

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS

FEBRUARY 25, 2009

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 25, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Meredith.

Mr. Marshfield offered the invocation.

Mr. Layton 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 Alfretta Doig, known by all as "Sis" as Employee of the Month.

Mrs. Doig was hired as an account clerk/typist in April 1991 and served as a BICS Operator and as a senior account clerk/typist. In this position, she reviews, audits and processes all program related accounts payable for the department, including Public Assistance, HEAP, Medicaid and emergency related programs.

Commissioner Moon complimented Mrs. Doig as being one of the most punctual employees who takes pride in almost never being late for work. She works in a five person unit that manages more than \$25 million each year and works diligently to keep her workload current. She is always available to assist others, enjoys the challenges of her job and always looks to improve her effectiveness and efficiency. Mrs. Doig represents the best of what are the professional expectations for a valued, trusted and appreciated colleague.

Commissioner Moon presented Mrs. Doig with a \$100.00 savings bond. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Chairman Eisel granted privilege of the floor to Chairman of the Planning, Recreation, Culture and Community Committee Thomas Hynes. Mr. Hynes introduced Chief Planner Shelly Johnson-Bennett.

Mrs. Johnson-Bennett advised that the next steps for adoption of the Stream Corridor Management Plans will require adoption by each of the local municipalities. By adopting the plans, towns and villages will open up funding through the New York City Department of Environmental Protection stream programs as well as other funding sources for retrofit and infrastructure projects. Additionally, local adoption further assists with the implementation of the All Hazard Mitigation Plans that were previously adopted by the County and each individual municipality. The local adoption process will include a presentation to each town or village board by Planner Mike Jastremski, along with your assigned Town Planning Advisory Service (TPAS) advisor and a representative from the Delaware County Soil and Water Conservation District (DCSWCD). Mr. Jastremski will reach out to each Supervisor and then provide a packet of information that will include an adoption resolution, a presentation, copies of the plans and a Memorandum of Understanding to be entered into with the DCSWCD. Mr. Jastremski will be asking to come to a town board meeting to discuss the adoption and to schedule a public hearing. If a community would like their Planning Board involved in this process the Supervisor should notify the TPAS advisor or Mr. Jastremski so that arrangements can be made to ensure their participation in the process. If anyone has questions or requires additional information about this process they should contact their TPAS advisor or the Delaware County Planning Department and speak with Mr. Jastremski.

For Standing Committee reports Chairman of Public Works Leonard Utter referenced two memorandums placed on each Supervisor's desk. The first, referenced Line Stripping for 2009 and the other answers questions that were raised on Resolution No. 19-09, proposal no. 23-09 regarding LP gas, storage tanks and piping to Mirabito Energy Group.

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

RESOLUTION NO. 30

TITLE: IN MEMORY OF DAVID C. ANDERSON

WHEREAS, David C. Anderson, passed away on February 2, 2009, having served as the Supervisor of the Town of Delhi from 1978 to 1987, and 1994 to 1997; and

WHEREAS, he was recognized for his hard work, community service and dedication to the County

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extend their sincere sympathy to his family and recognizes with gratitude his many years of service and contributions to Delaware County.

The resolution was seconded by Mr. Bracci and Mr. Marshfield.

Chairman Eisel noted that Mr. Anderson was a very nice man and a good legislature who

served his community well. He pointed to the Delaware County map circa 1856 prominently displayed in the Board of Supervisors room and noted that it was a gift from Mr. Anderson and his wife Ruth.

Mr. Donnelly said that he attended Mr. Anderson's services and extended sympathies on behalf of Chairman Eisel and the Board of Supervisors.

Mr. Bracci commented that Mr. Anderson left the Town of Delhi in a very good financial condition and the resolution sums up his service to his community and the County accurately. In the spring Mr. Anderson could be found many an afternoon at Mid County Auto in his old Model-T. He was sort of a "fixture" around town and will be missed.

Mr. Marshfield remarked that the Board could blame Mr. Anderson for the fact that he is a Supervisor sitting on this Board. He asked Mr. Anderson sixteen years ago if he thought he could possibly be a good town Supervisor. Mr. Anderson gave his approval and the rest is history.

