

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 23, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 23, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Commissioner of Social Services William Moon who presented Suzanne Marsico as Employee of the Month.

Mrs. Marisco joined the Department of Social Services in September of 1983 as a Social Welfare Examiner. She was later promoted to a Senior Social Welfare Examiner and then Employment Unit Supervisor. In 1999 she was promoted to a Principal Social Services Program Specialist and assists with the management and supervision of the Medicaid, Food Stamps, Public Assistance, HEAP and the Department's emergency relief programs. Mrs. Marisco shares the responsibility for the direct supervision of 26 program staff and the management of approximately 8,000 cases.

Commissioner Moon stated that Mrs. Marsico has distinguished herself as an employment supervisor and is looked to as the point person for all department related employment initiatives. Her involvement with the developmental and supportive roles of the highly acclaimed BEST program and the Department's Pathway Project has earned her recognition and praise both locally and at the Office of Temporary and Disability Assistance and the Department of Labor.

Mrs. Marsico is a very dedicated supervisor who continues to conduct interviews with clients and is always looking for ways to encourage departmental clients and help them find ways to solve the crisis that is currently challenging them.

Commissioner Moon presented Mrs. Marsico with a \$100.00 Savings Bond and stated the recognition was long overdue. Chairman Eisel presented her with the Certificate of

Employee of the Month and thanked her for her dedicated service.

Mrs. Marsico expressed her thanks to Commissioner Moon, and the Board of Supervisors for this award. She said the Commissioner and her co-workers have made the job easy and the position has enriched her life. It is very satisfying at the end of the day to share in the success of clients who have overcome barriers and moved forward in their lives.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier to comment on Resolution No. 27 entitled, Request the State of New York and the Watershed Protection and Partnership Council to Support the Lawful Execution of the State Environmental Quality Review Act (SEQRA) Regarding the September 4, 2006 City of New York Long Term Watershed Protection Program (LTWPP).

Commissioner Frazier said the purpose of this resolution is to put on record Delaware County's opposition to the City of New York's SEQRA negative declaration in regard to their LTWPP. He explained that the Board of Supervisors is requesting that the Watershed Protection and Partnership Council support the proper execution of the SEQRA process and petition the New York State Department of Environmental Conservation (NYSDEC) to suspend the use of any new funding identified under the 2007 Filtration Avoidance Determination (FAD) for land acquisition until SEQRA has been followed. In addition, to require the NYSDEC or the New York State Department of Health (NYSDOH) to serve as lead agency to ensure the proper execution of SEQRA for the City's LTWPP and to require the City to fund the Tax Consultation Fund. Commissioner Frazer said these requests are consistent with the lawsuit filed by the Coalition of Watershed Towns (CWT).

Mr. Marshfield questioned how much clout the Watershed Protection and Partnership Council has. Commissioner Frazier said that all the agencies are represented by the State on that Committee. There are people on the Council that have the power to make decisions.

Chairman Eisel said that this is the second review of an issue and there are other partners at the table that might listen to what we have to say.

For Standing Committee Reports, Chairman of the Board of Elections Thomas Hynes referenced a memo from the Commissioners of the Board of Elections regarding the purchase of new voting machines. The memo provides current information on the status of the voting machines. He asked Clerk of the Board Christa Schafer to distribute copies of the memo to each Supervisor.

Chairman Eisel announced that committee appointment cards have been placed on each Supervisor's desk. He asked that he be advised as soon as possible of any committee assignment conflicts.

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

RESOLUTION NO. 16

**TITLE: SENATOR JOHN BONACIC- SPONSORED SECURITY PROGRAM
SHERIFF'S OFFICE**

WHEREAS, State Senator John J. Bonacic has secured \$25,000 in the 2007-2008 State budget for a member item with which to subsidize 100% of the cost of purchasing in-car/transportable video camera systems for our road patrol vehicles; and

WHEREAS, application for this grant is made and when awarded, the State government will award the County a grant in the amount of \$25,000.00; and

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

- * To install video cameras in our patrol vehicles, for the purpose of transmitting data and images for comparison with State records, suspect files, etc.
- * To install video cameras in County vehicles, which practice is widely utilized for providing an accurate, unbiased accounting of events that have transpired during routine traffic stops and other miscellaneous law enforcement investigations.

