

ORGANIZATIONAL MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 6, 2010

The Organizational Meeting of the Delaware County Board of Supervisors was held Wednesday, January 6, 2010 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 6, 2010 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2010, including election of a Chairman, Vice Chairman, County Attorney, Clerk and Budget Officer.

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
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
Robert McCarthy	41 Wood Road	Sidney
Michael Triolo	12193 Cnty Hwy 18, PO Box 326, Hobart	Stamford
William Layton	634 Pine Swamp Road, Sidney Center	Tompkins
Bruce E. Dolph	142 North Street	Walton

The following Supervisor was absent:
Samuel Rowe, Jr. 661 Main Street

Hancock

Mr. Marshfield offered the invocation.

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

The Clerk requested nominations for Chairman: Mr. Donnelly nominated James E. Eisel, Sr. The nomination was seconded by Keitha Capouya.

Upon a request for other nominations, Mr. McCarthy nominated Martin A. Donnelly. The nomination was seconded by Mr. Bracci.

Mr. Donnelly respectfully declined the nomination.

James E. Eisel, Sr. was re-elected by the following vote: Ayes: 3850, Noes 611 (McCarthy), Absent 345 (Rowe).

County Clerk Sharon O'Dell administered the Oath of Office to Mr. Eisel.

Mr. Marshfield stated that he has worked with Mr. Eisel for sixteen years and even though he is a democrat working with a republican Chairman of the Board, he has always felt he was treated as good as anyone. In his opinion, Chairman Eisel has always gone the extra mile and felt confident he would continue to do so.

Upon a nomination by Mr. Homovich, seconded by Craig DuMond, Tina B. Molé was unanimously re-elected as Vice Chairman.

Upon a nomination by Mr. Donnelly, seconded by Mr. Utter, Christa M. Schafer was re-elected as Clerk of the Board by the following vote: Ayes: 3850, Noes 611 (McCarthy), Absent 345 (Rowe).

Upon a nomination by Mr. DuMond, seconded by Mr. Bracci, Richard B. Spinney was re-elected as County Attorney by the following vote: Ayes 3850, Noes 611 (McCarthy), Absent 345 (Rowe).

Upon a nomination by Mr. Triolo, seconded by Mr. Valenti, Robert A. Homovich was unanimously elected as Budget Officer.

Chairman Eisel made the following committee appointments:

2010 COMMITTEE APPOINTMENTS

COMMUNITY SERVICES BOARD

Joan Hale

Dr. Michael Freeman

Jack McCready

Patricia Gray

COOPERATIVE EXTENSION SERVICE

Supervisor Don Smith
Supervisor Dennis Valente

DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

George Bergleitner, Secretary
Bill Gross

DELAWARE COUNTY PLANNING

Art Steward
Pat Meile
Art Edel

HEALTH SERVICES ADVISORY BOARD

Dr. Gary Preiser, Medical Director
Margaret Hume, Community Representative
Supervisor Tina Mole
Supervisor Martin Donnelly
Supervisor Keitha Capouya
Supervisor Peter Bracci
Supervisor William Layton
Stephen Hood
Dr. Lone as Medical Advisor

SOIL & WATER CONSERVATION DISTRICT BOARD

Frank Bachler
Supervisor Don Smith
Supervisor Len Utter

YOUTH BOARD

Joe Maddalone

Chairman Eisel thanked the Supervisors for their confidence in his leadership. The coming year will be a very challenging year for all of us but, there is a ray of hope that the economy is turning around. It is imperative that our state legislatures make the necessary cuts to bring the 2010-11 budget into balance. If the state does not cut the county's funding we will be in good shape for the year. The Budget Oversight Committee will be scrutinizing all department requests for overtime, travel, authorizations to fill vacancies and equipment requests. Equipment will be purchased when necessary. Anyone with suggestions to cut costs is encouraged to bring their ideas forward for consideration. Budget Oversight presented a good balanced budget that allows the county to provide the essential services to county residents which is the mission of this Board.

