

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 8, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 8, 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 Assistant Clerk called the roll and all Supervisors were present except Mr. Hynes.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted with a correction noted from Mr. Smith that he voted against Resolution No. 166 entitled *2008 Budget Amendment Acceptance of County-Wide Tax Data Base Grant*.

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

Chairman Eisel granted privilege of the floor to Mr. Rowe. Mr. Rowe referenced Chairman Eisel's memo included in the Supervisor's packet briefly explaining the ProAct Prescription Drug Program. The program has been endorsed by the New York State Association of Counties (NYSAC) and is currently being offered in ten counties.

Mr. Rowe introduced representative David Warner of ProAct Inc. to provide information and answer any questions the Board may have regarding the drug program.

Mr. Warner explained that ProAct is a pharmacy benefit management company and a subsidiary of Kinney Drugs Inc. located in Onondaga County, New York. Kinney Drugs Inc. was approached by the St. Lawrence County Legislature to develop a program for their residents who are uninsured. The drug program was implemented in St. Lawrence County three years ago and has saved the residents \$2.5 million.

He referenced and reviewed the information placed on each Supervisor's desk entitled *County Discount Card Prescription Program* which included a list of participating counties, an allocation of 2005 uninsured residents by county, a summary of the discount card program, tracking of Onondaga County's use of the discount program from November 2007 to September 2008 and letters of endorsement from the NYSAC and the St. Lawrence County Board of Legislators.

The program is free to both the County and its residents. The program is not insurance, but offers a cash discount to individuals and families who pay high out of pocket prices for medicine because they do not have prescription drug coverage. Discount cards are provided free of charge and are presented to any participating pharmacy in the United States prior to placing the order to receive the discount pricing. Savings range from 10 to 20 percent for brand name medications and 20 to 50 percent for generic. The average savings per prescription is 30 to 35 percent. Most major pharmacies such as: Rite Aid, Walmart and Walgreens participate in the program.

In answer to Mr. Bracci, Mr. Warner said that ProAct will send information on the program and a card to each household in Delaware County. They will contact all pharmacies within the County to encourage their participation and provide the County with reports showing the use of the cards and how much money the program saved the residents. The funding for ProAct is coming from Kinney Drugs Inc.

Mr. Warner replied in answer to Mr. Valente, that he is a pharmacist by trade, but Kinney's primary business is managing prescription plans for employees. There are over 62,000 participating pharmacies in the program and individuals are not encouraged to use one pharmacy over another. Pharmacies have found that the program has helped them derive business. ProAct is a way for Kinney Drugs Inc. to introduce themselves to other counties throughout New York State to build relationships and also provide employee benefits.

Mr. Marshfield asked if an uninsured person brings a prescription to a participating pharmacy and the saving is \$40 is a portion of the savings returned to ProAct. Mr. Warner said "no" and explained that pharmacies use an inflated retail rate on prescriptions and it is out of that his wages are paid.

Director of Social Services Commissioner Moon stated in reply to Mr. Marshfield, that he is in favor of this program. He explained this prescription drug program would provide the department with a way of helping people that are denied benefits. He pointed out that the department makes every effort to help individuals and families to connect with programs that may be helpful to them. This program provides the individual with a discount card which is different than any the department has been using.

In response to Mr. Marshfield, Commissioner Moon said the program is very simple. He has spoken with his counterparts in other counties using the program and they are very satisfied. He noted that the program would be helpful to the Department of Public Health as well. He said he has found no downside to this program and there is no administration cost to the County.

Chairman Eisel asked Mr. Warner if an endorsement was received from this Board could ProAct begin to contact pharmacies. Mr. Warner advised that most of the pharmacies already participate in the program.

Mr. Homovich questioned if the discount program would create a saving for the Department of Social Services. Commissioner noted that the program would not provide a savings to the department but, would be an alternative referral source. Individuals and families on Medicare would not benefit from the program as they already receive the lowest rate on drugs. He was not aware of any way this program could work in relationship with any of the department's benefit programs.

Mr. Homovich asked if the program would provide a savings to the County for the Worker's Compensation department. County Attorney Richard Spinney said the County is obligated to pay the price submitted by the pharmacy. In his opinion, because the individual is not paying for the prescription the discount program would not benefit the individual on worker's compensation.

Mr. Valente questioned who would be paying for the production and mailing of the discount cards. Mr. Warner said that Kinney Drugs Inc. pays for all of the expenses.

In answer to Mr. Homovich, Mr. Warner stated that Kinney Drugs, Inc. is a small regional pharmacy chain that operates similar to any other pharmacy you would walk into.

Mr. Donnelly said the premise of this program is not new, referencing HMO's and other similar products that set prices in order for people to save money. A program of this type for Delaware County is long overdue.