THEREFORE, BE IT RESOLVED that the Sheriff's Office be given permission to accept grant funding as described above and that the following accounts be established to accommodate the monies received and expenditures to be incurred under this program.

ESTIMATED REVENUE:

10-13110-43308900/3110026/907	Sheriff's Office-State Otr	\$25,000.00
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APPROPRIATION:

10-13110-52200001/3110026/907	Sheriff's Office-Equipment Grant	\$25,000.00
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 17

**TITLE: 2007 - 2008 BUDGET AMENDMENT
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT
(PT-1300153)
SHERIFF'S OFFICE**

WHEREAS, the Sheriff's Office has been awarded a block grant to sponsor a highway

safety program geared toward reducing aggressive driving and speeding; and

WHEREAS, participation in the program will result in the award of \$13,500.00 to be used to pay the salaries of the participating officers during the program year October 1, 2007 through September 30, 2008; and

WHEREAS, the Delaware County Sheriff’s Office has also been awarded a grant for a Kustom Golden Eagle II Dual KA Radar Unit, valued at \$1,896.00 by the New York Governor’s Traffic Safety Committee.

NOW, THEREFORE BE IT RESOLVED that the 2007-2008 budget be modified as follows:

ESTABLISH REVENUE:

10-13310-43338900/3310153/907 State Otr. Public Safety \$15,396.00

ESTABLISH APPROPRIATIONS:

10-13310-51327000/3310153/907 Personal Services Expense \$13,500.00

10-13310-52200001/3310153/907 Equipment Grants \$1,896.00

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

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

RESOLUTION NO. 18

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF FUNDS FROM FOSTER CARE ACCOUNT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services maintains a Foster Care Account for the purpose of purchasing equipment for its Agency Operated Foster Care Program; and

WHEREAS, the agency operated foster home in Stamford is need of equipment

THEREFORE, BE IT RESOLVED, that the following transfer of funds be authorized and

BE IT FURTHER RESOLVED the Foster Care Home-Hamden Account be closed:

FROM:

10-00000-11120120 Foster Care Home \$5,967.02

TO:
10-18989-52200000 Equipment-Foster Care-Hamden \$5,967.02

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

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

RESOLUTION NO. 19

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF FUNDS
DELAWARE COUNTY PUBLIC HEALTH**

WHEREAS, the New York State bid for passenger vehicles came in higher than anticipated; and

WHEREAS, we will be decreasing the number of vehicles that we are purchasing and will need to make the following transfer in order to have enough money in each account,

THEREFORE, BE IT RESOLVED, the following transfer of funds be authorized:

FROM:
10-14010-52200000 Equipment \$4,724.00

TO:
10-14012-52200000 Equipment \$4,724.00

The resolution was seconded by Mr. Maddalone.

In answer to Mr. Marshfield, Budget Director John Meredith pointed out that the transfer of funds is from the Public Health Nurses account to the Public Health account.

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. 20

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

WHEREAS, Resolution No. 276 of 2007 authorized the Chairman of the Board of Supervisors to enter into an agreement with the New York State Department of Transportation for Federal Emergency Relief on County Route 7 (PIN 9890.58); and

WHEREAS, it has been determined that the replacement of Bridge 7-2 will be covered under this agreement at a ratio of 80% Federal funds and 20% local funds; 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 Modjeski and Masters, P.C., 301 Manchester Road, Suite 102, Poughkeepsie, NY 12603 for the design phase services.

Proposal Fee: Maximum Amount Payable \$292,000.00

The resolution was seconded by Mr. Rowe.

In answer to Mr. Meredith, Mr. Utter stated that the damage to Bridge 7-2 is flood related. Reimbursement of 80% will be made by the Federal Highway Administration however, the remaining 20% will be the County's portion to pay. The company of Modjeski and Masters, P.C. is responsible for the design phase of the project.