Mr. Hynes said that he had the pleasure of serving on the Board with Mr. Anderson. Mr. Anderson was a very dedicated person. He remembered Mr. Anderson and his lovely wife bringing their furniture to sell at the Old Roxbury Days. Mr. Anderson was a real craftsman and a very talented person.

Mr. Marshfield pointed out that Mr. Anderson made the frame that contains the map he and his wife donated.

Chairman Eisel shared that Mr. Anderson and his wife were sitting at an outdoor Cafe in Andes on Andes Community Day. Chairman Eisel not recognizing him there was surprised to hear Mr. Anderson yell out "what don't you talk to Democrats anymore." Chairman Eisel stated that he was a great guy.

The resolution was unanimously adopted.

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

RESOLUTION NO. 31

**TITLE: 2008 BUDGET AMENDMENT
CONTRIBUTIONS FOR YOUTH AWARDS**

YOUTH BUREAU

WHEREAS, contributions in the amount of \$2,312.50 have been received in 2008 by the Delaware County Youth Bureau to be used for Youth Awards

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

INCREASE REVENUE:

10-17310-42207000	Contributions/Youth Programs	\$2,312.50
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INCREASE APPROPRIATIONS:

10-17310-54663000	Youth Awards	\$2,312.50
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 32

**TITLE: 2009 BUDGET AMENDMENT
COMMUNITY PLANNING GRANT
ECONOMIC DEVELOPMENT**

WHEREAS, the County has been awarded a Community Planning Grant through the NYS Office of Community Renewal in the amount of \$15,000 for the purpose of conducting a current census of agricultural business and the development of a growth and sustainability plan focused on the agricultural industry; and

WHEREAS, agriculture and agricultural related businesses are a key component of the local economy.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors accepts the grant funding and authorizes the Chairman of the Board of Supervisors to enter into a grant agreement with the NYS Office of Community Renewal for the above referenced purpose; and

BE IT FURTHER RESOLVED, that the 2009 budget be amended as follows for the purpose of receiving and expending such funds:

INCREASE REVENUE:

10-16326-43388900/6326008/972	State Otr Culture & Recreation	\$15,000.00
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INCREASE APPROPRIATION:

10-16326-54327000/6326008/972	General Grant Related Expense	\$15,000.00
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The resolution was seconded by Mr. Triolo.

In answer to Mr. Marshfield, Director of Economic Development Glenn Nealis stated that the Department of Economic Development will be following through with the paperwork.

The resolution adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 33

**TITLE: 2009 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 2009 Social Services budget be amended as follows:

INCREASE REVENUE:

10-16141-44464100/6141009/971	HEAP	\$44,813.00
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INCREASE APPROPRIATIONS:

10-16141-51000000/6141009/971	HEAP Personal Services	\$8,000.00
10-16141-58600000/6141009/971	HEAP Fringe	1,729.00
10-16141-54200011/6141009/971	HEAP OFA	7,000.00
10-16141-54200012/6141009/971	HEAP DO	28,084.00

The resolution was seconded by Mr. Hynes.

Commissioner Moon explained in answer to Chairman Eisel, that the original HEAP funding and amendment had been approved prior to the new stimulus package and as such the HEAP program was the only major Social Services program that was not amended. He felt the program was in good shape and the County should have enough funding to address heat related issues through to fall.

The resolution was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 34

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

LETTING OF FEBRUARY 3, 2009

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 1-09 Rental of Construction Equipment to: A. Montano Co., Inc., 571 Route 212, Saugerties, NY 12477; Abele Tractor & Equipment Co., Inc., 72 Everett Road, Albany, NY 12205; Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760; BOTHAR Construction, 170 East Service Road, Binghamton, NY 13901; Boyle Excavating, Inc., 233 Boyle Road, Harpersfield, N.Y. 13786; Clark Companies, Inc., P.O. Box 427, Delhi, N.Y. 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Delaware Bulldozing Corp., 5700 Co. Hwy. 18, Bloomville, NY 13739; Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, N.Y. 13753; Doig Excavating, Inc., PO Box 277, Downsville, NY 13755; Robert H. Finke & Sons, Inc., P.O. Box 127, Selkirk, N.Y. 12158; Gateway Equipment Corporation, PO Box 608, East Syracuse, NY 13057; LaFever Excavating Inc., 3135 County Highway 6, Bovina Center, N.Y. 13740 ; Pawlikowski's Excavating, 1215 Hamden Hill Road, Delhi, NY 13753; Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, N.Y. 12491; Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739; Seward Sand & Gravel, inc., 532 Co. Hwy. 58, Oneonta, NY 13820; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, NY 13206; Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, NY 14450; Waste Recovery Ent., LLC, PO Box 2189, Sidney, NY 13838.

