	\$4,990.00

The resolution was seconded by Mr. Homovich.

Mr. Meredith explained that this is an issue that needs to be resolved. We need to move on with county government. In his opinion, this resolution is the extension of the olive branch.

If this resolution does not pass the Board can not say they tried to resolve this issue that has been festering for almost four years. The USL system is now up to speed and it is time to bring these employees back to the Treasurer's Office. The transfer would be monitored by the Finance and Budget Oversight Committees for a period of a year. Mr. Meredith gave his word if during that time issues arise that can not be corrected, the Fiscal Affairs Department would go back to the way it is currently.

Mr. Marshfield remarked that this resolution is inappropriate and a potential risk for the County and its taxpayers. In his opinion, the resolution was developed without much thought or communication with the Clerk of the Board Christa Schafer, the Fiscal Affairs Supervisor. He pointed out that this resolution was rejected by the Finance Committee which is the oversight committee for both departments. The Finance Committee works with these two departments all year long and knows what is best for this County.

He outlined the current auditing and check writing process, noting that the resolution did not request the Senior Account Clerk who is responsible for the major part of the check signing process. The employees of Fiscal Affairs are cross trained and their duties and responsibilities are intertwined. In his opinion, the department should remain as one unit in one department Fiscal Affairs, under the supervision of Mrs. Schafer. The department has proven to work.

He pointed out that Fiscal Affairs has yet to accomplish all its goals with USL, citing enhancements to the accounts receivable system, the County's inventory system Best Fixed Assets and the PDS payroll system integration.

Mr. Marshfield reminded the Board that in 2004 the Treasurer's non-statutory duties were taken away. The decision of Supreme Court Justice Michael Coccooma stated the duties of the County Treasurer under County Law 550 are, "To receive and be custodian of all money belonging to the county or in which the county has interest and shall keep a true account of all receipts and the expenditures in the books and at the expense of the county." He quoted the decision made by the Appellate Court on December 14, 2006, "Fiscal Affairs took over the accounting functions previously performed by the Treasurer's Office and that the procedures she previously established continue to be used. Among other things, the fiscal procedure and practices for withdrawing funds and approving checks remain intact, with plaintiffs signature still required as the custodian of these accounts."

He cited his reasons in support of why the Department of Fiscal Affairs should remain intact. Among them, the current organizational setup of Fiscal Affairs has proven to work well since 2004. He mentioned that he asked Mrs. Shields if there were any instances in which she felt a check might have been misused, she offered one instance. When asked if this situation was discussed with Fiscal Affairs, her reply was, "no." Communications between Mrs. Shields and county departments were a problem prior to 2004 and it does not appear to be any better now. When consulted about this resolution, most department heads were not in favor of this transfer.

Mrs. Shields has access to all records and accounting information and she has the same reviewing process as she did prior to the establishment of the Department of Fiscal Affairs.

Mr. Marshfield stated that he did not feel a political gathering should determine how the county runs its governmental affairs and hoped that each Supervisor took the time to become familiar with how things are operating and how they operated previously.

Mr. Marshfield further stated that his research taught him a great deal and he hoped that he provided enough information for the Board to realize that this change should not take place, even under the threat of Mrs. Shields pulling or locking up her signature. He remarked that the County will deal with this signature issue timely, legally and effectively and that county government will continue to function effectively.

Mr. Maddalone stated that County department heads do a great job for the County and we need to listen and assist them. In addition, two courts have said the County acted appropriately. This resolution admits that the Fiscal Affairs Department accomplished the implementation of USL and it is working. In his opinion, if it isn't broken, don't fix it.

Ms. Molé remarked that personality and party politics have overshadowed what the real issue is. Having had the opportunity to sit on the committees that deal directly with the Treasurer's Office over the past six years she has an unbiased knowledge and an understanding of the issues. The Board has heard from the department heads and has been told by a judge twice that the Board took the appropriate action. As an elected official responsible for Delaware County as a whole she has no other choice than to vote "no."

Mr. Donnelly said that as an elected representative he has a duty to the people of Delaware County to do what is right. He felt that the County should not be subjected to the threats of the County Treasurer. Mrs. Shields sued the County in Supreme Court and lost and then again in Appellate Court and lost again, each time at the expense of the taxpayers. Both courts have ruled that the County did not take away any of the constitutional duties granted to the County Treasurer by law.

He noted Mrs. Shields has questioned why the department heads should have a voice in restoring the departments. The department heads would have to deal with Mrs. Shield's management skills which have proven ineffective, pointing out that the Department of Information Technology was at one time under her control. The department heads are the ones that make the County run for our taxpayers and they do an excellent job, we need to listen to them. The Fiscal Affairs Department under Mrs. Schafer's management has done an excellent job for the County.

Mr. Donnelly said that he will be voting against Resolution No. 13 because he believes it is in the best interest of the people of the County that trust the Supervisors to do their job no matter how unpopular the decision may be.

