

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 20, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 20, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Marshfield offered the invocation.

Mr. Donnelly 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 Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton to provide a Medicare Compliance Program training.

Mrs. Hamilton provided a powerpoint presentation entitled: *Delaware County Public Health Nursing Service Compliance Program Training*.

The Medicaid Corporate Compliance mandate came about, in part, due to a review of Medicaid spending at both the federal and state level. In an effort to address instances of Medicaid fraud happening throughout the country New York State has established the Office of the Medicaid Inspector General. In particular to New York State, a whistleblower lawsuit was filed in 1998 for inappropriate billing of speech therapy services. The lawsuit resulted with NYS agreeing to repay Medicaid \$539 million and institute a mandatory compliance program that would require whistleblower hotlines and training for all providers.

Medicaid providers operating under Articles 28 or 36 of the Public Health Law or under Article 16 or 31 of the Mental Hygiene Law or provide care, services and supplies and order, bill or claim \$500,000 or more from Medicaid over a twelve month period are now mandated to become corporate compliant. Public Health's immunization and home visiting programs and the Department of Mental Health's clinics operate under these articles and as a result are mandated to complete a corporate compliance program training. As the governing body, the Board of Supervisors must also receive the compliance program training.

Mrs. Hamilton discussed each of the eight core elements required in an effective compliance program. The core elements are as follows:

1. Policies and procedures to define the compliance program including a code of conduct which promotes commitments to compliance standards.
2. The designation of a Compliance Officer. Delaware County designated Public Health Nursing Service Director of Patient Services Wayne Shepard as the Compliance Officer. Mr. Shepard can be reached at 607-832-8116.
3. Development of an in-service training program so that all of the workforce is educated on the compliance program. The training will also include executives and the governing body of

the Agency.

4. Open lines of communication for reporting by all of the workforce. This includes an established anonymous and confidential hotline. The hotline number for Delaware County is 607-656-9356 and is available 24/7.

5. Written expectations for reporting and resolving issues including sanctions for non-compliance.

6. A system of self-evaluation to catch potential problems before they can become real issues.

7. Correction processes are in place for taking steps for improvement when issues are found.

8. A written policy for non-intimidation and non-retaliation for good faith participation in compliance program.

Mrs. Hamilton announced that the Department of Public Health Nursing has had an established system of checks and balances designed to detect and prevent inaccurate billing and inappropriate practices. However, upon completion of the compliance training program and a review of the Agency's standard practices additional new policies were developed to further ensure compliance.

She stressed that open lines of communication are vital to an effective compliance plan. If there is an actual or potential problem, workforce members are encouraged to follow the proper channels for good faith reporting. If after the proper channels have been exhausted with no satisfaction the Office of Medicaid Inspector General has an online report site: <http://www.omig.state.ny.us/data/contnet/view/50/224/> and a toll-free hotline number 1-877-873-7283 that should be used to report the concern.

The Supervisors were asked to sign an Attestation Form upon completion of the presentation. The form will be retained as proof of their completion of the Medicaid Compliance Program training.

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

RESOLUTION NO. 17

TITLE: IN MEMORY OF MARINE CORPORAL NICK UZENSKI

WHEREAS, Marine Corporal Nick Uzenski of Franklin, New York, a member of the 3rd Reconnaissance Battalion Marine, gave his life while serving his country in Afghanistan on January 11, 2010; and

WHEREAS, he was awarded the National Defense Service Medal, the NATO International Security Assistance Force Medal and the Global War on Terrorism Service Medal; and

WHEREAS, he was a tremendous asset to his battalion and will be remembered for his courage and bravery

NOW, THEREFORE BE IT RESOLVED that this Board express its gratitude for Marine Corporal Nick Uzenski's service to his country and its condolences to his family, friends and the community of Franklin for their loss.

The resolution was seconded by Mr. Rowe.

Chairman Eisel stated that Corporal Uzenski gave the ultimate sacrifice for his country and is truly a Delaware County hero. He offered condolences on behalf of the Board to the family of Corporal Uzenski.

The resolution was unanimously adopted.