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

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

RESOLUTION NO. 21

TITLE: INCREASE IN RATE FOR MILEAGE REIMBURSEMENT

WHEREAS, the last mileage reimbursement increase was effective January 1, 2006 and since that time the cost of fuel has risen; and

WHEREAS, an increase has been determined necessary to meet the dramatically rising cost of fuel

THEREFORE, BE IT RESOLVED, that Resolution No. 140 of 1975, as amended, is hereby further amended, to increase the mileage reimbursement for use of personal vehicles for official county business from \$0.40 to \$0.505 per mile for travel occurring on and after February 1, 2008.

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

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

RESOLUTION NO. 22

**TITLE: ADDENDUM TO RESOLUTION NO. 205-2006
WATERSHED ENVIRONMENTAL ASSISTANCE PROGRAM
FORAGE SYSTEMS MANAGEMENT PROJECT PHASE II
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, at the time of this resolution it was unanticipated that the services of the Delaware County Soil and Water Conservation District (SWCD) would be used to implement this project; and

WHEREAS, at this time it would be advantageous to use the services of the SWCD to facilitate the implementation of portions of this grant; and

WHEREAS, this addendum requires no changes to appropriations of Resolution No. 205-06; and

WHEREAS, Resolution No. 205-06 authorized the “Chairman of the Board to enter into a contract, identified as the project cooperation agreement, with the U.S. Army Corp. of Engineers to conduct this work and enter into a subcontract between Delaware County, Cornell Cooperative Extension of Delaware County and Cornell University.”

THEREFORE BE IT RESOLVED, that this addendum enable the use of SWCD services to assist in the implementation of this grant and that the Board of Supervisors authorizes the Chairman of the Board to enter into a subcontract with the SWCD.

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

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

RESOLUTION NO. 23

**TITLE: DELEGATION OF TAX CORRECTION OFFICIAL
REAL PROPERTY TAX SERVICES**

WHEREAS, Real Property Tax Law provides for the annual delegation to an official, the authority to correct tax rolls and authorize refunds of a sum not to exceed \$2,500.00; and

WHEREAS, said authority directs procedural disposition and monthly reporting of corrections processed to the Board of Supervisors; and

WHEREAS, the administration of corrections will proceed in appropriate compliance of statutorily established time lines

BE IT RESOLVED that Michael Sabansky, Director of Real Property Services be

delegated as the official to authorize corrections as provided in Section 556(9)(a) of the Real Property Tax Law.

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

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

RESOLUTION NO. 24

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2008
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the Delaware County Public Health Nursing Service has been contracting with the following agencies for services for the Long Term Program during the year 2007

MISCELLANEOUS CONTRACTS:

Delaware Opportunities – Home Delivered and Congregate Meals
Delaware Opportunities – Home Improvements
Office for the Aging – Lifeline
Sentry Alarms – Lifeline
A.O. Fox Memorial Hospital – Lifeline
Broome County Office for the Aging – Social Day Care
Catskill Area Hospice

THEREFORE, BE IT RESOLVED, that the Delaware County Public Health Nursing Service continue the above contracts for the year 2008.

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

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

RESOLUTION NO. 25

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2008
PUBLIC HEALTH NURSING**

WHEREAS, the Delaware County Public Health Nursing Service and its Early Intervention Program and its Committee on Preschool Special Education Program have been contracting with the following itinerants and agencies during the year of 2007 at the New York State Department of Health established rate of reimbursement,

PURCHASE OF SERVICES:

Lizabeth Bonacum for physical therapy services
Joann Currie for physical therapy services
Theresa Sullivan-Steitz for DBA TMSPT services

