

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 28, 2009

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 28, 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. Rowe, Mrs. Capouya and Mr. Meredith.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read two letters from Delaware County Sheriff Thomas Mills. In his first letter, Mr. Mills commended Director of Emergency Services Richard Bell and the members of his department for their supportive participation and professionalism exhibited during the recent county-wide arson investigation. The second letter recognized the loyal support received from the dedicated professionals of the county's Probation Department. He praised the ambitious, duty-driven and loyal officers serving under the direction of Director of Probation Scott Glueckert.

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

Chairman Eisel thanked Sheriff Mills for recognizing the collaborative efforts of the county's departments. On behalf of the Board of Supervisors and the residents of the county he thanked the departments for their time and support in solving this case.

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

Ms. Lake began her employment as the long term care assistant in the Office of Long Term Care in July 2006. She came to the department with more than sixteen years as a claims representative with a local insurance company and a background in restaurant operations.

In the capacity of long term care assistant, Ms. Lake provides clerical support to three registered nurse case managers, a caseworker and a unit supervisor. Together they manage more

than 225 community based clients receiving in-home health related and supportive living functions as part of the Medicaid Program. She helps with the initial screening, provides direction and referral to families seeking home health related information and provides information to families and individuals interested in nursing home or adult home placement. She also is certified as a security guard at 99 Main Street under the supervisor of the Director of Investigations.

Commissioner Moon stated that Ms. Lake was nominated for this recognition because of her professionalism, ability to deal effectively with the public and willingness to help where needed. She approaches her tasks with a pleasant attitude and no job is either too small or big for her to take on. Ms. Lake is viewed by her co-workers as a valuable resource.

Commissioner Moon presented Ms. Lake with a \$100.00 Savings Bond and thanked her for her dedication. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service

Ms. Lake expressed her thanks for this recognition and commented that she enjoys her work and the people she works with.

Chairman Eisel introduced Congressman Scott Murphy's Regional Representative Benedict McCaffree. Mr. McCaffree, speaking for himself and on behalf of Congressman Murphy, expressed condolences to the Board, and to the friends and family of John Meredith. He shared that Congressman Murphy remembered fondly meeting with Mr. Meredith and Mr. Homovich at the Walton Fair this past August. He noted that Mr. Meredith had a good and generous spirit that will be missed.

Mr. McCaffree also advised that the Chesapeake Energy Corporation based in Oklahoma City just announced that it would not drill for natural gas within the Upstate New York watershed. Congressman Murphy has issued a statement expressing his disappointment with this decision. His statement indicates that he believes there must be a way to achieve a careful balance between promoting the economic development that exploration could provide while guaranteeing the sustainability of our clean water supply. He is strong in his belief that natural gas drilling is critical to the future economic development of Upstate New York and is committed to working with Delaware County on this issue.

Chairman Eisel pointed out that Commissioner of Watershed Affairs Dean Frazier shared an article on this issue which has been copied and placed on each of the Supervisor's desks.

Mr. Valente stated that he recently read an article about natural gas drilling in the New York Times. In his opinion, the article was written with a negative bias and was filled with misinformation.

Chairman Eisel stated that he was contacted by the New York Times for a comment on

drilling and among other statements he noted that the public hearings on the issue were not held in Upstate New York watershed towns which is unconscionable.

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

Chairman Eisel offered the following resolution and moved its adoption:

RESOLUTION NO. 180

TITLE: IN MEMORY OF JOHN W. MEREDITH

WHEREAS, John W. Meredith passed away on Monday, October 26, 2009, having served as the Supervisor of the Town of Walton from 2004 and as the County Budget Officer from 2006 until his untimely death; and

WHEREAS, John W. Meredith was a truly dedicated public servant for the Town of Walton and Delaware County; and

WHEREAS, John W. Meredith did an outstanding job as budget officer, and was very vocal in support of Delaware County serving as Vice Chairman of the Coalition of Watershed Towns; and

WHEREAS, he will be remembered for his dedication, hard work and his unbounding sense of humor

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

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

Chairman Eisel commented that Mr. Meredith's passing was a shock to us all. He recalled Mr. Meredith being a strong supporter of the Town of Walton and Delaware County, especially in his position as Vice Chairman of the Coalition of Watershed Towns. He shared that when he asked Mr. Meredith to serve on the committee he smiled and answered, "Sure, Jim, I'll be glad to take it. It will just be another meeting that I'll have to attend and not be paid for." Mr. Meredith was unique, an all around good guy and will be missed.