Mr. Valente said that much of this issue is personality driven and he feels he has been asked to take sides. As a businessman, he asks himself three questions. The first, is the system working, yes it is. Secondly, does the Treasurer have the review process she needs, yes she does. Thirdly, will this government function better if this resolution passes, the answer is no.

His research found that unanimously the system is working and it appears the Treasurer has the ability to do what she needs to do. If there are adjustments that need to be made to the current operation, he suggested they be done within the established system. He said he does not believe this resolution will improve government operation based on discussions with the people that have to deal with this system. He referenced Mr. Marshfield's comments and agreed that there are no clear cut reasons for separating the departments. He said that he will be voting against this resolution in the best interest in running this business.

Mr. Bracci said that he will be voting in favor of this resolution. He pointed out that Mrs. Shields has been elected by the majority of people in Delaware County and the Budget Director is in support of the transfer. He agreed the personality part of this is very distasteful but, in his opinion, this issue will continue to fester. Even if it goes away now, he believes it will come back. He pointed out that the resolution calls for a trial period of one year. The Board is not risking anything by passing the resolution and it shows good faith on the part of the Board.

Mr. DuMond said that he can relate to Mr. Valente's comments about being asked to take sides. He thanked Mrs. Shields and the department heads for taking the time to answer his questions. His number one reason for sitting on this Board is to take care of the people in the Town of Masonville and to take care of the functions of this county government. He continues to have a hard time discovering just what the issue is that requires change. What the Board did three years ago has been ruled on twice. The County is in good financial shape, the accounting system is intact, there is no reason to make this change, even under the threat of Mrs. Shields pulling her signature. In his opinion, the County needs to move forward, not backward.

Mr. Rowe based his thinking on Resolution No. 234-04 detailing the creation of the Department of Fiscal Affairs. He said his understanding was that the department was created to get the USL system up and running. In his opinion, this was not a task the Treasurer should have been responsible for in the first place. Now that USL is up and running he questions why the department is not going back to the Treasurer. He said he initially intended to support this resolution, however, after listening to Mr. Marshfield and as a result of his surgery he did not have enough time to do his homework and feels it would be unfair to vote one way or the other at this time. It is his feeling that having the two departments makes county government larger not smaller and he questioned what the long term solution to this problem would be.

Mr. Triolo suggested that the resolution be tabled to enable the incoming Supervisors and those that did not have the opportunity to educate themselves on the issue. He pointed out that the Supervisors have a responsibility for good government and that requires they have the knowledge to make intelligent decisions.

In reply to Mr. Triolo, Mr. Spinney advised that any member of the Board could make a motion to table a resolution.

Mr. Triolo made the motion to table Resolution No. 13 until the next meeting to give the new members of the Board an opportunity to further research the issue. The motion was seconded by Mr. Meredith.

Mr. Homovich remarked that it was fine to table the resolution but, he wanted each of the Supervisors to have their say on Resolution No. 13 at this meeting. Mr. Spinney replied that the motion on the floor was to table, therefore, there could be no further discussion until a vote was taken on the motion on the floor.

Mr. Meredith commented that in his opinion he feels it is very appropriate to table the resolution for a month or even two to allow extra time for all the Supervisors to further research the issue. He encouraged the Supervisors to vote in favor of the motion to table Resolution No. 13.

Mr. Meredith further stated that the Supervisors turn to the department heads for information, but he is here to make decisions for his town and in the best interest of the county. He noted that change isn't easy and people don't like to see things shaken up. He thanked Mr. Marshfield for enlightening the Board.

Mr. Marshfield responded that in his opinion the resolution was put together without much thought.

Mr. Homovich referenced other county issues that have evoked strong feelings either for or against an issue, noting that nothing good ever came from them. In his opinion, as far as the USL system is concerned and the difficulties the department heads are concerned about there is enough blame to go around. There has never been a question of Mrs. Shield's honesty, she has never been accused of fraud. This has always been a question of implementation.

He implored the department heads offering criticism to look at their own departments and hold themselves to the same standards they are holding Mrs. Shields to. This past year there has been three cases of fraud that very few know about. Fraud is considerably worse than the implementation of USL. In his opinion, this situation is one of the most unfair that he has seen in his time with the County. He questioned if the department heads who offered their criticism of Mrs. Shields would be willing to stand up and identify their own, or their department's shortcomings, adding if you are going to preach, you better be able to live by what you say.

The motion to table failed by the following vote: Ayes 2324, Noes 2482 (Donnelly, Molé, Smith, Marshfield, Eisel, Haynes, DuMond, Utter, Capouya, Hynes, Maddalone), Absent 0.

Mr. Marshfield said informing the new Supervisors was one of the reasons he outlined the operations of the Fiscal Affairs Department and discussed the issues surrounding the creation of the Fiscal Affairs Department in such detail.

Mr. Triolo said in answer to Mr. Marshfield, that he prefers to do his own research because he has found that things are never exactly as people say.

In response to Mr. Triolo comments, Mr. Rowe remarked that this Board just denied him that opportunity by voting down the motion to table.