In response to Mr. Marshfield, Chairman Eisel said the Board would have to introduce a resolution endorsing their agreement. He said he would like to do this at the next Board meeting if all is order.

Mr. Warner said in answer to Mr. Marshfield, as a partner with ProAct the County is allowing ProAct to use the County seal.

Mr. Marshfield asked if using the County seal creates a liability for the County. Mr. Spinney advised that anytime the Board takes an action some form of liability is created.

In answer to Mr. Valente, Mr. Warner said that the program works best for the uninsured. It would not reduce the cost of a prescription for those with prescription coverage.

Mr. Warner, stated in reply to Mr. Utter, that the savings is taken from the participating pharmacies profit.

Mr. Warner explained in response to Mr. Meredith, that the pharmacies find that once people get into the pharmacy they spend more than what the pharmacy is losing in the mark up of the drug. Mr. Warner said that some pharmacies have made the decision to opt out of the program but, most are involved in the network

In his opinion, Chairman Eisel stated the ProAct Prescription Drug program is good for the residents of the County. He asked the County Attorney to review the agreement and report back to the Board at the next Board meeting.

Chairman Eisel thanked Mr. Warner for taking the time to discuss this program with the Board.

Chairman Eisel granted privilege of the floor to Director of Real Property Tax Services Michael Sabansky.

Mr. Sabansky referenced the New York State Real Property Systems Assessor's Report for 2008 placed on each Supervisor's desk. He explained the report must be attached to the town, village and county budgets. He noted that he received an e-mail indicating that there may be a problem with the information provided, however, corrections would be made as needed. Unfortunately, even though there may be errors, due to the time frame these reports must be provided to the towns, villages and county.

In reply to Mr. Marshfield, Mr. Sabansky stated that the total exemption values have been brought up to full value regardless of the town's equalization rate.

Mr. Sabansky, in reply to Mr. Marshfield, stated that he would interpret any exemptions a town or village didn't understand.

Chairman Eisel granted privilege of the floor to Mr. Maddalone. Mr. Maddalone introduced Director of Emergency Services Richard Bell to provide a brief update on the New York State Statewide Wireless Network.

Mr. Bell advised that the New York State Statewide Wireless Network has experienced failures that cannot be corrected in the required period of time and as a result, will no longer be pursued.

Through a grant applied for and received through the Sheriff's Office, the County hired Kimball Associates to provide a Wireless Communications Infrastructure Needs Assessment Report. The first phase was completed in 2005. At that time, Kimball Associates had attempted to obtain licenses from the Federal Communications Commission for the number of frequencies required to implement the findings of the needs assessment. The frequencies were not available making the proposed plan unable to be implemented. As a result of those findings, County representatives met with New York State Wireless Network (NYSWN) and determined that it was in the best interest of the County taxpayers that the County work with the State to minimize County infrastructure costs while achieving a reliable interoperative radio system.

The County's current system has long out lived its system expectancy and it is again necessary for the County to review the entire public safety radio system. He advised that the

Public Safety Radio Committee previously formed has been reactivated for the purpose of reviewing the public safety radio system and developing an implementation plan within the next five years.

Mr. Donnelly suggested that Mr. Bell and the committee keep the congressional representatives informed of the County's needs in order to obtain seed money for this purpose. Mr. Bell noted that Sheriff Mills has been very pro-active in soliciting funds and continues to see what is available for the County to apply for.

In answer to Chairman Eisel, Mr. Bell said that he did not have an official document stating the failure of the State Wide Wireless Network but, expected one would be received.

Delaware County Sheriff Mills noted that there is a balance of \$50,000 left from the grant funding provided several years ago by former Congressman Sweeney that will be expiring soon.

In reply to Mr. Marshfield, Sheriff Mills stated that an application for a new frequency was made and rejected.

Mr. Bell said that purchasing a frequency will be a significant obstacle for the County.

In answer to Mr. Marshfield, Mr. Bell said that using the \$50,000 to purchase a frequency at this time would be difficult without a plan in place as a frequency can only be held for two years to prevent people from holding onto frequencies they are not using.

Chairman Eisel remarked the longer the delay, the better, perhaps instead of towers and overhead wire lines a satellite could be used. Mr. Bell noted that satellite communication would not work for our needs.

Chairman Eisel welcomed former Secretary of State Sandy Treadwell. Mr. Treadwell served under Governor Pataki's administration and is a friend of Delaware County. During his tenure, he assisted with the NYC Memorandum of Agreement.

Mr. Treadwell said it was a pleasure to be here and is very familiar with Delaware County issues. He is hopeful to have the opportunity to serve in partnership with the County in the future if he is successful in his campaign for Congressman. He pointed out that he lives in the Adirondack Park which has similar issues to Delaware County. He looks forward to an ongoing relationship with the County.

