

## ORGANIZATIONAL MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 7, 2009

The Organizational Meeting of the Delaware County Board of Supervisors was held Wednesday, January 7, 2009 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 7, 2009 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2009, 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 Cnty Hwy 18, PO Box 326, Hobart	Stamford
William Layton	634 Pine Swamp Road, Sidney Center	Tompkins
John W. Meredith	129 North Street	Walton

The following Supervisor was absent:  
Samuel Rowe, Jr.

Mr. Marshfield offered the invocation.

Mr. Maddalone 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 of his re-appointment. He remarked that 2009 will be a very challenging year and referenced New York State Governor David Paterson's statement upon release of the state budget. The Governor expressed his concern noting that at least for the next few years all New Yorkers will have to share in the pain and he asked every business sector to pitch in to end what he called "the worst economic downturn since the great depression".

The Chairman thanked the Board and the department heads for their continued efforts to be fiscally responsible. He challenged the department heads to try harder this year to be more careful of spending, new hires and out-of-county travel. He felt that if a greater effort was made to cut all forms of spending it could only help soften the blow. He said it will be a long and bumpy ride, but we will get through it. Our legislators know how we feel and we will continue to keep them aware of Delaware County issues.

Upon a nomination by Mr. DuMond, seconded by Mrs. Capouya, Tina Molé was unanimously re-elected as Vice Chairman.

Upon a nomination by Mr. Utter, seconded by Mr. Axtell, 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.

Chairman Eisel made the following committee appointments:

**2009 COMMITTEE APPOINTMENTS**

**COMMUNITY SERVICES BOARD**

Supervisor Martin Donnelly, Chair  
John Cruden  
Mary McDowell  
Joanne Sampson

**DELAWARE COUNTY PLANNING BOARD**

Donald Kearny  
Mark Lee  
John Reynolds

**HEALTH SERVICES ADVISORY BOARD**

Supervisor William Layton

**DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

James Thomson  
Sally O'Neill  
Andrew Matviak

**TRAFFIC SAFETY BOARD**

Supervisor Pete Bracci  
William Beers  
Tom Glass

Chairman Eisel stated that the oversight committees will remain the same and if there are any changes they will be 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. Hynes offered the following resolution and moved its adoption:

**RESOLUTION NO. 1**

**TITLE: APPOINTMENT OF DEMOCRATIC ELECTION COMMISSIONER**

**WHEREAS**, Democratic Committee Chairman has certified to this Board that Janice Burdick has been designated by the Democratic committee as its choice for Election Commissioner and recommends her appointment;

**NOW, THEREFORE, BE IT RESOLVED** that Janice Burdick be and she hereby is appointed Democratic Election Commissioner for the County of Delaware for the years 2009 and 2010 at the salary stated in the budget.

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

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

**RESOLUTION NO. 2**

**TITLE: RE-APPOINTMENT OF DIRECTOR OF OFFICE FOR THE AGING**

**BE IT RESOLVED** that Thomas Briggs is hereby reappointed as Director, Office for the Aging for a term of two years effective January 1, 2009 and ending December 31, 2010 at the salary contained in the budget.

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

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

**RESOLUTION NO. 3**

**TITLE: RE-APPOINTMENT OF STOP DWI COORDINATOR**

**BE IT RESOLVED** that Lisa Barrows is hereby reappointed as STOP DWI Coordinator for a term of two years effective January 1, 2009 and ending December 31, 2010 at the salary contained in the budget.

The resolution was seconded by Mr. Axtell and Mr. Utter.

Mr. Marshfield stated that he will not support this resolution based on Ms. Barrows unjustified interference in Hamden Town Court proceedings. In his opinion, she went beyond the scope of her county department responsibilities. He felt similar action by her in the future could end up being a liability to this County.

Chairman Eisel stated that for similar concerns he will not be supporting her re-appointment.

Mr. DuMond stated he will support Ms. Barrows re-appointment. In his opinion, she has turned the department into a model DWI program for other counties in New York State. He felt that Ms. Barrows has done an outstanding job.

The resolution was adopted by the following vote: Ayes 3498, Noes 963 (Donnelly,

Valente, Smith, Marshfield, Eisel), Absent 345 (Rowe).

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

**RESOLUTION NO. 4**

**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 2009 to publish local laws and notices.

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

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

**RESOLUTION NO. 5**

**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 2009 to publish local laws and notices.

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

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

**RESOLUTION NO. 6**

**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	\$10,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$5,000,000.00
The National Bank and Trust Company	\$60,000,000.00
Wilber National Bank	\$20,000,000.00
J P Morgan Chase Bank	Unlimited

The resolution was seconded by Mr. Triolo.

Chairman Eisel explained in response to Mr. Meredith, that the County has not done much business with J P Morgan Chase Bank but, they have been offering better rates of interest. He noted that in the future this resolution may be amended to add other financial institutions.