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

RESOLUTION NO. 18

**TITLE: 2010 BUDGET AMENDMENT
RECEIPT OF A GRANT FOR IMMUNIZATION
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the New York State Department of Health has been awarded American Recovery and Reinvestment Act funds for Immunization for Delaware County; and

WHEREAS, the New York State Department of Health will award grant monies to Delaware County Public Health Nursing Service in the amount of \$20,000 to support local immunization activities; and

WHEREAS, the goal is to conduct education and public awareness and increase availability of immunization services

THEREFORE, BE IT RESOLVED that the 2010 budget be amended as follows:

REVENUE ACCOUNT:

10-14013-44440100/4013001/904	Federal Public Health	\$20,000.00
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APPROPRIATION ACCOUNT:

10-14013-51327000/401300/904	Personal Services Grants	\$ 1,200.00
10-14013-52200001/401300/904	Equipment Grants	\$15,531.00
10-14013-54327000/401300/904	General Grant Related Exp	\$3,177.00
10-14013-58332700/401300/904	Social Security Grant	\$74.00
10-14013-58932700/401300/904	Medicare Emp Contrib Grants	\$18.00

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 19

**TITLE: 2010 BUDGET AMENDMENT
RECEIPT OF A GRANT
FOR CONTINUING MEDICAL EDUCATION PROGRAM
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the Rural Healthcare Alliance of Cornell Cooperative Extension of Delaware County has been awarded a grant to support health care initiatives; and

WHEREAS, the Rural Healthcare Alliance will award grant monies in the amount of

\$10,000 to support web based online continuing medical education for EMS providers in Delaware County; and

WHEREAS, online continuing medical education program will provide refresher courses for up to 250 Delaware County EMS providers online, which includes EMT's up to Paramedics; and

WHEREAS, Delaware County Public Health Nursing Service recognizes that it is important to provide training to all EMS personnel to keep certifications current in order to provide EMS services for Delaware County

THEREFORE, BE IT RESOLVED that the 2010 budget be amended as follows:

REVENUE ACCOUNT:

10-14189-42270602/4189005/904	Grants from Nonprofit	\$10,000.00
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APPROPRIATION ACCOUNT:

10-14189-54327000/4189005/904	General Grant Related Exp	\$10,000.00
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The resolution was seconded by Mrs. Capouya and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 20

**TITLE: DESIGNATION OF DELAWARE COUNTY
AS LOCAL SPONSOR FOR SNOWMOBILE GRANT
PLANNING DEPARTMENT**

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has made funds available to develop and/or maintain snowmobile trails in New York State; and

WHEREAS, applications for grants for such development and/or maintenance of snowmobile trails require a local government sponsor; and

WHEREAS, the Delaware Otsego Chenango Snowriders, the Hamden Hill Ridge Riders, the Maywood Snow Riders, the Otego Snow-Goers, The Delaware Valley Ridge Riders, the Central Catskill Trail Association and the D & D Snowdiggers have applied for said funds for the development and/or maintenance of snowmobile trails in Delaware County;

NOW, THEREFORE, BE IT RESOLVED that Delaware County is hereby declared as the Local Sponsor for this application under the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Grant Program;

BE IT FURTHER RESOLVED that the Planning Department budget be amended to receive and dispense these moneys in compliance with the requirements of the Preservation Snowmobile Trails Grant Program as follows:

REVENUE:

10-17989-43388900/8020014/908	State Otr Culture & Recreation	\$116,680.00
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APPROPRIATION:

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 21

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

LETTING OF DECEMBER 16, 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 New York State Department of Transportation approval thereof, to the lowest bidder meeting specifications as follows:

PROPOSAL NO. 24-10 County Route 21 Pavement Rehabilitation Project, (American Recovery and Reimbursement Act Funded Project ARRA) Town of Franklin, County of Delaware to:

Contour Construction, LLC
PO Box 434
Binghamton, NY 13902

Bid Price: \$417,937.00

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. Rowe.

In answer to Chairman Eisel, Mr. Utter stated that there were three good bids, two were very competitive.

In reply to Mr. McCarthy, Chairman Eisel explained that the Department of Public Works follows a pavement management plan that allows for a cycle of routine maintenance and infrastructure repair.