Chairman Eisel thanked Mr. Treadwell for taking time to stop in.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter asked Director of Economic Development Glenn Nealis to provide an update on the Economic Impact Analysis.

Mr. Nealis advised that there will be two meetings held in Meeting Room A at the Public Safety and Correctional Facility Complex. The first meeting is scheduled for Tuesday, November 4th at 6:30 p.m. for presentation and discussion by the expert panel and on Wednesday, November 5th, from 11:00 a.m. to 3:00 p.m. for discussion, response and input from the advisory group, the Board of Supervisors and involved staff.

There will also be community and focus group meetings held Monday, November 17th in Walton, Tuesday, November 18th in Delhi, Wednesday, November 19th in Stamford and Thursday, November 20th in Margaretville. Information regarding the meetings will be placed in the newspapers and on the radio.

In answer to Chairman Eisel, Mr. Nealis said that the expert panel will be in attendance at the meetings held at the Public Safety and Correctional Facility Complex. He felt the Board could expect a final product towards the end of February 2009.

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

RESOLUTION NO. 182

**TITLE: 2008 BUDGET AMENDMENT
LONG TERM CARE DEVELOPMENT GRANT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, New York State desires to continue the Long Term Care Point of Entry system that is county specific and is financially supported by State funds; and

WHEREAS, Delaware County has been provided with a grant of \$63,000 for the continuation of the Long Term Care Point of Entry System as a collaboration among the County Departments of Office for the Aging, Public Health and Social Services; and

WHEREAS, the Department of Social Services is authorized to accept the \$63,000.00 grant on behalf of the County to continue Delaware's Long Term Care Point of Entry system for the period of October 1, 2008 to September 30, 2009.

NOW, THEREFORE BE IT RESOLVED that the 2008 Budget be amended as follows:

INCREASE REVENUE:

10-16010-43361000	State Social Services Admin	\$63,000.00
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INCREASE APPROPRIATION :

10-16010-54200024	Contracted Services LTC Dev Grant	\$63,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4,555, Noes 0, Absent 251 (Hynes).

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

RESOLUTION NO. 183

**TITLE: 2008 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 2008-2009, said monies to be utilized to reimburse the County at 100% of its expenditures

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

ESTABLISH REVENUE:

10-16141-44464100/6141009-971	HEAP	\$32,461.00
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ESTABLISH APPROPRIATIONS:

10-16141-54342010/6141009-971	HEAP Emergency	\$12,461.00
10-16141-54342030/7141009-971	HEAP PA	10,000.00
10-16141.54342040/7141009-971	HEAP NPA	10,000.00

The resolution was seconded by Mr. Marshfield.

Commissioner of Social Services William Moon stated that a little over a week ago Congress authorized a major addition to the low income energy assistance program known as HEAP. New York’s total allocation, including the addition, will be almost a half a billion dollars. The income guidelines for HEAP have now been expanded to include individuals earning up to 200 percent of poverty level. What the agencies involved will need to do now is look at how to process what may be one third more applications than have been processed in the past.

In answer to Chairman Eisel, Commissioner Moon said that approximately \$500 per household was paid last year. With this increase, a family of four with an income level of up to \$40,000 would be eligible for some form of State or Federal emergency funding.

Commissioner Moon replied in response to Mr. Donnelly, individuals coming to the department for emergency funding can choose their own fuel supplier.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4,555, Noes 0, Absent 251 (Hynes).

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

RESOLUTION NO. 184

**TITLE: 2008 BUDGET AMENDMENT
RECEIPT OF A GRANT FOR HEALTH EDUCATION INITIATIVE
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, Cornell Cooperative Extension of Delaware County Rural Health Care Alliance has been awarded a grant for professional and community health education initiatives for Delaware County; and

WHEREAS, Cornell Cooperative Extension of Delaware County Rural Health Care Alliance will award grant monies to Delaware County Public Health Nursing Service in the amount of \$15,000.00 to support telehealth and mission meltaway community health education projects; and

WHEREAS, the goals of telemedicine technology are to decrease hospitalizations and emergency department visits and to improve care and the goals of mission meltaway are to improve nutrition and activity to improve overall health; and

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

THEREFORE, BE IT RESOLVED to accept the grant money into the following appropriation accounts:

REVENUE ACCOUNT:

10-14010-42270602/4010012/906	Grants from Non-profit	\$10,000.00
10-14012-42270602/4012001/906	Grants from Non-profit	\$5,000.00

APPROPRIATION ACCOUNT:

10-14010-54183000/4010012/906	Community Outreach & Education	\$10,000.00
10-14012-54327000/4012001/906	General Grant Related Expenses	\$ 5,000.00

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4,555, Noes 0, Absent 251 (Hynes).