Karina White for physical therapy services
Step By Step Physical Therapy, PLLC for evaluations and services
Jeanne Keahon for medical social work services
Gene Homer for speech language pathology
Dr. William Benedict for speech language pathology
Judy Breese for speech language pathology
Jennifer Kollig for speech language pathology
Lisa Henderson for speech language pathology
Brenda Geehrer-Todd for speech language pathology
Katherine Reich for speech language pathology
Julie Ford for occupational therapy services
Jean Downin for occupational therapy services
Kristen Figary for occupational therapy services
Tracie Ostrander for occupational therapy services
Linda Noble for occupational therapy services
Dorothy Haney for registered dietitian services
Geanine Eisel for special educational services
Patricia Zawisza for special educational services
Nancy Masucci for special educational services
Association for Vision, Rehab and Employment, Inc. for evaluations and services
AO Fox Hospital for evaluations and services
Cloverpatch Early Childhood Education for evaluations and services
Otsego County Division for Children with Special Needs for evaluations and services
Amanda Culligan for speech language pathology
Elizabeth Jacob-Carter for speech language pathology
Abby Koutnik for special education services
Emily Marlin for medical social work services
Brian Riter for occupational therapy services
Jennifer Wright for speech services
Melinda Wegener for speech services
Melinda Small for occupational therapy services
Allison Clark for physical therapy services
Greene and Jensen for speech and behavior services
David Flynn for medical social work services
Elizabeth Kelly for physical therapy services
NYSARC Delaware County/Carousel Children's Center for evaluations and services
Handicapped Children's Association of Southern New York, Inc. for evaluations
Springbrook NY, Inc. for evaluations and service
Best Friends Childrens Services for evaluations
Buchanan Transportation for transportation services (thru 3-5 program)
Delaware Opportunities, Inc., for respite and transportation
Delaware County PHNS for evaluations and services
Enable for evaluation services
The Children's Annex for evaluation services
Developmental Pediatrics for evaluations

ONC Boces for services
Heather Thomson for occupational therapy services
Susan Morales for speech consultant services
Elizabeth Morrissey for speech language pathology
Linda Brennen for speech language pathology services
Carrie Ann Charpinsky for speech language pathology
Krzysztof Madej for physical therapy services
John Pasquale for physical therapy services
David Rissberger for physical therapy services
Rachel Rissberger for occupational therapy services
Sullivan Diagnostic Treatment Center-The Center for Discovery for evaluations and services
Broome-Tioga BOCES for services and evaluations
Donald Gersch for special education services
Marcia Hammond for special education services
SECO PT and OT, PLLC for physical therapy services
Austin Physical Therapy for physical therapy services
Birnle Bus Service for transportation services
Coxsackie Transport for transportation services
Amanda Lewis for speech language pathology
Maureen Neville for special educational services
Michelle Wright for special educational services
Southern Tier Independence Center for evaluation services
Phyllis-Ann Walsh for medical social work services
Kenneth Graig for special education services

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Public Health Nursing Services' Early Intervention Program and Preschool Special Education Program continue the above contracts for the year of 2008.

The resolution was seconded by Mr. Bracci.

Chairman Eisel asked to abstain from voting on this resolution.

The resolution was approved by the following vote: Ayes 4646, Noes 0, Absent 0, Abstain 160 (Eisel).

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

RESOLUTION NO. 26

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2008
PUBLIC HEALTH NURSING**

WHEREAS the Delaware County Public Health Nursing Service has been contracting

with
the following agencies during the year 2007

PURCHASE OF SERVICES:

AO Fox Hospital for physical therapy
Lizbeth Bonacum for physical therapy
Patricia Cleary for physical therapy services
Joann Currie for physical therapy services
Delaware Valley Hospital for physical therapy
Allison Clark for physical therapy services
O'Connor Hospital for physical therapy
Theresa Sullivan-Steitz for DBA TMSPT services
Jeanne Keahon for medical social work services
Dr. William Benedict for speech language pathology services
Brenda Geerher-Todd for speech language pathology services
Gene Homer for speech language pathology services
Jennifer Kollig for speech language pathology services
Katherine Reich for speech language pathology services
Rachel Rissberger for occupational therapy services
Krzystof Madej for physical therapy services
Dorothy Haney for registered dietitian services
Linda Brennan for speech language pathology services
David Rissberger for physical therapy services
John Pasquale for physical therapy services
Candace Burghardt for physical therapy services
Austin Physical Therapy for physical therapy services
SECO, PT & OT, PLLC for physical therapy services
Gail Lennstrom for physical therapy services
Emily Marlin for medical social work services
Brian Riter for occupational therapy services
Melinda Small for occupational therapy services
Elizabeth Kelly for physical therapy services
Phyllis-Ann Walsh for social work services
Margaretville Memorial Hospital for physical and occupational therapy service; sand