Mr. Utter explained in response to Mr. McCarthy, that the department had plans to reconstruct a portion of County Route 21 prior to the availability of the stimulus money. The ARRA stimulus funding had very rigid project requirements that severely limited eligible projects. County Route 21 was one of the few county roads eligible for the stimulus money. The Public Works Committee along with the Commissioner of Public Works Wayne Reynolds made the determination that using the stimulus money to reconstruct the section of County Route 21 was the best use of the stimulus money and provided a savings to the county.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 22

**TITLE: TRANSFER OF DELAWARE COUNTY
COUNTRYSIDE CARE CENTER FUNDS**

WHEREAS, upon closure of the Delaware County Countryside Care Center Enterprise Funds, the remaining cash balance was transferred to the General Fund; and

WHEREAS, the County General Fund continues to receive monthly payments in settlement of an established Accounts Receivable due from the sale of Countryside; and

WHEREAS, the Delaware County Workers' Compensation Self Insurance Fund has ongoing obligations to pay for workers' compensation benefits to former employees of the Delaware County Countryside Care Center also known as the Delaware County Infirmary

NOW, THEREFORE BE IT RESOLVED that the sum of \$3,139,543.47 together with any future receipts be transferred from the General Fund to the Delaware County Self Insurance Fund.

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

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

RESOLUTION NO. 23

TITLE: EXPENDITURE FREEZE FOR 2010 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 2010 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. Triolo.

Chairman Eisel noted that this resolution has become a yearly resolution passed by the Board to reinforce the county's commitment to address spending.

The resolution was unanimously adopted.

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

RESOLUTION NO. 24

**TITLE: STIPULATION WITH VILLAGES IN
TAX FORECLOSURE PROCEEDING
TREASURER'S OFFICE**

WHEREAS, the County of Delaware has commenced a tax foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law of the State of New York and said proceeding is returnable before the New York State Supreme Court Delaware County, March 19, 2010; and

WHEREAS, said proceeding effects tax liens of both the County and several villages of Delaware County

NOW, THEREFORE, BE IT RESOLVED the County Attorney is authorized to stipulate with said villages that the County of Delaware will take title to such properties that upon sale of said properties the County will divide with the appropriate village the proceeds of said sale in proportion to the agreement upon "Notice of Stipulation."

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

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

RESOLUTION NO. 25

**TITLE: RESOLUTION APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS
BY COUNTY OF DELAWARE INDUSTRIAL DEVELOPMENT AGENCY
TO FINANCE A CERTAIN MANUFACTURING FACILITY PROJECT
FOR DEPOSIT WOOD PELLET, LLC.
ECONOMIC DEVELOPMENT**

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 531 of the Laws of 1971 of the State of New York (herein collectively called the "Act"), the Board of Supervisors of Delaware County, New York (the "Board of Supervisors") has heretofore appointed the Chairman and members of the County of Delaware Industrial Development Agency (the "Issuer") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 908 of the General Municipal Law of the State of New York; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Act to issue its revenue bond to finance the cost of the acquisition, construction and

renovation of one or more “projects” (as defined in the Act), to acquire, construct and renovate said projects or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Deposit Wood Pellet, LLC, a Delaware limited liability company (the “Company”), has requested that the Issuer consider undertaking a project (the “Project”) consisting of the following: (A) (1) the acquisition of a leasehold interest in a parcel of land (the “Leased Land”) comprising a portion of up to an approximately 60 acre parcel of land located at 1580 Airport Road in the Town of Deposit, Delaware County, New York (the “Licensed Land”), together with a license (said license and said leasehold interests being collectively referred to as the “Land”) providing access to the Licensed Land and approximately 19 buildings containing in the aggregate approximately 195,750 square feet of space located thereon (collectively, the “Existing Facility”) for the purposes of undertaking and completing the Project, (2) the removal of a portion of the Existing Facility, (3) the renovation of the remainder of the Existing Facility, (4) the construction on the Leased Land of an approximately 40 ,000 square foot addition (the “Addition”) to the Existing Facility, (5) the making of other improvements to the Leased Land and the Existing Facility, including paving (collectively, the “Improvements” and collectively with the Addition and the renovated portion of the Existing Facility, being sometimes referred to as the “Facility”) and (6) the acquisition and installation of certain machinery and equipment (the “Equipment”) therein and thereon, all of the foregoing to constitute a wood pellet manufacturing facility (the Land, the Existing Facility, the Addition, the Improvements and the Equipment being collectively referred to as the “Project Facility”); (B) the financing of all or a portion of the costs of the foregoing by the issuance of revenue Obligations of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$9,000,000 and in any event not to exceed \$10,000,000 (the “Obligations”); (C) paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from sales and use taxes, real property transfer taxes, transfer gains taxes, mortgage recording taxes and real estate taxes (collectively with the Obligations, the “Financial Assistance”); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Issuer; and