Bid Price: See Summary Sheet

PROPOSAL NO. 3-09

Asphalt Concrete & Related Work for Parking Lots, Sidewalks & Misc. Small Jobs to: Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043

Bid Price: See Summary Sheet

PROPOSAL NO. 4-09

Cutting and Trimming Trees to: A-1 Home Improvement & Tree Service, 91 Bailey Road, Walton, NY 13856

Bid Price: \$106.00Hour w/out chipper
\$112.00/hour w/chipper

**Please note this bid was sent to eight(8) different vendors. Both Asplundh and Reese responded that they will bid our work this year. Award was made to the only other bidder responding.

PROPOSAL NO. 5-09

Liquid Bituminous Concrete & Related Equipment Bid to: Gorman Asphalt DBA American Asphalt, Church Street, Port of Albany, Albany, NY 12202; Central Asphalt Division of Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Peckham Materials Corp., Foot of Union Street, Athens, N.Y. 12015; Vestal Asphalt Inc., 201 Stage Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

Towns may participate in these bids.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Rowe.

Chairman Eisel noted that this process is done each year and is made available to the towns.

The resolution was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 35

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

LETTING OF FEBRUARY 10, 2009

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make award, pending approval from NYSDOT, to the lowest bidder meeting specifications as follows:

PROPOSAL NO.24-09 Replacement of Bridge 2-2, BIN 3352470, County Route 2 over Bagley Brook, Town of Hamden, County of Delaware to:

ING Civil, Inc.
11 Arch Street
Watervliet, NY 12189

Bid Price: \$2,319,000.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Maddalone.

Commissioner Reynolds stated in response to Chairman Eisel, that the bridge spans about 120 feet. There was a great deal of interest and the bids received were very good. He noted that ING Civil, Inc. was formally New Century Construction, LLC.

In reply to Mr. Marshfield, Commissioner Reynolds stated that the project should begin in about a month and half. Although work in the water cannot start until June 15, construction should begin in May.

Commissioner Reynolds explained that the DOT has to make the award based on the original stage construction design. However, he expects that once the award is made, a change order will be presented to the Board based on a value engineering proposal submitted by ING Civil, Inc. which will change the construction design to include a temporary bridge at a savings to the County.

Mr. Utter pointed out that this bridge project is covered by Marchiselli funding which has

a ratio of funding of 80 percent federal, 15 percent State and 5 percent County.

The resolution was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 36

TITLE: AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING PROBATION DEPARTMENT

WHEREAS, the Director of Probation Department/Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives, in order to receive grant funds in the amount of \$8,820.

THEREFORE, BE IT RESOLVED that the Chairman of the Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute and submit an application to the New York Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, New York 12205, for receipt of grant funds in the amount of \$8,820 for Alternatives to Incarceration Funding, for a term commencing January 1, 2009 and terminating December 31, 2009.

BE IT FURTHER RESOLVED, that upon notification of the award of said funds, the Chairman of the Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute any and all grant documents on behalf of the County of Delaware relative to the above.

The resolution was seconded by Mr. Utter.

Director of Probation Scott Glueckert explained in answer to Mr. Marshfield, that although the Electronic Monitoring and Community Service programs are under the umbrella of Probation, the funding sources are separate. The County has a part-time employee whose main responsibility is community service. The process consists of receiving an order from the judge, interviewing the individual and arranging the site and reporting back to the judge when the community service has been completed.

The resolution was unanimously adopted.