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

RESOLUTION NO. 185

**TITLE: MEMBER ITEM FOR NEGOTIATIONS
IN THE NEW YORK CITY WATERSHED
WATERSHED AFFAIRS**

WHEREAS, the County has been awarded a member item grant by Senator Bonacic in the amount of \$25,000.00 through the New York State Department of State; and

WHEREAS, the purpose of this grant is to support ongoing negotiations by the Coalition of Watershed Towns with the New York City Department of Environmental Protection

THEREFORE BE IT RESOLVED, that the Board of Supervisors accepts the grant funding

BE IT FURTHER RESOLVED, that the 2008 budget be amended to establish an account for revenue and appropriations to enable the acceptance and distribution of the funds:

ESTABLISH REVENUE:

10-18740-43378900	State Oth Econ Asst & Opprnty	\$25,000.00
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ESTABLISH APPROPRIATIONS:

10-18740-54465000	Miscellaneous-CWT Pmt	\$25,000.00
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The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 4,555, Noes 0, Absent 251 (Hynes).

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

RESOLUTION NO. 186

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, Delaware County Public Health Nursing Service was given a donation several years ago that is to be used to benefit the staff; and

WHEREAS, Public Health Nursing Service is in need of a refrigerator; and

WHEREAS, that money is included with the 2008 Adopted Budget in the Public Health Nursing contractual line Gifts & Donations; and

WHEREAS, the money needs to be transferred to the equipment account

THEREFORE BE IT RESOLVED, that the following transfers be made:

<u>TRANSFER FROM:</u>		
10-14010-54330000	Gifts & Donations	\$565.00
<u>TRANSFER TO:</u>		
10-14010-52200000	Equipment	\$565.00

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4,555, Noes 0, Absent 251 (Hynes).

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

RESOLUTION NO. 187

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the parties 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, upon receipt of cash consideration hereinafter set forth.

	SID04TX.025
<u>ASSESSED TO:</u>	<u>ROSS PATTON</u>
TOWN OF:	125089:SIDNEY
TAX MAP NO:	163.-1-30.3 & 163.-1-29.11
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	6.90A ACRES & 1.60A ACRES
CONVEYED TO:	AMPHENOL CORPORATION C/O WHITEMAN OSTERMAN & HANNA LLP ONE COMMERCE PLAZA ALBANY NY 12260
CASH CONSIDERATION:	\$10,000.00
TAX DEFICIT:	\$3,045.62 \$2,388.37

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

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

RESOLUTION NO. 188

**TITLE: CONTROL OF SNOW AND ICE ON COUNTY HIGHWAYS
BY TOWN FORCES
SECTION 135-A OF THE HIGHWAY LAW
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED, that pursuant to Section 135-a of the Highway Law, the Board of Supervisors of Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into an agreement with the Town Highway Superintendents of the Towns of Colchester, Harpersfield, Kortright, Masonville, Middletown, Roxbury, Sidney, Stamford and Tompkins for the performance, by the Towns, of the work of control of snow and ice on the County Roads within the boundaries of the County, upon terms and regulations as are contained in such agreements for a five year period from December 2008 - May 2013.

The resolution was seconded by Mr. Rowe.

Mr. Valente requested permission to abstain from voting as he is not familiar with the process in which these agreements are made. Chairman Eisel, as directed by the County Attorney, stated that the reason for the request was not sufficient grounds for abstaining.

Mr. Valente responded that he would be voting against this resolution. He remarked that his efforts to obtain answers to his questions were unsuccessful and assumed that since he did not see Davenport listed in the resolution the answer must be no. He was disappointed that he had not received a call back from the Department of Public Works regarding his concerns with County Route 9.

The resolution was adopted by the following vote: Ayes 4074, Noes 481 (Valente, Homovich), Absent 251 (Hynes).

Mr. Homovich commented that the Town of Colchester will not sign a five year agreement.

In answer to Mr. Homovich, Commissioner of Public Works Wayne Reynolds explained that the decision to go five years enables the County DPW to plan their expenses and equipment needs better. DPW is willing to work out any issues the towns may have. There are 19 towns in the County and eight patrol garages. The towns are closer to the County roads than the County DPW is and having the towns plow the roads is a cost effective way of providing snow removal. The reason for changing from one year to five is to provide better budgeting and gives an opportunity to change the fleet size if a town decided to opt out of the agreement. If a town was not able to plow for the County due to financial reasons, the DPW Committee upon documentation will come back to the Board to set an equitable rate.

Mr. Homovich remarked that he understands the County's reasoning but, if they want the Town of Colchester to plow County Route 7 they have to have a voice. That voice is the Colchester Town Board.