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton to discuss corporate compliance.

Mrs. Hamilton explained that as the result of an unfunded mandate by the medicaid inspector general any organization submitting medicaid billing must be corporate compliant by December 2009. The Department of Public Health Nursing Service submits medicaid billing under several programs and has met its goal to become corporate compliant. As part of the compliance requirements, the Board of Supervisors must receive compliance training. The

Supervisors were given a booklet entitled: *Delaware County Public Health Nursing Service Compliance Program Training Booklet 18 NYCRR 421 Regulation* to read and at the next Board of Supervisors meeting a brief slide show will be presented covering the important points of a good corporate program. Essentially, the program is about having a plan in place to keep fraud and abuse from happening. After the slide presentation, the Supervisors will be asked to sign a statement indicating that corporate compliance training was received.

Chairman Eisel granted privilege of the floor to Countryside Care Center Advisory Committee Member Wayne Marshfield to provide a report on the recent semi-annual committee meeting.

Mr. Marshfield advised that the Countryside Care Center Advisory Group met on December 16, 2009. Those in attendance were: Countryside Care Center resident Barb Race, Clerk of the Board Christa Schafer, Office for the Aging Director Thomas Briggs, Commissioner of Social Services William Moon, Countryside Care Center Community Outreach and Volunteer Services Director Donna Dickson, Countryside Care Center Administrator Kurt Apthorpe, Leatherstocking Healthcare President Ralph Reed, Leatherstocking Healthcare partner Dale Johnson, Town of Roxbury Supervisor Thomas Hynes and himself.

Discussing renovations to the facility, Mr. Marshfield noted that new flooring has been installed in many of the units, and a new whirlpool tub was placed in one unit. New lighting fixtures have been installed in the lobby and there are plans to save electricity by replacing the existing T12 fixtures with T8 fluorescent lighting throughout the facility. In addition, a new sprinkler system will be installed throughout the facility by 2013.

The facility's application for an adult day care wing is in its final stage of the New York State Department of Health process. Their plan is to have thirty-five units designated for adult day care.

To help with the nursing shortage, the facility has created "neighborhood managers" in each unit who would handle all the non-clinical situations. They will be trained as certified nursing assistants and the staff on their unit will report to them freeing up the registered nurses for clinical duties. In addition, the facility outsources their pharmaceuticals, Bassett Healthcare provides medical doctors and the facility also works closely with O'Connor Hospital.

Currently there are 153 residents at the facility. The in-house resident council continues to meet to address issues of concern.

He felt the facility was working fairly well and looked forward to the next meeting.

Chairman Eisel granted privilege of the floor to Committee Chairman of Public Works Leonard Utter. Mr. Utter advised that Commissioner of Public Works Wayne Reynolds placed a handout on each Supervisor's desk regarding fringe benefits to be completed and returned to the Department of Public Works.

Mr. Utter thanked Mr. Marshfield for including Motor Equipment Maintenance Supervisor David Haney, who passed away on December 31, 2009, in his opening prayer. Mr. Haney was a very knowledgeable and talented man who was always up to the task. The department also lost Automotive Mechanic Ted Rotella in October 2009. Both were very good men who he personally worked with when he was on the bridge crew.

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. Valente offered the following resolution and moved its adoption:

RESOLUTION NO. 1

TITLE: RE-APPOINTMENT OF DIRECTOR OF ECONOMIC DEVELOPMENT

BE IT RESOLVED that Glenn Nealis is hereby reappointed as Director of Economic Development for a term of two years effective January 1, 2010 and ending December 31, 2011 at the salary contained in the budget.

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

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

RESOLUTION NO. 2

TITLE: APPOINTMENT OF REPUBLICAN ELECTION COMMISSIONER

WHEREAS, Republican Committee Chairman, Leonard A. Govern, has certified to this Board that William J. Campbell has been designated by the Republican Committee as its choice for Election Commissioner and recommends his appointment;

NOW, THEREFORE, BE IT RESOLVED that William J. Campbell be and he hereby is appointed Republican Election Commissioner for the County of Delaware for the years 2010-2011 at the salary stated in the budget.