Mr. Utter stated that he served with Mr. Meredith on the Coalition of Watershed Towns and can attest to the fact that Mr. Meredith was a very strong supporter of Delaware County. He was not afraid to step up and offer suggestions that New York City certainly did not like. He made significant contributions to the Coalition and it will be difficult to fill his position.

Mr. Bracci stated that he considered Mr. Meredith his friend, colleague and confidant. He said he was enriched by his friendship and impressed with Mr. Meredith's knowledge.

Mr. Donnelly noted that he served on the Finance Committee with Mr. Meredith and it became the standing joke that whenever Mr. Meredith arrived late he was out chasing his cows. When Mr. Meredith arrived he would confirm that his cows had gotten out again and everyone would laugh with him as he told the story.

Mr. Hynes stated that Mr. Meredith was a man that came into politics at the right time. He was very knowledgeable, always fair and wise for his age. He was just a great young man.

Mr. Homovich commented that Mr. Meredith gave his all in everything he did, his thinking was way ahead of his age and it impressed him that Mr. Meredith knew as much as he did. If he did not have the answer to something, he would research until he found it. Mr. Meredith was a great young man and will be missed.

Mr. Marshfield said that he served with Mr. Meredith on three committees and he was an asset to each of them. He will miss Mr. Meredith's presence on the Board and on the committees they shared.

The resolution was unanimously adopted.

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

RESOLUTION NO. 170

**TITLE: 2009 BUDGET AMENDMENT
ADDITIONAL FUNDS
OFFICE FOR THE AGING**

WHEREAS, the State Department of Transportation has offered to enhance the Transportation Coordination Planning Grant of \$30,000.00 already awarded to Delaware County through the United Way with an additional \$20,000.00; and

WHEREAS, the State Department of Transportation requires that the county would agree to provide up front reimbursement for grant related costs, and in turn voucher for reimbursement from the State Department of Transportation; and

WHEREAS, the county would not be expected to provide additional match for this grant;

THEREFORE, BE IT RESOLVED, the Delaware County Board of Supervisors agree to partner with the State Department of Transportation to draw down this additional grant funding to enhance the existing CTAA Transportation Grant

THEREFORE, BE IT FURTHER RESOLVED, the following 2009 budget amendment be authorized:

INCREASE REVENUES:

10-16772-42270602/6772033/977	Grant From Non-Profit	\$30,000.00
10-16772-43358900/6772033/977	State Other Transportation	\$20,000.00

INCREASE APPROPRIATIONS:

10-16772-54327000/6772033/977	General Grant Related Expenses	\$50,000.00
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The resolution was seconded by Ms. Molé.

In reply to Mr. Marshfield, Office for the Aging Director Thomas Briggs explained that this funding will enhance the Community Transportation Association of America grant (CTAA) received to undertake a survey of the county's transportation resources and how they are currently used. The additional funding will be used to bring in a consultant to review the data and develop a plan to better use these resources.

The resolution was adopted by the following vote: Ayes 3741, Noes 0, Absent 1065 (Rowe, Capouya, Meredith).

Mr. Utter requested that Resolution No. 171 be withdrawn at this time. He explained that on the advice of County Attorney Richard Spinney the resolution would be withdrawn in order not to saddle a new Board with a resolution they had no input into.