WHEREAS the agency has been contracting with the following agencies or consultants at an annually negotiated rate,

HOME HEALTH AIDE AGENCY CONTRACTS:

US Care Systems for aide services
Robynwood for aide services
Family Home Care for aide services

MISCELLANEOUS CONTRACTS:

Barry Warren for consultant services

Dawn Paulsen for healthcare compliance and HIPAA
Delaware County Department of Social Services for OLTC Case Managers
Delaware County Sheriff's Department for answering service
Dr. Riaz Lone for Medical Advisor of Agency/PHCP
Dr. Gary Preiser for Medical Director of Agency/PHCP
Emergency Medical Services
Planned Parenthood
Delaware Valley Medical Supply
Delhi Animal Hospital
Joan Puritz (vet)
John Fairburn Jr, (vet)
Delaware Opportunities- Child Passenger Safety
McCarthy & Conlon, LLP, CPA Consulting Firm

THEREFORE, BE IT RESOLVED that the Delaware County Public Health Nursing Service continue the above contracts for the year of 2008.

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

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

RESOLUTION NO. 27

TITLE: REQUEST THE STATE OF NEW YORK AND THE WATERSHED PROTECTION AND PARTNERSHIP COUNCIL TO SUPPORT THE LAWFUL EXECUTION OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) REGARDING THE SEPTEMBER 4, 2006 CITY OF NEW YORK LONG TERM WATERSHED PROTECTION PROGRAM (LTWPP) DEPARTMENT OF WATERSHED AFFAIRS

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

WHEREAS, Delaware County disputes the validity of the City of New York's SEQRA negative declaration in regards to their LTWPP; and

WHEREAS, SEQRA analysis conducted by New York City with regard to the LTWPP failed to satisfactorily address the actual impact of a large \$300 million land acquisition program with regard to the future of watershed communities, individuals and businesses; and

WHEREAS, the City did not conduct a coordinated review as required under SEQRA thereby excluding other involved agencies and the public from any input in SEQRA process;

and

WHEREAS, the City did not provide any substantive or corroborative findings for the LTWPP to support a negative declaration; and

WHEREAS, the scope of the current Water Supply Permit, as issued by the New York State DEC, does not include a second land acquisition program with an additional \$300 million; and

WHEREAS, the current Watershed Permit requires “equitable treatment” for affected communities; and

WHEREAS, under Article 8 of the New York State Environmental Conservation Law, all New York State municipalities are held to the same standards under SEQRA.

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors requests that the Watershed Protection and Partnership Council support the proper execution of the SEQRA process and petition the DEC to:

Suspend the use of any new funding identified under the 2007 Filtration Avoidance Determination for land acquisition until SEQRA has been followed

Require the DEC or the DOH to serve as lead agency to ensure the proper execution of the State Environmental Quality Review Act for the City’s Long Term Watershed Protection Program

Require the City to fund the Tax Consultation Fund.

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

The resolution was seconded by Ms. Molé.

Mr. Utter remarked that in his opinion, New York City disregarded the upstate communities, especially the CWT during the SEQRA process. He further stated that the Tax Consultation Fund is a very important part of this resolution. He estimated that the Town of Middletown would have expended approximately \$250 thousand in attorney fees just fighting the City on their assessment of the sewer plant. The City built a \$35 million sewer plant which the Town of Middletown assessed at \$30 million, the City is asking for a \$20 million assessment. The Town of Middletown would have been in real trouble if the Tax Consultation Fund was not available.