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

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

RESOLUTION NO. 3

TITLE: RE-APPOINTMENT OF DIRECTOR OF MENTAL HEALTH CLINIC

BE IT RESOLVED that Patricia Thomson is hereby reappointed as Director, Mental Health Clinic for a term of four years effective January 1, 2010 and ending December 31, 2013 at the salary contained in the budget.

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

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

RESOLUTION NO. 4

TITLE: RE-APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES

BE IT RESOLVED that William Moon is hereby reappointed as Commissioner of Social Services for a term of five years effective January 1, 2010 and ending December 31, 2014

at the salary contained in the budget.

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 3850, Noes 611 (McCarthy), Absent 345 (Rowe).

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

RESOLUTION NO. 5

TITLE: APPOINTMENT DIRECTOR OF VETERANS SERVICES

BE IT RESOLVED that in accordance with Section 357 of the Executive Law, the appointment of John W. Boecke by the Chairman of the Board as Director of Veterans Services for a term of office effective January 1, 2010 and ending December 31, 2011 at the salary contained in the budget is hereby approved; and

BE IT FURTHER RESOLVED that in accordance with Section 148 of the General Municipal Law, John W. Boecke is hereby designated as the person to oversee the burial of members of the Armed Forces of the United States and their families who do not have sufficient means to defray their funeral expenses.

The resolution was seconded by Mrs. Capouya.

Mr. Hynes welcomed and introduced Mr. Boecke to the Board.

He also introduced and thanked Assistant Director of Veterans Services Donna Elderkin for her many years of dedication to the Veterans Services. He applauded her for her daily commitment to keeping the department running since the retirement of former Director Robert Johnson in July 2009.

The resolution was unanimously adopted.

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

RESOLUTION NO. 6

TITLE: RE-APPOINTMENT OF COMMISSIONER OF WATERSHED AFFAIRS

BE IT RESOLVED that Dean Frazier is hereby reappointed as Commissioner, Watershed Affairs for a term of two years effective January 1, 2010 and ending December 31, 2011 at the salary contained in the budget.

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

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

RESOLUTION NO. 7

**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 2010 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. 8

**TITLE: DESIGNATION OF PUBLICATION
OF LOCAL LAWS AND NOTICES: REPUBLICAN**

WHEREAS, the Republican Party having designated The Walton Reporter 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 2010 to publish local laws and notices.

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

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

RESOLUTION NO. 9

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	\$50,000,000.00
Wilber National Bank	\$20,000,000.00

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

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

RESOLUTION NO. 10

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

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

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

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

BE IT RESOLVED that Michael Sabansky, Director of Real Property Services be delegated as the official to authorize corrections as provided in section 556(9)(a) of the Real Property Tax Law.

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

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

RESOLUTION NO. 11

**TITLE: APPORTIONMENT OF SURPLUS OF DOG LICENSE
FEES, PENALTIES AND COSTS 2009
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, 2009 shows a surplus of \$8,317.16 after payments made to NYS Ag & Markets for dog license/tag fees and dog damage claims of which 75 % of the surplus amounts to \$6,237.87

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	\$ 185.64	\$ 116.26
Bovina	\$ 99.83	\$ 62.53
Colchester	\$ 555.74	\$ 348.06
Davenport	\$ 240.92	\$ 150.89
Delhi	\$1,276.00	\$ 799.15
Deposit	\$ 301.95	\$ 189.11
Franklin	\$ 269.06	\$ 168.51
Hamden	\$ 357.19	\$ 223.70
Hancock	\$1,024.57	\$ 641.68

Harpersfield	\$ 180.92	\$ 113.31
Kortright	\$ 210.29	\$ 131.70
Masonville	\$ 172.70	\$ 108.16
Meredith	\$ 492.33	\$ 308.34
Middletown	\$1,077.43	\$ 674.78
Roxbury	\$ 481.73	\$ 301.70
Sidney	\$ 908.23	\$ 568.82
Stamford	\$ 229.10	\$ 143.48
Tompkins	\$ 170.36	\$ 106.69
Walton	<u>\$1,726.04</u>	<u>\$1,081.00</u>
TOTALS	\$9,960.03	\$ 6,237.87