RESOLUTION NO. 171 (Withdrawn)

**TITLE: ESTABLISHING THE TIPPING FEE SCHEDULE
FOR WASTES AT THE
SOLID WASTE MANAGEMENT CENTER**

WHEREAS, several waste categories handled at the Delaware County Solid Waste Management Center have tipping fees for acceptance and disposal; and

WHEREAS, the tipping fee schedule is periodically adjusted in response to operating conditions

NOW, THEREFORE BE IT RESOLVED that the existing tipping fees be adjusted to reflect the following schedule:

Friable Asbestos	\$200 per ton
Box Springs and Mattress	\$10 each
Computer units, Monitors, Televisions	\$10 each

Construction and Demolition Debris	\$78 per ton
Contaminated Soils	\$30 per ton
NYC Upgrade WWTP Sludge	\$80 per ton

BE IT FURTHER RESOLVED that the above tipping fee schedule become effective April 1, 2010.

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

RESOLUTION NO. 172

**TITLE: PUBLIC HEARING ON INTRO. LOCAL LAW NO. 1 OF 2009
PROBATION DEPARTMENT**

WHEREAS, the public hearing regarding Intro. to Local Law No. 1 of 2009 establishing regulations authorizing the Delaware County Probation Department to collect an administrative fee of \$30.00 per month was cancelled and needs to be rescheduled;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on Local Law No. 1 on Tuesday, November 10, 2009 at 12:45 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

Mr. Maddalone called up Local Law Intro No. 2. The Local Law was seconded by Mr. DuMond.

INTRODUCTION TO LOCAL LAW NO. 2 OF THE YEAR 2009

**A LOCAL LAW IMPOSING A SURCHARGE ON THE CUSTOMERS OF EVERY
TELEPHONE SERVICE SUPPLIER PROVIDING LOCAL EXCHANGE SERVICE
WITHIN DELAWARE COUNTY TO PAY THE COSTS ASSOCIATED WITHIN
ENHANCED 911 EMERGENCY TELEPHONE SYSTEM SERVICE
DELAWARE COUNTY**

BE IT ENACTED by the Board of Supervisors of the County of Delaware, New York as follows:

SECTION 1 - LEGISLATIVE INTENT

The Board of Supervisors recognized the paramount importance of the health, safety and welfare of the residents of the county and that when the lives or property of its residents are in imminent danger that timely and appropriate assistance must be rendered. The Board has

determined that the enhanced emergency telephone system known as "E911" provides substantial benefits beyond basic 911 systems through the provision of selective routing and automatic number and location identification and that these enhancements not only significantly reduce the response time of emergency services but also represent the state-of-art in fail-safe emergency telephone system technology.

The New York State Legislature has recognized that the cost of implementing, maintaining and upgrading an E911 system is costly and has adopted Chapters 756 and 757 of the Laws of 1989 and Chapter 269 of the Laws of 2009 amending the County Law and the Tax Law to provide counties with a funding mechanism to assist in the payment of the costs associated with establishing and maintaining an E911 system. It is the intent of the Board of Supervisors to fulfill its obligation to provide for the health, safety and welfare of the residents of Delaware County by adopting this Local Law imposing a surcharge on the customers of every telephone service supplier within the county to pay for the costs associated with obtaining and maintaining telecommunication equipment and telephone services needed to provide and maintain an enhanced 911 emergency telephone system to service Delaware County.

SECTION 2 - ESTABLISHMENT OF COUNTY SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM

The county of Delaware hereby adopts the applicable provisions of Chapters 756 and 757 of the Laws of 1989 and Chapter 269 of the Laws of 2009 as it pertains to the county and its emergency telephone system and hereby imposes a surcharge in an amount of thirty-five cents (\$.35) per access line, per month, on the customers of every telephone service supplier with the County of Delaware to pay for the costs associated with obtaining and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve Delaware County.