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

RESOLUTION NO. 37

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT
WITH THE TOWN OF COLCHESTER
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Town of Colchester has acquired seven new pre-stressed hollow core concrete bridge slab units having been designed for HS-25 loading and having a span length of forty-one feet and a skew angle of 19.5 degrees; and

WHEREAS, the Delaware County Department of Public Works will be able to use these units for the construction of one of its bridges; and

WHEREAS, the Town of Colchester is asking \$40,000 for these precast units.

NOW, THEREFORE, BE IT RESOLVED that DPW is authorized to acquire these units from the Town of Colchester for the purchase price of \$40,000.

The resolution was seconded by Mr. Rowe.

Chairman Eisel granted Mr. Homovich's request to abstain from voting on this resolution.

The resolution was adopted by the following vote: Ayes 4041, Noes 0, Abstain 204 (Homovich), Absent 561 (Meredith).

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

RESOLUTION NO. 38

**TITLE: APPROVAL OF AGREEMENT WITH
LEATHERSTOCKING HEALTHCARE, LLC
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the County of Delaware sold to Leatherstocking Healthcare, LLC the former County Nursing Home on December 21, 2006; and

WHEREAS, pursuant to the terms of said sale, Leatherstocking Healthcare, LLC was to pay to the County after the sale collected accounts receivable; and

WHEREAS, disputes arose over the amounts which were due to the County and in order to avoid further disputes over the amount which was due

BE IT RESOLVED that the Chairman of the Board of Supervisors is authorized to enter into an agreement with Leatherstocking Healthcare, LLC for the payment of said accounts receivable over a period of five years in monthly installments together with interest at the rate of five (5) percent per annum. The approximate amount currently due the County of Delaware is Eight Hundred Eighteen Thousand Eight Hundred Forty Six and 69/100ths (\$818,846.69) Dollars.

The resolution was seconded by Mr. Marshfield.

Mr. Bracci commented that this is a very welcomed agreement. A transfer of a facility this large is bound to create a few problems. He extended thanks to Commissioner Moon, Accountant Joan Chytalo, and the Social Services Committee who put in many hours to bring this to a resolution.

Chairman Eisel thanked County Attorney Richard Spinney who was involved with the negotiations.

Mr. Marshfield stated that he is pleased a settlement was reached with Countryside Care Center as the facility is very important to the community and the County. In defense of the facility, he added, that he believes the financial benefits received from the rebasing helped with the negotiations. He hopes this will make them a stronger business that will be among us for many years to come.

Chairman Eisel noted that the owners were very lucky to receive the rebasing just under the wire as the State is holding back, adding that he agrees with Mr. Marshfield's statement.

The resolution was unanimously adopted.

Mr. Maddalone withdrew the following resolution to be recalled later in the meeting.

RESOLUTION NO. 39

**TITLE: FOUR DAY WORK WEEK
FOR INVESTIGATORS AND SENIOR INVESTIGATORS
SHERIFF'S OFFICE**

WHEREAS, Resolution 289 approved on October 27, 1999 and renewed annually with the approval of the Board of Supervisors, stipulates a four-day, ten-hour work week to the Sheriff's Deputies' road patrol; and

WHEREAS, this scheduling method has proven a successful and efficient model; and

WHEREAS, it has been determined that this model would prove beneficial for the

efficient and effective utilization of the Investigators and Senior Investigators; and

WHEREAS, a Memorandum of Agreement is in place in the current Contract between the County of Delaware and the Delaware County Deputy Sheriff's Police Benevolent Association; and

WHEREAS, the parties wish to extend this Memorandum of Agreement to include the Sheriff's Investigator(s) and Senior Investigator(s) in the Contract currently under negotiation; and

WHEREAS, said agreement:

1. Provides a four-day work week on a trial basis for the period March 1, 2009 through December 31, 2009, when mutually agreed to
2. Requires a vote of the Board of Supervisors near the end of the trial period in order to continue the four-day work week for the year 2010, and requires annual approval of the Sheriff, Employee's Union and the Board of Supervisors thereafter.

NOW, THEREFORE, BE IT RESOLVED that the proposed Memorandum of Agreement between the County of Delaware and the Delaware County Deputy Sheriff's Police Benevolent Association is hereby approved as presented to the Board and the Chairman is authorized to sign this agreement.