Mr. Meredith encouraged the use of in-county local banks as much as possible to ensure our business stays local.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 7**

**TITLE: APPORTIONMENT OF SURPLUS OF DOG LICENSE  
FEES, PENALTIES AND COSTS 2008  
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, 2008 shows a surplus

of \$7,771.01 after payments made to NYS Ag & Markets for dog license/tag fees and dog damage claims of which 75 % of the surplus amounts to \$5,828.26

**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	\$ 190.65	\$ 118.59
Bovina	\$ 95.56	\$ 59.44
Colchester	\$ 598.06	\$ 372.03
Davenport	\$ 207.05	\$ 128.80
Delhi	\$1,406.07	\$ 874.67
Deposit	\$ 307.57	\$ 191.33
Franklin	\$ 280.44	\$ 174.45
Hamden	\$ 421.95	\$ 262.48
Hancock	\$ 642.28	\$ 399.54
Harpersfield	\$ 184.08	\$ 114.51
Kortright	\$ 245.41	\$ 152.66
Masonville	\$ 179.40	\$ 111.60
Meredith	\$ 356.86	\$ 221.99
Middletown	\$ 895.52	\$ 557.07
Roxbury	\$ 467.71	\$ 290.95
Sidney	\$1,019.36	\$ 634.11
Stamford	\$ 290.69	\$ 180.83
Tompkins	\$ 135.79	\$ 84.47
Walton	<u>\$1,444.76</u>	<u>\$ 898.74</u>
<b>Totals</b>	<b>\$9,369.21</b>	<b>\$5,828.26</b>

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

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

**RESOLUTION NO. 8**

**TITLE: 2008 BUDGET AMENDMENT TO RESOLUTION NO. 150-07  
THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS FOR THE  
TOWNS OF DELAWARE COUNTY - PHASE II  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under the 2005 Safe Drinking Water Act to develop Highway management Plans for Towns Phase II, located in the NYC Watershed Basins of Delaware County; and

**WHEREAS**, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

**WHEREAS**, the Delaware County Planning Department and Delaware County Department of Public Works has the expertise and will partner with individual towns to develop these plans; and

**WHEREAS**, utilizing these funds as personal services creates accounting difficulties for these departments; and

**WHEREAS**, these funds are more accurately described as contractual services; and

**WHEREAS**, the New York State Department of Environmental Conservation has agreed to the transfer of funds from the following line items as listed below; and

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

**FROM:**

10-18741-51000000/8740026/900	Personal Services	\$100,000.00
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**TO:**

10-18741-54327200/8740026/900	Contractual	\$100,000.00
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The resolution was seconded by Mr. Maddalone.

In answer to Mr. Marshfield, Senior Planner Kent Manual said that there are four remaining towns, Masonville, Sidney, Stamford and Tompkins, that are scheduled for this year's Highway Management Inventory. All the other towns have been completed.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 9**

**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 2009.

The resolution was seconded by Mr. Haynes.

Mr. Utter stated that this is a yearly resolution and explained that the Machinery Fund receives its revenue from the rental of equipment by the Road Fund. This resolution is asking for an advance against those funds to purchase authorized expenditures.

Commissioner of Public Works Wayne Reynolds answered in response to Mr. Marshfield, that the amount of revenue raised for the Machinery Fund is based on how many hours a piece of equipment is rented. The 2009 budget lists the anticipated revenue number for the Machinery Fund. This fund usually runs out of equipment rental towards the end of September and there typically is no billing for the remainder of the year as the obligation to the Machinery Fund has been met.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 10**

**TITLE: APPLICATION TO THE 2008-09 NYS DEPARTMENT OF STATE  
LOCAL GOVERNMENT EFFICIENCY (LGE) GRANT PROGRAM  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County is currently conducting an economic impact analysis study to examine the economic and social impacts of the New York City Land Acquisition Program in Delaware County; and

**WHEREAS**, the preliminary findings of the economic impact analysis have indicated a need for Delaware County municipalities to have clearly defined planning initiatives specific to economic development and community preservation; and

**WHEREAS**, the Delaware County Planning Board is engaging a countywide planning effort and is in the early stages of developing a County Comprehensive Plan; and

**WHEREAS**, the New York Department of State Local Government Efficiency Program has funding available and is currently accepting applications for regional planning initiatives that promote large scale, transformative change in municipalities; and

**WHEREAS**, the application request will not exceed \$240,000.00 with Delaware County providing a 10% project cost match of up to \$24,000 of already existing funds, in addition to potential in-kind match commitments;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors hereby authorizes the application titled, “Cooperative Smart Growth Planning Among Delaware County Municipalities”, to the New York Department of State Local Government Efficiency Program to examine local adopted plans throughout Delaware County, address opportunities to gain local intergovernmental efficiencies and clearly address economic development and community preservation goals.