SECTION 3 - DEFINITIONS

All words and phrases used in this Local Law shall have the same meaning as defined in Chapter 756 of the Laws of 1989 and Chapter 269 of the Laws of 2009 and as specifically defined in this Local Law as follows:

- a). "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
- b). "911 service area" means that area within the geographic boundaries of Delaware County.
- c). "Service supplier" means (I) a telephone corporation which provides local exchange access service within a 911 service area, or (II) a provider of "voice over internet protocol service" or "VOIP service" that provides such service

within a 911 service area.

- d). *“Voice over internet protocol service” or “VOIP service” shall mean any service that (I) enable real-time, two-way voice communications; (II) requires a broadband connection from the user’s location; (III) requires internet protocol compatible customer premises equipment (CPE); and (IV) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.*

SECTION 4. - EFFECTIVE DATE OF IMPOSITION OF SURCHARGE.

All telephone service suppliers which provide local exchange access service within the 911 service area in Delaware County shall add and impose such surcharge to the billing of its customers commencing January 1, 2010.

SECTION 5 - APPLICATIONS; LIMITATION; EXEMPTIONS.

- a). The surcharge established pursuant to this Local Law and Chapters 756 and 757 of the Laws of 1989 and Chapter 269 of the Laws of 2009 shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area in Delaware County.
- b). No surcharge shall be imposed upon more than seventy-five (75) exchange access lines per customer per location.
- c). Lifeline customers and Delaware County shall be exempt form the surcharge imposed under this Local Law.
- d). Customers living in the Town of Deposit in the 467 exchange the surcharge herein set forth shall be paid to the Chief Finance Officer of Broome County for E911 service provided for such customers by Broome County.

SECTION 6 - COLLECTION OF SURCHARGE.

- a). The appropriate service supplier or suppliers serving 911 service area in Delaware County shall act as collection agents for the county and remit the funds collected as the surcharge to the Delaware County Treasurer every month. Such funds shall be remitted no later than thirty (30) days after the last business day of such period.
- b). The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent (2%) of its collections of the surcharge.
- c). The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.
- d). The service supplier shall annually provide to the county an accounting of the surcharge amounts billed and collected.

SECTION 7 - LIABILITY FOR SURCHARGE

- a). Each service supplier customer who is subject to the provisions of this Local Law shall be liable to the county for the surcharge until it has been paid to the county, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.
- b). The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the county, it shall also provide the county with the name and address of any customer refusing or failing to pay the surcharge imposed by this Local Law and shall state the amount of such surcharge remaining unpaid.

SECTION 8 - SYSTEM REVENUES, ADJUSTMENT OF SURCHARGE

All surcharge monies remitted to the county by a service supplier and all other monies dedicated in the payment of system costs from whatever source derived or received by the county shall be expended only upon authorization of the Board of Supervisors and only for payment of system costs as permitted by Chapters 756 and 757 of the Laws of 1989 *and Chapter 269 of the Laws of 2009* and any amendments thereto. The county shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent (5%) of that necessary for the payment of system costs in such fiscal year, the Board of Supervisors shall, by Local Law, reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The Board may also, by Local Law, reestablish or increase such surcharge, subject to the provisions of Chapters 756 and 757 of the Laws of 1989 *and Chapter 269 of the Laws of 2009* and this Local Law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

SECTIONS 9 - EFFECTIVE DATE

This Local Law shall take effect January 1, 2010.

Mr. Hynes referenced Section 7 - Liability for Surcharge and questioned why the county would want to be provided with a list of names and address of customers refusing or failing to pay the surcharge imposed by the Local Law.

In answer to Mr. Hynes, Mr. Spinney stated the wording in that section was original to Local Law 2 of 1994 and was taken from a document provided by the state at the time. The reason for its inclusion is that it provides an option for the county to pursue collection of the unpaid fees if desired.