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

RESOLUTION NO. 40

TITLE: LEGISLATIVE REQUEST FOR CONTINUATION OF SALES TAX LEVY

WHEREAS, the Delaware County Board of Supervisors requested the New York State Legislature to approve and increase in sales tax levy in May of 2003; and

WHEREAS, the New York State Legislature amended the law to allow for the collection of the 4th 1% sales tax; and

WHEREAS, the Delaware County Board of Supervisors formally adopted the increase on the 9th day of October 2003, allowing for the additional 1% to be collected on sales after December 1, 2003; and

WHEREAS, the law calls for the Board of Supervisors to formally request from the New York State Legislature approval to continue with the additional tax every two years; and

WHEREAS, a continuation of the additional 1% sales tax levy was requested and approved in 2005 and 2007; and

WHEREAS, it has been decided to continue to use the sales tax as a means to help keep the property tax levy at a reasonable level

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors formally request that the New York State Legislature amend Section 1210 of the Tax Law to allow the county to continue the collection of the additional 1% sales tax.

The resolution was seconded by Mr. Triolo.

Chairman Eisel explained in answer to Mr. Rowe, that there is talk about new legislation that will change the current process if a County is not asking in excess of four percent, however, that is not in place at this time. The Board has to pass this resolution first and then the State will provide the required wording for another resolution that will be submitted to the Board for approval.

Mr. Marshfield said he had hoped he could say that the County did not need to pass this resolution but, he learned at Finance Committee meeting this morning that in 2008 the County received \$1 million less in sales tax revenue than it did in 2007. These are difficult times and he expressed concern for future years.

Mr. Rowe pointed out that there will be additional loss of sales tax revenue received from the sale of vehicles as several Delaware County car dealerships are going out of business.

The resolution was unanimously adopted.

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

RESOLUTION NO. 41

**TITLE: CALLING FOR CONTINUED NEW YORK STATE PROPERTY
TAX PAYMENTS ON STATE OWNED LANDS
REAL PROPERTY TAX SERVICES**

WHEREAS, for over 120 years, New York State has held ownership of forest preserve property in the Adirondack and Catskill Parks to conserve ecologically and recreationally significant tracts of land for watershed protection and the general benefit of all New Yorkers; and

WHEREAS, under existing State Statue (RPTL Section 544), New York has been required to pay full local property taxes, “as though privately held”, on all forest preserve lands; and

WHEREAS, the legitimacy of State tax payments on the forest preserve lands was upheld by the NYS Supreme Court's Appellate Division earlier this year in the case of Dillenburg vs. New York State, which gave all Adirondack and Catskill communities assurance that state land taxes on the Forest Preserve were neither arbitrary nor capricious and that these taxes are based on the State's legitimate powers granted to the State Legislature to waive its sovereign immunity from taxation in specified places such as the New York State Forest Preserve; and

WHEREAS, while we all understand the economic difficulties that the State is facing, the Delaware County Board of Supervisors is appalled by the idea that the division of Budget would confuse their obligation to pay ad valorem property taxes with state aid to local communities by proposing a cap on state property tax payments on State Owned Lands to towns, counties and school districts, when it would be far more constructive for state government to work cooperatively with local governments and school districts to reduce state mandates and help reduce property taxes for everyone; and

WHEREAS, included in the Governor's 2009-2010 Budget Proposal are statutory changes that will freeze payments for taxes on State owned lands at the level paid during the State fiscal year 2008-09 and reduce payments in lieu of taxes by six percent from their scheduled amount; and

WHEREAS, these proposals will have a devastating effect on communities within the Adirondack and Catskill Parks; essentially ending the State's century old commitment to steward these vital geographic assets for future generations without placing an undue burden on the host communities; and

WHEREAS, additionally, these proposals would set a dangerous precedent by creating two separate ad valorem tax rates, one for the State and another for private property owners, shifting the State's financial responsibility unequally to local taxpayers in municipalities with the fewest residents and the greatest amount of land; and

WHEREAS, when the State buys more land with a cap in place, it is tantamount to an unfunded mandate on communities that are already burdened by the State's actions; and

WHEREAS, if the State refuses to uphold its obligation to pay the fair share of property tax, the State should not pursue the acquisition of more acreage.