Mr. Valente questioned if a contract signed by a highway town superintendent could exceed his term. Mr. Spinney pointed out that the agreement is subject to the town making an appropriation line in the budget for that purpose. If the town does not make an appropriation, the agreement would be over. He cited the City of New York as an example, noting that they had to put up a letter of credit in case the City Counsel decided in a future board they did not want to appropriate funds for that purpose.

Mr. Marshfield commented that he was not a participant in this agreement but, questioned if the reimbursement rate for equipment and the cost of fuel was equitable. Commissioner Reynolds remarked that the New York State Department of Transportation (DOT) publishes the rates and they try to keep them current. He pointed out that had DOT not increased their rates by about 30 percent this summer the DPW Committee was already prepared to discuss an increase to a more fair rate with the Board.

Mr. Homovich said that the Colchester Town Board feels they can financially fulfil a year to year agreement. He knows the town can plow County Route 7 more efficiently than the County DPW and is willing to do so on a year to year contract.

Mrs. Capouya noted that five years is a long time and asked if the term could be shortened or a stipulation added that would cover the expenses of the town in the event of increases. Commissioner Reynolds stated that the agreement includes a stipulation that takes into consideration the actual expenses incurred by a town.

Mr. Marshfield suggested that a stipulation be added to the resolution requiring a town give a year notice to opt out of the agreement.

Mr. Meredith asked if the resolution could be amended. Chairman Eisel replied that the resolution has already been voted on.

Mr. Homovich asked if a separate agreement could be made with the Town of Colchester. Commissioner Reynolds replied that he could not speak for the DPW Committee, but did not feel it would be fair to the other towns. He felt that DPW was not equipped to plow County Route 7 and needs the support of the Town of Colchester.

Mr. Homovich replied that the Town of Colchester is in a difficult financial situation right now and does not feel it makes sense to enter into a contract they may not be able to fulfill. He said the town would support the County as long as they could.

Mr. DuMond stated that he fully supports the five year term. He felt sure that if a town

approached the Board with financial concerns the Board would address the situation as necessary.

Mr. Meredith made a motion to rescind Resolution No. 188 entitled: *Control of Snow and Ice on County Highways by Town Forces Section 135-A of the Highway Law*, seconded by Mr. Valente.

Mr. Meredith noted that his motion to rescind Resolution No. 188 is based on the fact that DPW will have to adjust their 2009 budget if the Town of Colchester does not agree with the resolution as presented. He would rather see the situation worked out with the Town of Colchester before DPW finalizes their budget.

Mr. Homovich advised that the Colchester Town Board passed their resolution for one year.

Mr. Spinney said that the resolution could be written with a five year term but, if the town does not appropriate the money for the intended purpose the agreement would be terminated.

Mr. Marshfield suggested a five year agreement on a year to year basis.

The motion to rescind Resolution No. 188 failed by the following vote: Ayes 1664, Noes 2891 (Donnelly, Molé, Axtell, Smith, Marshfield, Rowe, Eisel, Haynes, DuMond, Utter, Maddalone, Triolo, Layton), Absent 251 (Hynes).

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

RESOLUTION NO. 189

TITLE: CONTROL OF SNOW AND ICE ON NEW YORK CITY ROADS BY TOWN FORCES DEPARTMENT OF PUBLIC WORK

BE IT RESOLVED, that pursuant to an agreement between New York City and the County of Delaware, and by Resolution No. 46 of 1991, Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into agreements with the Town Highway Superintendents of the Towns of Andes, Colchester, Middletown, Roxbury, Tompkins and Walton for the performance, by the Towns, of the work of control of snow and ice on the New York City Roads within the boundaries of the County, upon terms and regulations as are contained such agreements for a five year period from December 2008 - May 2013.

BE IT FURTHER RESOLVED, that if the City at any time does not renew it's contract with the County, the County's contracts with the Towns for the plowing of the City roads will also be terminated.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4351, Noes 204, (Homovich), Absent 251 (Hynes).

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

RESOLUTION NO. 190

**TITLE: AUTHORIZING THE EXECUTION OF CONTRACT NO. C302676 FOR
STATE ASSISTANCE FOR LANDFILL GAS MANAGEMENT PROJECTS
PURSUANT TO ENVIRONMENTAL CONSERVATION LAW,
ARTICLE 54 AND/OR ARTICLE 56
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Delaware County Department of Public Works, herein called the “Municipality” has hereby determined that certain work, as described in the State assistance contract and any amendments thereof, herein called the “Project”, is desirable and in the public interest; and

WHEREAS, Article 54, Title 5 and/or Article 56, title 4 of the Environmental Conservation Law authorized State assistance payments to municipalities for municipal landfill gas management projects by means of a written agreement and the Municipality deems it to be in the public interest and benefit under this law to enter said written agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Delaware County Board of Supervisors that James Eisel, Chairman of the Board, is directed and authorized as the official representative to act in connection with any agreement between the Municipality and the State and to provide such additional information as may be required; and

BE IT FURTHER RESOLVED, that one (1) certified copy of this resolution be prepared and sent to the Director, Division of Solid and Hazardous Materials, New York State Department of Environmental Conservation 625 Broadway, Albany, NY 12233-7250, together with the executed contract; and

BE IT FURTHER RESOLVED that this Resolution take effect immediately.