Mr. Utter said that he spoke with the department heads of committees he chairs and understands their hesitation. He mentioned that he knew of the problems DPW went through and questioned whether or not the same problems would come about with the passage of this resolution. He said that he has lost many nights of sleep over this and his decision did not come easily, but he could not support this resolution.

Mr. Homovich remarked that he has been losing sleep over what has been swept under the rug this past year. He questioned when and if any of that information would come out.

Chairman Eisel pointed out that any Supervisor can attend any oversight committee meeting to discuss issues.

Mr. Maddalone remarked that Mr. Homovich's comments have nothing to do with the resolution currently on the floor. Mr. Homovich is comparing apples and oranges, the Treasurer has not been accused of any fraud.

Mr. Hynes questioned how this resolution came to the floor if the Finance Committee was opposed to it. Chairman Eisel explained that any committee member can bring a resolution to the Board even though the committee is opposed to it.

Mr. Hynes referenced a situation where former Town of Masonville Supervisor Jack Thomas brought a resolution to the floor and he was ruled out of order because it did not come out of committee.

Mr. Spinney explained, in answer to Mr. Hynes that the committee can vote against any resolution that is introduced but, if a committee member desires to bring it to the floor it must be voted on by the full Board. What Mr. Thomas did was introduce the resolution without it being submitted to committee.

Chairman Eisel stated that this resolution is unacceptable to him because it is going backwards and in his opinion, it is not a positive move forward on behalf and for Delaware County.

He referenced communication issues and problems with the USL software accounting system that caused the Finance Committee to finally make a decision to separate the departments. Mrs. Schafer was asked by the Board to become involved with the new Fiscal Affairs Department and has given a tremendous amount of time to get the program up and running. Right now the work flows smoothly, separating the department would create a hardship on the employees and has the potential of slowing down the process.

On December 12, 2007, Chairman Eisel explained, the Treasurer issued a memo stating that her signature would no longer be available to sign checks, thereby, stopping the county's financial operations. On December 17th, her demand was temporarily lifted based on the outcome of this resolution. There are 616 employees expecting to be paid on this Friday but, we have been informed that Mrs. Shields will pull her signature if the vote on this resolution is not in her favor.

In his opinion this is blackmail, this is all about the Treasurer getting her way without regard for county operations. The Supreme and Appellate Courts have ruled that the creation of the Fiscal Affairs Department in no way effects the Treasurer's constitutional authority, duties or any of the daily transactions that take place in her office.

Chairman Eisel said that he is prepared to go to court to request a stay in order to continue to use Mrs. Shields' signature. A judge will once again have to decide if this separation is legal in order that Delaware County never again be put in the position of being held hostage by the County Treasurer. Chairman Eisel said he will be voting "no" on this resolution.

Mr. Rowe reviewed the comments of the afternoon and remarked that he believes there is something more going on here than just the USL system. He felt it would have been nice for him to have more time to do his homework, without that opportunity, he will be voting in favor of this resolution.

The resolution failed by the following vote: Ayes 2206, Noes 2600 (Donnelly, Molé, Valente, Smith, Marshfield, Eisel, Haynes, DuMond, Utter, Hynes, Maddalone)

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. 14

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 County Route 2 over Bagley Brook (BIN 3352470) in the Town of Hamden, Delaware County, P.I.N. 9752.99 (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 Right-of-Way 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 Right-of-Way work for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$54,282.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost increase 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. Rowe and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 15

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,313,991.51 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	\$890,414.94
Capital	\$7,316.95
DCCC	\$5,210.00
OET	\$55,197.38
Highway Audits, as Follows:	
Road	\$80,844.05
Machinery	\$80,704.94
Capital Road & Bridge	\$72,095.90
Capital Solid Waste	\$2,911.10
Solid Waste/Landfill	\$119,296.25

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

Mr. Meredith advised that at the last Coalition of Watershed Towns(CWT) meeting, the Town of Shandaken Supervisor Robert Cross Jr. representing Ulster County gave great praise to the Delaware County Board of Supervisors for their continued support of the Departments of Watershed Affairs, Planning, and Public Works for all the help they provide CWT in understanding the technicalities of the watershed.

Mr. Utter added CWT is very appreciative of Delaware County and they realize that the towns in Delaware County that are located in the watershed have a lot at stake.

Regional Representative Phil Giltner, speaking on behalf of Congresswoman Kristen E. Gillibrand, announced that the appropriation bills submitted by Delaware County had been approved. He cited \$700,000 for the Army Corps of Engineers to fund the Upper Delaware River Watershed flood studies, and \$285,000 for the Army Corps of Engineers to fund flood mitigation projects throughout the Delaware River. In addition, \$295,000 was approved for the Village of Sidney to fund improvements to their village water system.

Mr. Giltner pointed out that appropriations for rural broadband funding were very successful this year and encouraged Delaware County to consider this appropriation next year.

He announced that Congresswoman Gillibrand will be holding a town hall meeting on Saturday, January 19th at the Town of Davenport town hall. Mr. Giltner extended an open invitation to the Supervisors to meet with the Congresswoman before or after her meeting.

Upon a motion, the meeting was adjourned at 2:20 p.m.