Mr. Utter expressed his frustration with the City noting that he believes the City will

challenge each and every one of their assessments as the anniversary dates of the twenty year requirement for the City to pay taxes on their land comes due.

Mr. Marshfield commented that another important part of this is that the local communities never had a say about the impact of the land acquisition program. In the Town of Hamden, New York City is offering \$3,100 per acre for a multi-acre piece of land. He noted that this is without the second land acquisition program adding the additional \$300 million. He said that the City attended a public auction in the Town of Andes and stopped bidding at \$800 thousand dollars. He foresees the \$3,100 per acre figure increasing as the availability of funds increase. It only makes sense that anyone interested in purchasing land will now have to match what the City is willing to pay. This will lower the equalization rates in the County. The County had less than a 1 percent increase in their budget but, it meant better than a 10 percent increase on property taxes to the residents of the Town of Hamden.

Chairman Eisel agreed it is a difficult situation, but hoped that the City could be directed to purchase land only where it improves water quality.

Mr. Utter pointed out that the City is still purchasing land with the original \$300 million allotment.

In answer to Mr. Bracci, Mr. Utter said that the SEQRA review did not circumvent the process but, they did not jump through all the hoops. Mr. Marshfield added they excluded certain agencies.

Mr. DuMond remarked that unless someone challenges the City their result of the SEQRA is what stands.

Mr. Meredith said the City acted as lead agency however, they never involved the CWT, the counties or anyone else to make comments.

Mr. Utter said that one of the main reasons for the lawsuit is to bring the City to the table to comply with all the facets of the SEQRA. The county needs to do an impact study in order to show what all this land purchasing is going to do to the county in the future.

The resolution was unanimously adopted.

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

RESOLUTION NO. 28

TITLE: IN OPPOSITION OF THE PROPOSED CLOSURE OF CAMP BRACE DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, Governor Elliot Spitzer has recently announced his intentions to close the Brace Residential Center in the Town of Masonville; and

WHEREAS, the primary justification for the closure of Camp Brace is to reduce costs; and

WHEREAS, Camp Brace is a Federal Title 4E funded program, whereby the State is reimbursed for the operation of the facility and its closure will therefore result in only minimal cost savings to the State; and

WHEREAS, Camp Brace, targeted for closure, has been credited with having an outstanding success rate in rehabilitating troubled youth, while other facilities facing multiple operational problems and human rights investigations will remain open and take in even more members of this vulnerable population; and

WHEREAS, Camp Brace's \$3 million annual budget has a significant positive economic impact upon the Town of Masonville, the lives of the more than 30 local residents currently employed at Camp Brace and the myriad of small businesses in the area that provide goods and services to Camp Brace; and

WHEREAS, the staff and residents of Camp Brace have historically been a welcome and integral part of the local community, providing many hours of local community service; and

WHEREAS, the vast majority of youth facilities being targeted for closure are located in rural upstate areas which provide a unique setting and opportunity for rehabilitating troubled youth, while also having a positive economic impact upon the local community.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby declare its opposition to the proposed closure of the Brace Residential Center; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Elliot Spitzer, Senator John Bonacic, Assemblyman Clifford Crouch, Assemblyman Peter Lopez, Senator Joseph Bruno and Assemblyman Sheldon Silver.

The resolution was seconded by Mr. Bracci.

Mr. DuMond asked to abstain from voting on this resolution.

Chairman Eisel said that he received a call from the Governor's office and was told that there were five facilities that will be closing. In his opinion, this resolution expresses the impact of this decision on the County very well. If the Governor wants to help the rural areas of upstate New York he should be thinking about rescinding this closure.

In response to Mr. Valente, Chairman Eisel explained that at one time the thinking was to bring the children to the rural upstate area to get them out of the City. The current mind set is that the children should be moved back to the City so the parents do not have so far to travel.

The resolution was approved by the following vote: Ayes 4665, Noes 0, Absent 0, Abstain 141 (DuMond).