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

RESOLUTION NO. 173

**TITLE: PUBLIC HEARING ON INTRO. LOCAL LAW NO. 2 OF 2009
E911 PUBLIC SAFETY COMMUNICATION**

WHEREAS, Intro. to Local Law No. 2 of 2009 imposing a surcharge on the customers of every telephone service supplier providing a local exchange service within Delaware County to pay the costs associated within the enhanced 911 emergency telephone needs to be scheduled;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on Local Law No. 1 on Tuesday, November 10, 2009 at 12:50 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

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

RESOLUTION NO. 174

**TITLE: AUTHORIZATION TO SIGN CONTRACTS
CONTROL OF SNOW AND ICE
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED that the Delaware County Commissioner of Public Works and/or Deputy Commissioner is authorized to sign an agreement with the Village of Sidney for the control of snow and ice on the roadways and sidewalks of the inter-county bridge over the Susquehanna River at Sidney for the sum of \$2,000.00 per calendar year. The term of contract will be from January 1, 2010 through December 31, 2011.

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

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

RESOLUTION NO. 175

**TITLE: INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED
AGRICULTURAL DISTRICTS DURING DESIGNATED THIRTY- DAY PERIOD FOR
ANNUAL AGRICULTURAL DISTRICT REVIEW**

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review

period from May 1 to May 30, 2009 in which landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the county established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has to verified that each parcel proposed is “viable agricultural land”, and meets the eligibility requirements for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing, Wednesday, August 26, 2009 at 5:15 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi N.Y. to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural Districts Nos. 2, 3 &14; and

WHEREAS, the Delaware County Board of Supervisors has authorized the preparation of an Agricultural Environmental Assessment form as required by § 303-b of the Agriculture & Markets: Agricultural Districts Law; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby adopt the inclusion of the following properties into Agricultural Districts Nos. 2, 3 &14.

Delhi: Agricultural District No. 2

Tax ID No. 192.-52 (1 ac) field/farm access

Tax ID No. 192.-1-9.21 (138.2 ac) dairy farming

Hamden: Agricultural District No. 3

Tax ID No. 300.-3-3 (157.24 ac) hay, pasture

Franklin: Agricultural District No. 14

Tax ID No. 43.-1-34.3 (2.5 ac) pasture

Franklin: Agricultural District No. 2

Tax ID No. 122.-1-1.12 (64.6 ac) timber, berries, pasture

Tax ID No. 122.-1-17.1 (115.4 ac) timber, berries, pasture

Tax ID No. 165.-1-34.2 (2.7 ac) silviculture

Tax ID No. 165.-1-32.1 (76.3 ac) silviculture

Tax ID No. 165.-1-33 (.93) silviculture

Tax ID No. 100.-1-6.1 (97.7 ac) pasture, maple syrup

Walton: Agricultural District No. 2

Tax ID No. 188.-2-4.3 (2.3 ac) silviculture

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

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

RESOLUTION NO. 176

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
SHERIFF'S OFFICE**

WHEREAS, Resolution No. 269-1990 prohibited county employees from holding more than one county position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

WHEREAS, the Sheriff's Office is experiencing difficulties in recruiting deputies, dispatchers, registered nurses and correction officers; and

WHEREAS, from time to time employees in other county departments are willing to work on a per hour, as needed basis in the Sheriff's Office.

THEREFORE, BE IT RESOLVED that Resolution No. 269 is hereby temporarily waived until December 31, 2010 for county employees who are willing to work on a per hour, as needed basis in the Sheriff's Office.

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

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

RESOLUTION NO. 177

**TITLE: FOUR DAY WORK WEEK
SHERIFF'S OFFICE**

WHEREAS, by Resolution No. 289 of October 27, 1999, the Board of Supervisors approved an agreement with the Delaware County Deputy Sheriff's Police Benevolent Association regarding a four-day work week for the Sheriff's Office personnel assigned to road patrol and investigations; and

WHEREAS, said agreement provides for an annual vote by employees assigned to a four-day work week and the Board of Supervisors in order to continue the four-day work week in the following year; and

WHEREAS, the Sheriff's Office employees participating in the four-day work week have voted in favor of continuing the four-day work week; and

WHEREAS, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2010.