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

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

RESOLUTION NO. 191

**TITLE: A REQUEST OF THE NYS DEPARTMENT OF ENVIRONMENTAL
CONSERVATION TO NOT ADOPT MORE STRINGENT NATURAL GAS DRILLING
REGULATIONS IN DELAWARE COUNTY WATERSHEDS SUPPLYING WATER TO
NEW YORK CITY
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, the New York City Department of Environmental Protection Commissioner Emily Lloyd has submitted a letter to the New York State Department of Environmental Conservation Commissioner Peter Grannis requesting that the New York State Department of Environmental Conservation (“DEC”) adopt rules or regulations that would regulate natural gas mining within the New York City Watershed more stringently including banning natural gas mines within a one mile radius of any reservoir or reservoir stem; and

WHEREAS, New York City Council’s Chairman of the Committee on Environmental Protection is calling for a complete ban on natural gas drilling in the City’s watershed; and

WHEREAS, the Coalition of Watershed Towns has passed a resolution requesting New York State DEC not to adopt special regulations for the watershed area different from statewide regulations for the remainder of the State; and

WHEREAS, natural gas holds tremendous potential to assist Delaware County communities maintain and improve the quality of life of their residents and economy within their community; and

WHEREAS, the development of domestic natural gas resources is critical to reducing the United State’s dependency on foreign oil; and

WHEREAS, revenues from natural gas leases will assist local farmers and large land owners maintain and preserve their parcels and their livelihood; and

WHEREAS, alternatives to use the natural gas reserves within its communities to provide its residents with low cost electricity and heating fuel are being investigated; and

WHEREAS, residents of rural counties like Delaware County are at greater risk from rising fuel oil and gas prices due to the lack of alternative choices for home heating, the long commuting distances, lack of public transportation and below average per capita income; and

WHEREAS, Delaware County also has significant potential for the generation of renewal energy from wind power and bio fuels; and

WHEREAS, new energy sources, whether renewable (e.g. wind or bio fuel), fossil fuel

(natural gas) or nuclear have generated significant controversy and public concern; and

WHEREAS, other natural resources of Delaware County (e.g. drinking water) have been exploited by large out of county metropolitan areas and regulating bodies; and

WHEREAS, Delaware County Board of Supervisors are committed to developing alternatives that will allow the communities, as a whole, to benefit from the natural gas reserves and provide a source of revenue and energy that will create more employment with living wages and health insurance; and

WHEREAS, for example, in the Town of Dimok in nearby Susquehanna County Pa., Cabot Oil and Gas projects annual revenues from gas production would yield nearly \$23 billion with annual royalty payments of \$2.9 billion to local landowners; and

WHEREAS, it is the policy of the State of New York that all groundwater is a potential source of drinking water and protected as a potable water supply; and

WHEREAS, DEC has announced that it is preparing a Supplemental Generic Environmental Impact Statement to evaluate the environmental impacts associated with natural gas mining using horizontal drilling in the Marcellus Shale including potential impact on groundwater and surface water; and

WHEREAS, a ban on natural gas drilling within New York City Watershed, while allowing it in other areas of the State that are source of drinking water including groundwater, will discriminate against private landowners in the watershed depriving them of long-term future income and will deprive the local municipalities of the potential real property tax benefits from the mining of the natural gas; and

WHEREAS, there is no scientific basis to regulate natural gas mining within Delaware County in a manner different or more stringent than elsewhere in New York State.

NOW, THEREFORE BE IT RESOLVED, the Delaware County Board of Supervisors requests that DEC not adopt any special regulations or policies which limit or regulate natural gas mining in Delaware County in a manner different from the restrictions that apply state-wide.

BE IT FURTHER RESOLVED, that if the DEC supports a ban on all watershed lands or private lands within one mile of New York City infrastructure then DEC is in violation of their mandate, pursuant to Environmental Conservation Law 23-0308, to efficiently utilize the State's natural resources and hence must provide funding to landowners in the watershed to mitigate lost income opportunities that a DEC ban would cause.

BE IT FURTHER RESOLVED, that this resolution be forwarded to Governor Patterson, United States Senators Charles Schumer and Hillary Clinton, Congresswoman Kirsten

Gillibrand, Congressman Maurice Hinchey, New York State Senator John Bonacic, New York State Assemblymen Clifford Crouch and Peter Lopez, DEC Commissioner Peter Grannis, Mayor Bloomberg, NYCDEP Commissioner Emily Lloyd and James Genarro, Chairman of the NYC Council's Committee on Environmental Protection.