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

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

RESOLUTION NO. 12

**TITLE: AUTHORIZATION OF FOUR DAY WORK WEEK - PUBLIC WORKS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 55 of 1993, as modified, authorizes a four ten hour per day work week in the Public Works Department which is subject to annual approval by the County and Public Works employees,

NOW THEREFORE BE IT RESOLVED, that subject to approval of the Public Works employees, four day work schedules for 2010 are hereby approved in the Public Works Department as follows:

- 1.) January 1 to April 3, 2010: Bridge Crews only.
- 2.) March 21 to October 30, 2010: All Public Works employees, except those employees specifically excluded from the four day work week by agreement with the union, ie. landfill employees, certain engineering staff, etc.
- 3.) November 28 to December 31, 2010: Bridge Crews only.

The resolution was seconded by Mrs. Capouya and unanimously adopted.

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

RESOLUTION NO. 13

**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 2010.

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

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

RESOLUTION NO. 14

**TITLE: 2009 BUDGET AMENDMENT
TRANSFER OF FUNDS
DISTRICT ATTORNEY**

WHEREAS, the office of the District Attorney is in need of a new copy machine; and

WHEREAS, there is insufficient funding in the equipment account to cover the purchase

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

FROM:

10-11165-54658000	Witness Fee	\$1,200.00
10-11165-54535580	Professional Fees Stenographer	\$3,480.00

TO:

10-11165-52200000	Equipment	\$4,680.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

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

RESOLUTION NO. 15

**TITLE: 2009 BUDGET AMENDMENT
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT (00263-(013))
SHERIFF'S OFFICE**

WHEREAS, Governor David A. Paterson has authorized the Commissioner of Motor Vehicles to make a grant available to Delaware County to fund our participation in the statewide "Selective Traffic Enforcement Program" which is devoted to reducing aggressive driving and speeding; and

WHEREAS, participation in the program will result in the award of \$21,700.00 to be used to pay the salaries of the participating officers during the program year October 1, 2009 through September 30, 2010.

NOW THEREFORE, BE IT RESOLVED that the 2009 budget be amended as

follows:

ESTABLISH REVENUE:

10-13310-43338900/3310263/907	State Otr. Public Safety	\$21,700.00
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ESTABLISH APPROPRIATIONS:

10-13310-51327000/3310263/907	Personal Services Expense	\$18,600.00
10-13310-52200001/3310263/907	Equipment Grant	\$3,100.00

The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Sheriff Mills stated that the money was going towards the purchase of an upgraded laser guided radar gun.

Sheriff Mills explained in response to Chairman Eisel that this gun, unlike the current radar gun, has the ability to identify a specific vehicle from a line of traffic.

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

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

RESOLUTION NO. 16

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$855,881.05 were hereby presented to the Budget Oversight Committee for approval for payment on December 23, 2009 prior to presentation to the Board of Supervisors;

THEREFORE, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$579,184.88
Countryside	\$420.00
OET	\$42,594.24
Highway Audits, as Follows:	
Landfill	\$84,030.61
Road	\$53,434.22
Machinery	\$33,991.84
Capital Road & Bridge	\$60,218.44
Capital Solid Waste	\$2,006.82

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$888,908.90 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	\$551,563.27
OET	\$114,263.81

Highway Audits, as Follows:

Landfill	\$60,617.57
Road	\$32,968.13
Machinery	\$56,403.35
Capital Road & Bridge	\$19,092.77
Capital Solid Waste	\$54,000.00

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

Chairman Eisel noted that the 2010 Committee listing has been placed on each Supervisor's desk. He asked if there are any changes needed to please let him know.

Upon a motion, the meeting adjourned at 1:35 p.m.