THEREFORE, BE IT RESOLVED that continuation of said four-day work week continue until December 31, 2010 is hereby approved.

The resolution was seconded by Mr. DuMond.

In answer to Mr. Valente, Undersheriff Douglas Vredenburgh stated that the Office has operated on this schedule for ten years and finds it to be the most effective way to provide coverage. He pointed out that the office works on two shifts as opposed to three in order to eliminate possible overtime.

The resolution was unanimously adopted.

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

RESOLUTION NO. 178

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2010**

BE IT RESOLVED that the 2010 budget for the BAGS Landfill in the total amount of \$13,294.00 with \$3,466.25 the apportioned cost to the Town of Sidney be ratified as presented.

The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Mr. Maddalone explained that the actual bill to the county has been paid. This apportionment to Sidney will become part of an account that will include contributions from each of the towns involved with BAGS and will be available if ever an issue arises.

Mr. Spinney explained that BAGS stood for the Towns of Bainbridge, Afton, Gilford and Sidney and was the former landfill for those towns. Because of the way the landfill had to be established the Counties of Chenago, Otsego and Delaware are responsible for the funds but make no contribution. The towns come up with the budget and make the contributions.

Mr. Homovich commented that at that time there were inter-county contracts that the towns signed onto with the counties in order to create their landfill.

In answer to Chairman Eisel, Mr. Spinney noted that the BAGS site existed when the county became involved with the landfill business and the Town of Sidney remained with the BAGS site until it closed.

The resolution was unanimously adopted.

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

RESOLUTION NO. 179

**TITLE: RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE
TO REDUCE STATE SPENDING WITHOUT SHIFTING COSTS FOR STATE
PROGRAMS TO COUNTY GOVERNMENT**

WHEREAS, counties in New York have long served as the principal partner in administering the state's most critical programs in areas such as health, human services and public protection; and

WHEREAS, as part of administering these programs, the state mandates that counties fund a significant portion of these programs through the county budget; and

WHEREAS, these state mandates are the root cause of high property taxes at the county level; and

WHEREAS, the Governor has announced that he intends to call an extraordinary session of the State Legislature to close a current year state budget deficit of at least \$2.1 billion; and

WHEREAS, as state policy makers continue to address the looming state budget deficit it's critical that they draw a clear distinction between "cuts" in state funding and simple cost shifting that requires counties to fund a larger share of state mandated services; and

WHEREAS, counties have no capacity to shoulder more of the state's fiscal burden and in fact, a case can be made that the current level of funding the state provides is not sustainable for the work the state expects counties to perform; and

WHEREAS, as experienced managers who must balance their own budgets, county officials understand and support the need for spending restraint, especially in difficult times; and

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) call on the Governor and State Legislature to reduce state spending without shifting the costs for state programs to county government; and

BE IT FURTHER RESOLVED, that NYSAC believes that by working together, the State and its counties can fashion program efficiencies and changes that provide a real, timely, and mutual fiscal benefit, while minimizing the impact on taxpayers; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this Resolution to

Governor David A. Paterson, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Mr Marshfield.

Chairman Eisel advised that on November 10th the legislature will be meeting again to look at cuts to the budget.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 181
TITLE: 2009 BUDGET AMENDMENT
TRANSFER OF FUNDS
LEGAL AID TO INDIGENTS

WHEREAS, additional monies are needed for the Legal Aid to Indigents Account in order to pay incoming bills

THEREFORE, BE IT RESOLVED that the following transfer be authorized:

FROM:

10-11990-549000000	Contingency	\$150,000.00
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TO:

10-11170-54535060	Professional Fees Attorney	\$150,000.00
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The resolution was seconded by Mr. Triolo.

Mr. Marshfield noted that there may be another request for a transfer before the end of the year. He advised that the Budget Oversight Committee has added an additional \$200,000 to this appropriation for 2010.