The resolution was seconded by Ms. Molé.

Commissioner of Watershed Affairs Dean Frazier called the Board's attention to the first paragraph of the resolution noting that the New York City Department of Environmental Protection (NYCDEP) Commissioner Emily Lloyd has submitted a letter to the New York State Department of Environmental Conservation (NYSDEC) Commissioner Peter Grannis requesting that NYSDEC adopt more stringent regulations for natural gas mining within the New York City Watershed. These regulations could include banning natural gas mines within a one mile radius of any reservoir or reservoir stream. The bottom line is that the portions of Delaware County in the watershed should not be treated differently than those outside the watershed which would be consistent with the remainder of the State.

Mrs. Capouya stated that she is a firm believer in home rule, but she is not in favor of this resolution. When we speak of the NYC watershed we speak of approximately nine million people who are not involved in these decisions, but who could be endangered by them. She said the geology here is different from the western part of the State, and that she, as a supervisor, doesn't have enough information to know whether the watershed should be treated differently. She felt that this is a decision that could only be made by geologists or hydrogeologists.

Mr. Donnelly respectfully disagreed with Mrs. Capouya and asked that the Board think carefully before voting on this resolution. The reservoir system was stuffed down the throats of the people here and we are still suffering from the effects. If NYC is going to shoot down this opportunity for the residents located in the watershed then they should pay them the going rate that gas companies are paying property owners and give them their royalties, then no one here would be hurt.

Mr. Marshfield stated that he supports this resolution. He feels that Assemblyman Brennan from Kings County, Councilman Gennaro of New York City and Commissioner Emily Lloyd have not offered any specifics on how drilling might taint the City's water supply. They have not explained the basis for a one-mile buffer, or the basis for prohibition of drilling anywhere in the watershed. A one-mile buffer would put over a half million acres of land off limits to drilling.

Delaware County wants its water protected just as much as we want other water supplies to be protected. He felt that the County has been robbed by NYC land acquisitions, conservation easements, hydro water generation possibilities and now natural gas exploration.

He challenged NYC officials to come up with an instance of contamination to

substantiate their concerns. There is not a need for moratoriums, or for NYCDEP and its City officials trying to take control from the State and ultimately from this County and its communities. NYCDEP should deal with this issue as they would for the entire State.

Mr. Bracci stated that he appreciated Mrs. Capouya comments and concerns for the environment but, respectfully disagrees. In his opinion, NYC thinks home rule is a joke. He pointed out that there is no scientific basis for NYC's concern. The issue here is NYC's desire and our means to survive in Upstate New York.

Mr. Utter noted that he will support this resolution. He pointed out that his children own 300 acres within the proposed one-mile buffer and feel if his children are deprived of their rights they should be compensated fairly.

Mr. Meredith stated that there is a similar unfiltered watershed in Syracuse supplying two million people. If our watershed is regulated, then they should regulate all watersheds.

Chairman Eisel remarked that he is in favor of this resolution. The drilling process is safe and he would consider it discrimination if the opposition were to be successful in obtaining a ban on drilling.

Mr. Bracci commented that NYC's mind set is that it is never their problem, the problem always belongs to someone else.

Mr. Rowe remarked that the County finally has something that can put money in the pockets of our own people for a change. He believes natural gas is a clean energy and the Town of Hancock has already begun identifying sites and applying for permits. He believes what is really being said is that Upstate New York cannot handle its own energy issues and need the federal government to come in and tell us what to do. In his opinion, NYC does not want to see this area prosper.

Mr. Homovich agreed, adding what else do we have to put on the table to reverse our economic decline. We will never get energy independent if we do not start doing something. He feels natural gas drilling is our opportunity. He pointed out that a project in the Town of Dimok in Susquehanna County, Pennsylvania, would yield royalty payments of \$2.9 billion to local landowners. We have to do something to reverse our economic decline.

The resolution was adopted by the following vote: Ayes 4396, Noes 159 (Capouya), Absent 251 (Hynes).

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 1

TITLE: SALARY INCREASE COUNTY ATTORNEY

Section 1. The salary of Richard Spinney, Delaware County Attorney shall be of Eighty-Five Thousand, Eight Hundred Six Dollars [\$85,806] per annum effective January 1, 2009.

Section 2. The salary of \$85,806 shall consist of the following: 1] Regular County Attorney duties, \$66,179; 2] Representation of the Delaware County Self-Insurance Fund, \$19,627, which shall be contingent on the continued assignment of this responsibility.