WHEREAS, the Board of Supervisors of Delaware County has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the cost of acquiring, constructing and installing the Project Facility, together with incidental costs in connection therewith, which principal amount is presently estimated to not exceed \$10,000,000; and

WHEREAS, the Company has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 144(a) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Obligation will not be excludable from gross income for federal income tax purposes unless the issuance of the Obligations shall be approved by this Board of Supervisors after the Issuer has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, the Executive Director of the Issuer (A) caused notice of a public hearing of the Issuer (the “Public Hearing”) pursuant to Section 859-a of the Act and Section 147(f) of the Code, to hear all persons interested in the Project and the financial assistance being contemplated by the Issuer with respect to the Project, to be mailed on October 14, 2009 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is or is to be located, (B) caused notice of the Public Hearing to be posted on October 16, 2009 on a bulletin board at the Deposit Town Hall, 3 Elm Street in the Town of Deposit, Delaware County, New York, (C) caused notice of the Public Hearing to be published on October 21, 2009 in The Deposit Courier, a newspaper of general circulation available to residents of the Town of Deposit, Delaware County, (D) conducted the Public Hearing on November 19, 2009 at 12:00 o’clock, p.m., local time at the Deposit Town Hall, 3 Elm Street in the Town of Deposit, Delaware County, New York, and (E) prepared a report of the Public Hearing (the “Report”) which fairly summarized the views presented at the Public Hearing and distributed same to the members of the Issuer and to the Board of Supervisors; and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Supervisors desires to allow the interest on the Obligations to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that neither the Obligations nor any other obligation of the Issuer shall be a debt of Delaware County, New York, nor shall Delaware County, New York be liable thereon; and

WHEREAS, the Town of Deposit Planning Board acting as lead agency under the State Environmental Quality Review Act conducted a coordinated review and issued a negative declaration

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Delaware County, New York as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Obligations for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 144(a) of the Code, the Board of Supervisors, as the elected legislative body of Delaware County, New York, hereby approves the issuance by the Issuer of the Obligations, provided that the Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, Delaware County, New York or any political subdivision thereof (other than the Issuer), and neither the State of New York, Delaware County, New York nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

The resolution was seconded by Mr. Hynes.

Mr. Valente noted that Deposit Wood Pellet, LLC. is an experienced firm expected to create twenty-one jobs in the county.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 26

**TITLE: OPPOSITION TO THE NEW YORK STATE ATTORNEY GENERAL'S
ACTIONS ON DELAWARE COUNTY HEALTH CARE FACILITIES
WITHIN THE NEW YORK CITY WATERSHED**

WHEREAS, on January 12, 2010 the NYS Attorney General announced a great victory for advocates of water quality protection by his actions involving seven Delaware County health care facilities in the New York City Watershed; and

WHEREAS, the Attorney General claimed these facilities were improperly dumping excess pharmaceuticals into the water supply; and

WHEREAS, these facilities were disposing of their pharmaceuticals according to existing state and federal law consistent with all other facilities in New York State where his actions resulted in the national media portraying these facilities as willing and uncaring polluters; and

WHEREAS, no national or state water quality standards exist for pharmaceuticals; and

WHEREAS, the Food and Drug Administration states that the “majority of medicines found in the water system are a result of the body’s natural routes of drug elimination (in urine or feces). Scientists, to date, have found no evidence of harmful effects to human health from medicines in the environment” (January 2010); and

WHEREAS, these health care facilities met and cooperated with the Attorney General’s Watershed Inspector General under the false impression of developing a method of disposing of excess pharmaceuticals in the safest, affordable and environmentally sound manner; and

WHEREAS, months later the Attorney General’s office served these facilities threatening them with daily fines of tens of thousands of dollars unless they complied with the Attorney General’s demands; and

WHEREAS, the Attorney General ignored using the Watershed Protection and Partnership Council formed as part of the landmark 1997 Memorandum of Agreement between all watershed parties to resolve watershed issues; and