In answer to Mr. Bracci, Commissioner Moon said that the department has had more cases this year in family court that qualify for this aid than in the past.

The resolution was adopted by the following vote: Ayes 3741, Noes 0, Absent 1065 (Rowe, Capouya, Meredith).

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

RESOLUTION NO. 182

**TITLE: 2009 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the Children with Special Health Care Needs program has been reorganized with changes in staffing patterns; and

WHEREAS, there are insufficient funds in the 2009 personal services for Children with Special Health Care Needs program

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

FROM:

10-14010-51000000 Personal Services \$6,000.00

TO:

10-14035-51000000 Personal Services \$6,000.00

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 3741, Noes 0, Absent 1065 (Rowe, Capouya, Meredith).

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

RESOLUTION NO. 183

**TITLE: AUTHORIZATION FOR AWARDS
DEPARTMENT OF SOCIAL SERVICES**

Notice to bidders and proposals having been filed and the bidding procedure and documents having been approved by the county attorney

BE IT RESOLVED that the Department of Social Services is authorized to award the lowest bidder meeting specifications as follow:

PROPOSAL NO. 03-09 2010 Ford E-350 12 passenger van

Vision Ford
4545 Ridge Road West
Rochester, New York 14626

Bid Price: \$22,499 FOB to Delhi

The resolution was seconded by Mr. Hynes.

Commissioner Moon explained the department's van was totaled in an accident. In the meantime, the department is using a van transferred from the Office for the Aging. The department initially advertised for a used van but the best bid was almost \$20,000. It was decided to rebid for a new 2009 or 2010 12 passenger van and this bid was received. The decision to purchase a new van made sense based on the dollar amounts. The van will need to be ordered now and delivery will be made in late December.

In answer to Mr. Marshfield, Commissioner Moon advised that the van being used now from the Office For the Aging will go to the auction.

The resolution was adopted by the following vote: Ayes 3741, Noes 0, Absent 1065 (Rowe, Capouya, Meredith).

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

RESOLUTION NO. 184

**TITLE: OPPOSING A NEW STATE FEE
FOR ISSUING LICENSE PLATES
COUNTY CLERK**

WHEREAS, effective September 1, 2009 the New York State Department of Motor Vehicles increased license and registration fees by 25 %; and

WHEREAS, the New York State Department of Motor Vehicles has announced that effective April 1, 2010 they will begin issuing new license plates; and

WHEREAS, another new state fee will add to the costs being borne by New York State residents, with motorists required to exchange license plates and exchange those plates with new state-issued license plates at a cost of \$25.00 each; and

WHEREAS, there is an additional expense of \$20.00 for motorists who wish to keep the same license plate number; and

WHEREAS, County Clerks, including Delaware County Clerk Sharon A. O'Dell, have stated their opposition regarding the effectiveness of the program, noting the last license plate exchange occurred a relatively short time ago in 2001 at a much reduced cost of \$5.50; and

WHEREAS, the Delaware County Board of Supervisors is concerned about the high

number of taxes and nuisance fees being imposed by the state during a recession and urges Governor Paterson to delay or cancel implementation of the license plate exchange fee scheduled to go into effect on April 1, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby declares opposition to the license plate exchange fee, noting concerns about the effectiveness and need for the program and the cost for New Yorkers who are already coping with the ongoing recession, and urges that the implementation of the exchange program be cancelled or delayed; and

BE IT FURTHER RESOLVED that the Clerk of the Delaware County Board of Supervisors is hereby directed to send copies of this Resolution to Governor David A. Paterson, Senator John J. Bonacic, Assemblyman Clifford W. Crouch, and Assemblyman Peter D. Lopez.

The resolution was seconded by Mr. Maddalone.

Chairman Eisel remarked that these are nuisance fees and the county is opposing them.

The resolution was unanimously adopted.