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors, which views the payment of taxes on State Owned lands as a permanent, essential and inviolate commitment from the people of New York State, who benefit so greatly from the Forest Preserve, is hereby opposed to any plan that shifts State spending by amending Section 544 of the Real Property Tax Law and calls on Governor Paterson and the State Legislature to reject this proposal and continue the current system of tax payments on State owned land; and

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors shall forward copies of this Resolution to Governor Paterson, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Ms Molé.

Mr. Utter stated that the Town of Middletown has a large percentage of land that lays within the Catskill Park. He urged the passage of this resolution because he believes that without it, a real burden would be placed on the landowners and taxpayers other than the State of New York.

Mr. Rowe stated that the Town of Hancock has 2,600 acres that would be affected. It would mean a hit to the County of \$12,000, to the Town of \$19,000 and to the fire department of \$2,300. He said the Town of Woodstock sent out a draft resolution asking the town boards to consider passing a similar resolution. He feels something needs to be done and is in favor of this resolution.

Chairman Eisel said that the Town of Harpersfield does not have any state land, but will pass a similar resolution because he believes it is important for all the towns to pass this resolution. The State is still out there purchasing land but, they want to reduce the amount of taxes they are paying on the land they currently have.

Mr. Homovich said that the Town of Colchester has about 17,000 acres, about 42 percent between the City and State that would be affected. The County is impacted when it loses assessment base. He feels it is near criminal that the State feels they should be treated differently than other landowners.

The Town of Colchester currently has about sixty square miles of open space. He pointed out that the State continues to promote this type of thinking, even more so in this area because of the watershed, and then they close the Bear Spring Mountain Campground located on top of Walton Mountain. If the State cannot afford to pay the taxes on the property they currently own, and are looking to close their State Parks, they should reconsider their thinking on open space land acquisitions.

Mr. Homovich referenced the matter of gas drilling and the issues raised by New York City and the environmentalists groups. In his opinion, they do not want this area to survive.

Chairman Eisel noted that Senator John Bonacic also sent around a resolution on this issue.

Mr. Homovich said that Mr. Meredith was going to FOIL the State to find out how much it costs to operate the Bear Spring Mountain Campground. It might be to the County's advantage to operate the park during the summer through one of its programs. He believed the State spent a

lot of money in improvements on the facility.

Chairman Eisel said he understood the parks were closing due to an occupancy rate of less than 20 percent, some of the parks were only 8 percent used.

Chairman Eisel asked Mr. Nealis to report back to the Board at the next meeting with information regarding the closure of the State Parks.

Mr. Homovich said snowmobilers he talked with this winter, said they chose to snowmobile locally this year rather than go north to Tug Hill. In his opinion, this was the most active year for snowmobiling on State land. He felt that the State needed to look at year round usage of the parks.

Mr. Utter noted that the State is also closing the Beaverkill Campground in Roscoe, New York. In his opinion, the small campsites and local ski centers are much needed by the towns and County. He predicted with this economy these facilities will see an increase in usage as people may vacation closer to home.

Mr. Axtell questioned if the Governor's proposal to cap tax on New York State Forest Preserve land also included multi-use land, reforestation land, and other categories of State owned land.

Chairman Eisel replied in answer to Mr. Axtell, that Senator Bonacic's Community Liaison Tina Molé will look into that matter further.

The resolution was unanimously adopted.

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

RESOLUTION NO. 42

**TITLE: CONTRACT TO CONDUCT A SURVEY OF THE GENERAL PUBLIC
REGARDING THE NEW YORK CITY LAND ACQUISITION PROGRAM
WATERSHED AFFAIRS**

WHEREAS, Delaware County is concerned about the economic and social impacts of the land acquisition program on Delaware County; and

WHEREAS, Delaware County commissioned an Economic Impact Analysis to determine those impacts; and

WHEREAS, to increase the strength of the analysis the County commissioned a panel of Economic Impact Advisors to provide expertise to the County for guiding the Economic Impact

Analysis; and

WHEREAS, the Economic Advisors strongly recommended that in addition to the scope of work of the Economic Impact Analysis that Delaware County conduct a scientific survey of the general public regarding the New York City Land Acquisition Program to add strength to the overall analysis; and

WHEREAS, funding to conduct the survey is within the budget for the Economic Impact Analysis.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors authorizes the Chairman of the Board of Supervisors to enter into a contract with Penn State University for professional services to develop and conduct the survey at a cost of \$23,600.