The resolution was seconded by Ms. Molé.

Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier to answer any questions relating to this resolution.

Commissioner Frazier stated in response to Mr. Homovich, that the County will take the lead but, all of the towns will be engaged. The first portion of the project will be the workshops and discussions which will take about eight to ten weeks.

Commissioner Frazier explained the preliminary findings of the economic impact analysis have indicated a need for county municipalities to have clearly defined planning initiatives specific to economic development and community preservation.

Delaware County Planning is currently in the process of developing a County Comprehensive Plan which is engaging countywide planning efforts. The New York Department of State Local Government Efficiency Program has funding available to help counties with regional planning initiatives. The County would be able to achieve the findings without the financial burden.

In reply to Mr. Homovich, Mr. Manuel stated that the subsequent portion, the implementation process at the town level, may take up to six months.

Mr. Homovich encouraged the people in this County to consider their own economic future, to keep abreast of the information that is being put out and address their economic future accordingly.

Mr. DuMond commented that most people do not have an understanding of the gravity of the situation the County faces as a result of New York City Land Acquisition Program.

Mr. Homovich remarked that he believed that New York City is against any economic development this area tries to do. He further stated that he believes New York City's number one priority is to depopulate this area.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 11**

**TITLE: APPROVAL TENTATIVE AGREEMENT  
CORRECTIONS OFFICERS  
PERSONNEL OFFICE**

**WHEREAS**, the Human Resources Committee has reached a tentative agreement with the Delaware County Sheriffs Local 3951, Law Enforcement Officers Union, Council 82 for the terms and conditions of employment for the years 2009, 2010, and 2011.

**NOW, THEREFORE, BE IT RESOLVED** that said tentative agreement is hereby approved as presented to the Board and the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

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

Mr. Bracci stated that the Social Services Committee is withdrawing Resolution No. 12 entitled: *Debt Collection Approval*. The matter has been discussed heavily in several committee meetings and the Committee will be meeting later today to discuss the matter further.

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

**RESOLUTION NO. 13**

**TITLE: NOTIFICATION TO TOWN OR VILLAGE WHEN A COUNTY  
DEPARTMENT IS CONSIDERING ACTION WITH ANY REAL PROPERTY  
WHICH COULD AFFECT THEIR COMMUNITIES**

**WHEREAS**, the Delaware County Board of Supervisors is comprised of the representation of the towns throughout Delaware County; and

**WHEREAS**, it is important for the supervisors and mayors of these towns and villages to be knowledgeable of Delaware County decisions that affect their communities before they occur so these supervisors and mayors can offer guidance, provide support and concern, and be aware

of any proposal that could have an effect on the population of the respective towns or villages

**THEREFORE, BE IT FURTHER RESOLVED**, that when a County department is considering action that would include the acquisition or lease of real property, the County agrees to notify the town or village in which the property is located; and

**BE IT FURTHER RESOLVED**, that this action be instituted as soon as possible to enable the town or village to provide local input.

The resolution was seconded by Mr. Triolo.

Mr. Donnelly stated that he will be voting against this resolution. He felt in a case where the County is interested in the rental or purchase of a property the premise of this resolution could create unfavorable negotiations for the County. Passing this resolution in its current form is not in the best interest of the taxpayers.

Mr. Valente suggested that the wording be amended to allow the towns and villages to be knowledgeable of the County's decisions but, the discussions should be kept confidential.

Mr. Hynes commented that he did not feel there had to be private discussions with the town's supervisor or mayor but, that there should be open discussion with the town and its planning boards.

Mr. Homovich commented that Mr. Hynes' suggestion could be accommodated by calling an executive session to discuss legal issues.

Mr. Meredith stated that he would support this resolution in its current form. In his opinion, the resolution is stating that a department head needs to let the town supervisor or mayor know what is going on in their town or village. If it is information that needs to be kept confidential it should be stated during the discussion.

Mr. Triolo felt the purpose of the resolution was to prevent the town supervisor or mayor from being surprised. Most departments try to notify the towns and villages but, it does not always happen. In his opinion, the town supervisor or mayor are the last people that should be surprised.

The resolution was adopted by the following vote: Ayes 4325, Noes 136 (Donnelly), Absent 345 (Rowe).

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

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

**RESOLUTION NO. 14**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,133,252.32 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	\$1,087,520.99
OET	\$42,469.40
Risk Retention	\$400,000.00
Highway Audits, as Follows:	
Road	\$127,621.65
Machinery	\$335,575.81
Capital Road & Bridge	\$22,130.44
Capital Solid Waste	\$2,857.41
Solid Waste/Landfill	\$115,076.62

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Upon a motion, the meeting was adjourned at 1:45 p.m.