Section 3. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 2

TITLE: SALARY INCREASE DIRECTOR OF REAL PROPERTY TAX SERVICES

Section 1. The salary of Michael Sabansky, Delaware County Director of Real Property Tax Services II shall be of Fifty-Six Thousand, Two Hundred Thirty Six Dollars [\$56,236] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 3

TITLE: SALARY INCREASE PERSONNEL OFFICER

Section 1. The salary of Leonarda Storey, Delaware County Personnel Officer shall be of Sixty-Two Thousand Seven Hundred Thirty Five Dollars [\$62,735] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 4

TITLE: SALARY INCREASE DIRECTOR OF INFORMATION TECHNOLOGY

Section 1. The salary of Joseph deMauro, Delaware County Director of Information Technology shall be of Seventy-Three Thousand, One Hundred Thirty Nine Dollars [\$73,139] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and adopted by the following vote: Ayes 4,414, Noes 141 (DuMond), Absent 251 (Hynes).

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 5

TITLE: SALARY INCREASE DIRECTOR OF EMERGENCY SERVICES

Section 1. The salary of Richard Bell, Delaware County Director of Emergency Services shall be of Forty-Four Thousand, Six Hundred Fifteen Dollars [\$44,615] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 6

TITLE: SALARY INCREASE DIRECTOR OF COMMUNITY MENTAL HEALTH

Section 1. The salary of Patricia Thomson, Delaware County Director of Community Mental Health shall be of Eighty-Four Thousand, Nine Hundred Ninety Seven Dollars [\$84,997] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 7

TITLE: SALARY INCREASE COMMISSIONER OF SOCIAL SERVICES

Section 1. The salary of William Moon, Delaware County Commissioner of Social Services shall be of Ninety-Three Thousand, Three Hundred Thirty One Dollars [\$93,331] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 8

TITLE: SALARY INCREASE DIRECTOR OF VETERANS SERVICE AGENCY

Section 1. The salary of Robert Johnson, Delaware County Director of Veterans Service Agency shall be of Forty-Two Thousand, Eighty Five Dollars [\$42,085] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 9

TITLE: SALARY INCREASE PLANNING DIRECTOR

Section 1. The salary of Nicole Franzese, Delaware County Planning Director shall be of Seventy-One Thousand, Nine Hundred Fifty Nine Dollars [\$71,959] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 10

TITLE: SALARY INCREASE DIRECTOR ECONOMIC DEVELOPMENT

Section 1. The salary of Glenn Nealis, Delaware County Director Economic Development shall be of Seventy One Thousand, Nine Hundred Fifty Nine Dollars [\$71,959] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 11

TITLE: SALARY INCREASE COMMISSIONER OF PUBLIC WORKS

Section 1. The salary of Wayne Reynolds, Delaware County Commissioner of Public Works shall be of Eighty-Six Thousand, Three Hundred Thirteen [\$86,313] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 12

TITLE: SALARY INCREASE PUBLIC HEALTH DIRECTOR

Section 1. The salary of Bonnie Hamilton, Delaware County Public Health Director shall be of Seventy-Six Thousand, One Hundred fifty Three Dollars [\$76,153] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 13

TITLE: SALARY INCREASE COMMISSIONER OF WATERSHED AFFAIRS

Section 1. The salary of Dean Frazier, Delaware County Commissioner of Watershed Affairs shall be of Sixty-Eight Thousand, Six Dollars [\$68,006] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 14

TITLE: SALARY INCREASE COUNTY TREASURER

Section 1. The salary of Beverly J. Shields, Delaware County Treasurer shall be of Fifty-Nine Thousand, Two Hundred Sixty Seven [\$59,267] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes.

Mr. Bracci said that he is in support of the same salaries for the two constitutional officers, the County Treasurer and the County Clerk and believes it is a step in the right direction.

The resolution was unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 15

TITLE: SALARY INCREASE COUNTY CLERK

Section 1. The salary of Sharon O'Dell, Delaware County Clerk shall be of Fifty-Nine Thousand, Two Hundred Sixty Seven Dollars [\$59,267] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

Mr. Rowe recalled the following local law and moved its adoption:

LOCAL LAW INTRO NO. 16

TITLE: SALARY INCREASE COUNTY SHERIFF

Section 1. The salary of Thomas Mills, Delaware County Sheriff shall be of Sixty-Six Thousand, Nine Hundred Thirty Dollars [\$66,930] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

The local law was seconded by Mr. Haynes and unanimously adopted.

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

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

RESOLUTION NO. 192

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$981,853.40 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	\$666,943.17
OET	\$16,708.22
Highway Audits, as Follows:	
Road	\$12,478.56
Machinery	\$59,760.93
Capital Road & Bridge	\$95,552.59
Capital Solid Waste	\$10,377.29
Solid Waste/Landfill	\$120,032.64

The resolution was seconded by Ms. Molé and adopted by the following vote:

Upon a motion the meeting adjourned at 3:00 p.m.