The resolution was seconded by Ms. Molé.

In answer to Mr. Marshfield, Commissioner of Watershed Affairs Dean Frazier explained that currently comments are being taken on the draft document from Delaware County Agencies. Mr. Greg Brown, a consultant from Downeast Group Development Consulting, will be reviewing those comments on March 5th and 6th and the draft document will be modified based on that feedback. The final document should be ready by April 2009.

Mr. Nealis said that the draft document is being reviewed for comments by staff and the expert panel.

Mr. Homovich commented that he strongly disagrees with the comments about the Shokan Reservoir as stated on page 133 of the draft document. He does not feel the County should make any more concessions. He believes if the City buys the land they should pay the taxes.

Mr. Nealis replied in answer to Mr. Homovich, that he and Commissioner Frazier agree with him and have flagged those comments.

The resolution was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

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

RESOLUTION NO. 43

TITLE: EXPENDITURE FREEZE FOR 2009 BUDGET

WHEREAS, the County is implementing a plan to address its financial situation due to the downturn of sales tax dollars and the current federal and state economic crisis;

THEREFORE, the following cost saving measures are necessary to address the County's fiscal situation recognizing the necessity to provide safety and essential services to our citizens

BE IT RESOLVED to freeze new hires and all currently vacant positions that are funded in the 2009 Budget; and

BE IT FURTHER RESOLVED to curtail travel requests to seminars and training conferences; and

BE IT FURTHER RESOLVED there will be no equipment purchases and only contractual purchases that are absolutely necessary to conduct County business; and

BE IT FURTHER RESOLVED that exceptions must be thoroughly substantiated by the department head prior to presentation to the department's oversight committee for approval; and

BE IT FURTHER RESOLVED that exceptions to the above must also receive approval of the Budget Oversight and Finance Committees or in the case of an emergency by the Chairman of the Board.

The resolution was seconded by Mr. Marshfield.

Mr. Bracci noted that it is very evident that the Board's decision to sell Countryside put the County ahead of the curve. He is all for this resolution but, wanted clarification about hiring of essential services personnel.

In answer to Mr. Bracci, Chairman Eisel replied if a position needs to be filled, it will be filled. He explained that there needed to be oversight and control over the process. Not knowing what the State budget will look like it makes sense to curtail hiring in order to prevent possible layoffs if programs are cut.

Mr. Rowe commented that DPW has two vacant positions in the budget that are filled by four part time employees in the summer. He appreciates the fact that the resolution provides for exceptions if needed and agreed that it was important to have the oversight process.

Chairman Eisel noted that he has spoken with Commissioner Moon and the County will go ahead with the Summer Youth Program.

Mr. Homovich said if the time came that the County had to reduce its work force, it would be easier to cut a position that is vacant than to layoff an employee. He believes this resolution protects the employees, the taxpayers, and is fiscally responsible in these times.

The resolution was unanimously adopted.

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

RESOLUTION NO. 44

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,011,448.16 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	\$2,214,194.95
OET	\$66,936.93
Countryside	\$360.00
Highway Audits, as Follows:	
Road	\$320,941.09
Machinery	\$174,869.74
Capital Road & Bridge	\$45,932.81
Capital Solid Waste	\$35,724.00
Solid Waste/Landfill	\$152,488.64

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 45

TITLE: EXECUTIVE SESSION

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

The resolution was seconded by Mr. Haynes and Mrs. Capouya and was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

The meeting reconvened in regular session with all Supervisors present except Mr. Meredith.

Mr. Maddalone re-called Resolution No. 39 entitled *Four Day Work Week for Investigators and Senior Investigators*. The resolution was seconded by Mr. DuMond.

In answer to Mr. Bracci, Sheriff Mills encouraged the passage of this resolution as the four day work week has proven to be an effective scheduling method and has reduced the amount of overtime paid by the County.

The resolution was unanimously adopted.

Upon a motion, the meeting was adjourned at 2:45 p.m.