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

RESOLUTION NO. 185

TITLE: APPOINTMENT OF BUDGET OFFICER

WHEREAS, due to the untimely death of Budget Officer John Meredith it is necessary to appoint a new budget officer for the balance of this year

NOW, THEREFORE, BE IT RESOLVED that Town of Colchester Supervisor Robert Homovich is hereby appointed as budget officer for the remainder of 2009.

Chairman Eisel granted Mr. Homovich's request to abstain from the vote.

The resolution was seconded by Mr. Donnelly and Mr. Triolo.

Chairman Eisel noted that Mr. Homovich is a member of the Budget Oversight Committee and is very familiar with the finances of the county.

The resolution was adopted by the following vote: Ayes 3537, Noes 0, Absent 1065 (Rowe, Capouya, Meredith), Abstain 204 (Homovich).

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

RESOLUTION NO. 186

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,794,985.93 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	\$718,004.40
OET	\$64,401.58
Highway Audits, as Follows:	
Road	\$135,819.02
Machinery	\$54,019.43
Capital Road & Bridge	\$237,547.89
Capital Solid Waste	\$486,000.00
Solid Waste/Landfill	\$99,193.61

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 3741, Noes 0, Absent 1065 (Rowe, Capouya, Meredith).

Chairman Eisel announced that the Budget Oversight Committee in conjunction with the efforts of Clerk of the Board Christa Schafer have prepared the 2010 tentative budget for review. He asked that the Supervisors and department heads thoroughly review the budget and contact him, Mr. Homovich, Mr. Marshfield or Mrs. Schafer with any corrections or concerns.

He referenced the summary page of the tentative budget and advised that the Budget Oversight Committee reduced the anticipated 9 percent to a 1.43 percent increase to the county levy. He thanked the members of the Budget Oversight Committee and Mrs. Schafer for putting together an acceptable tentative budget.

Mr. Homovich commented that the departments came in with very good budgets. Any cuts from their budgets were discussed with the department heads and no department was hindered by the cuts. He suggested that the department heads review their budget and get back with any corrections, questions or concerns.

Mr. Marshfield said that he spent a great deal of time on the budget and expressed concern about taking money from the reserve. He felt that next year would be even more difficult.

Chairman Eisel encouraged the department heads to think about spending and ways in

which they could save money throughout the year. He noted that economists are feeling that the recession is over and that the country is now in recovery. If that is true, the county may see an increase in sales tax. A substantial hit for the county this year was the increase in the state retirement payments. If investments are made properly at the state level the county may see a decrease in the state retirement payments in the future.

Mr. Homovich asked that Mr. McCaffree let the legislatures know that the state and federal government cannot expect to balance their budget on the backs of the towns and counties. It is up to their committees to clean up their financial issues on their own. He advised that it was through careful consideration of spending, diligence and commitment to cutting the cost of doing business that the committee was able to present this 1.43 percent change over last year's levy.

Mr. Donnelly thanked Chairman Eisel, Mr. Homovich, Mr. Marshfield and Mrs. Schafer for their dedication and commitment throughout the budget process.

Chairman Eisel appointed Town of Colchester Supervisor Robert Homovich as Chairman of the Budget Oversight Committee and as a member to the Finance Committee.

Chairman Eisel advised that in memory of John Meredith a box for the donation of non-perishable food items will be placed in the lobby until Friday, October 30th. The food will be donated to the Walton Food Bank.

Upon a motion the meeting was adjourned for a short recess and reconvened with all Supervisors present except Mr. Rowe, Mr. DuMond, Mrs. Capouya and Mr. Meredith.

Chairman Eisel noted that a copy of the property exemption form for each Supervisor's town has been placed on their desk and must be attached to their 2010 budget.

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

RESOLUTION NO. 187

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 Ms. Molé and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present except Mr. Rowe, Mr. DuMond, Mrs. Capouya and Mr. Meredith.

Upon a motion, the meeting adjourned at 3:10 p.m.