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

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

RESOLUTION NO. 29

**TITLE: 2007 BUDGET AMENDMENT
UNDISTRIBUTED UNEMPLOYMENT INSURANCE**

WHEREAS, the Unemployment Insurance Account is in need of funding for the fourth quarter of 2007; and

WHEREAS, an unemployment reserve fund was established by Resolution No. 5-1998 for the purpose of augmenting the Unemployment Insurance Account; and

WHEREAS, in addition, the estimated unemployment costs incurred as a result of the sale of Countryside Care Center have exceeded the amount allocated; and

WHEREAS, an additional \$10,135.57 needs to be appropriated from the proceeds of the sale

THEREFORE, BE IT RESOLVED that funding be appropriated as follows:

FROM:

10-00000-21140001	Other Liabilities - Countryside Closing	\$10,135.57
66-00000-34815000	Appropriated Reserve, Unemployment	\$3,217.19

TO:

10-19050-58500000	Unemployment Insurance	\$13,352.76
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 30

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the

party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

SID05TX.032

ASSESSED TO:

DELORES WATSON

TOWN OF:	125001:SIDNEY
TAX MAP No:	115.20-2-29
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	0.25A ACRES
CONVEYED TO:	RIVERLEA HOUSING INC 1412 AVENUE M PMB#2476 BROOKLYN NY 11230
CASH CONSIDERATION:	\$9,000.00
TAX DEFICIT:	\$4,300.03
VILLAGE PERCENTAGE SPLIT	\$4,860.00
COUNTY PERCENTAGE SPLIT	\$4,140.00

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

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

RESOLUTION NO. 31

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,923,433.57 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	\$1,071,285.39
Capital	\$1,522.02
DCCC	\$1,470.00
OET	\$58,899.92

Highway Audits, as Follows:

Road	\$305,946.09
Machinery	\$243,726.16
Capital Road & Bridge	\$98,898.85
Capital Solid Waste	\$51,532.50
Solid Waste/Landfill	\$90,152.64

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

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

RESOLUTION NO. 32

TITLE: IN MEMORY OF STAFF SGT. JUSTIN R. WHITING

WHEREAS, Staff Sgt. Justin R. Whiting of Hancock, New York was killed in action while serving as a medical sergeant with the United States Army Special Forces on January 19, 2008 when his vehicle was struck by an IED while conducting combat operations just south of Mosul, Iraq; and

WHEREAS, Staff Sgt. Justin R. Whiting had two previous combat tours to Iraq in 2004 and 2005 and was on his third combat tour in support of Operation Iraqi Freedom and the Global War on Terrorism

NOW, THEREFORE BE IT RESOLVED that this Board express its gratitude for Staff Sgt. Justin R. Whiting's service to his country and its condolences to his family.

The resolution was seconded by Mr. Axtell.

Mr. Rowe stated that he did not know Mr. Whiting personally, but knows his father. Mr. Whiting's commitment to protect the people of this country was extraordinary and his dedication to the United States Army Special Forces was to be commended. He pointed out that Mr. Whiting was a Green Berets and several members of the Whiting family have achieved the same status.

Services for Mr. Whiting will be held at the Hancock Emery Methodist Church on Saturday, January 25th and the funeral will be at the Hancock Methodist church on Sunday, January 27th.

Chairman Eisel remarked that this is a tragedy and a terrible loss for the family. Mr. Whiting gave the ultimate sacrifice for his country and should be considered a Delaware County Hero.

The resolution was unanimously adopted.

Chairman Eisel appointed Physical Therapist Alli Hill to the Health Services and Professional Advisory Board and the following re-appointments were made to the Planning Board:

John Hamilton
Harold Bedford
Nancy Gallup

Chairman Eisel announced that the February 20th Board of Supervisors meeting will be held at the Public Safety Building. Beginning at 12 noon until 1:00 p.m. and immediately following the meeting there will be another tour for the Supervisors that were unable to attend the earlier tour.

He also noted that a tour of the Compost Facility will be scheduled sometime in the Spring.

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

RESOLUTION NO. 33

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss issues relating to personnel.

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

The meeting reconvened in regular session with all Supervisors present.

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