WHEREAS, the Attorney General ignored the New York State Departments of Health and Environmental Conservation statewide working group that is currently developing new guidelines to assist facilities in disposing of pharmaceuticals in a more effective and environmentally sensitive way; and

WHEREAS, healthcare facilities in the New York City Watershed were targeted and discriminated against by the Attorney General when his office created and applied a standard that does not exist state-wide for blatant politically motivated reasons increasing costs to these facilities and ultimately their clients; and

WHEREAS, Delaware County objects to using the power of the Attorney General’s office to single out healthcare facilities in the New York City Watershed in Delaware County; and

WHEREAS, the unseemly decision to use these facilities as political pawns in his zeal to become Governor raises questions about his character, judgment and abuse of power, reflecting the worst of political officials and casts a cloud of disgrace and dishonor on the People's office of Attorney General; and

WHEREAS, were this to happen in New York City no fines or fees would have been imposed nor would they have seen the light of day; and

WHEREAS, Delaware County is fully aware of the emerging trend of concern over pharmaceuticals in the water, our Delaware County Action Plan for Watershed Protection record shows that we would have collaborated with the Attorney General's office to address the problem had the Attorney General been truly concerned about the issue; and

WHEREAS, Attorney General's role of obstructionist in negotiations between the Coalition of Watershed Towns and the City of New York for the renewal of the City's new Land Acquisition Permit when combined with the Attorney General's actions on these health care facilities has put that new Land Acquisition Permit negotiations in jeopardy.

NOW, THEREFORE BE IT RESOLVED, that Delaware County demands nothing less than the full settlement agreement be vacated and the full reimbursement of all fines and all compliance costs associated with the Attorney General's actions; and

BE IT FURTHER RESOLVED, that Delaware County expects the Attorney General's office to operate within the limits of its designated State role and conduct itself in a fair minded manner during Land Acquisition Permit negotiations if his goal is to see the City's new Land Acquisition Permit become a reality without a challenge by Delaware County; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Governor Patterson, Commissioner of the NYS Department of Health Richard F. Daines, M.D., Commissioner of the NYS Department of Environmental Conservation Peter Grannis, US Senators Charles Schumer and Kirsten Gillibrand, US Congressmen Scott Murphy and Maurice Hinchey, NYS Senator John Bonacic, NYS Assemblymen Clifford Crouch and Peter Lopez, NYS Attorney General Andrew E. Coumo, USEPA Region 2 Administrator Judith Enck, NYC Mayor Bloomberg, Executive Director of the Watershed Protection and Partnership Council William Harding and all Coalition of Watershed towns and counties.

The resolution was seconded by Mr. Bracci.

Mr. Utter urged the Supervisors to vote in favor of this resolution and explained that when he first heard of this action by the Attorney General's office he thought it was a statewide mandate. When it came to light that this was not a statewide mandate but, the action of an over zealous employee of the New York State Attorney General's office with a desire to make a name for himself he became infuriated. In his opinion, this is typical of the actions we have faced since representatives of New York City arrived in Delaware County. This is a blatant breach of the Memorandum of Agreement (MOA). The Attorney General's office has singled out the New York City Watershed within Delaware County to invoke these special rules. These actions have severely put any hope of our land acquisition lawsuit in jeopardy. He feels that Delaware County needs to stand up and be counted.

Mr. Bracci stated that he fully supports this resolution and as a sitting member of the Coalition of Watershed Towns, he knows first hand the support of the watershed community on this issue. He remarked in particular about a representative of the Attorney General's office,

Watershed Inspector General Philip Bein who has been an obstacle since he started. After all the work that has been done to foster the feeling of well being with New York City and the other partners, it is unthinkable that Mr. Bein could step in and be so disruptive as to warrant a resolution like this.

Mr. Homovich remarked that it seems the residents who live in the New York City watershed live by one set of rules and the New York City residents live by another set. If the Attorney General is going to look into laws to investigate the watershed then he should look at the dual standards of the application of the law by the Environmental Protection Act and the New York State Department of Health (NYSDOH) pertaining to the 1989 Surface Water Act. Science and the law states that New York City's water has to be filtered to be potable. The NYSDOH enforces the law and admits that they will not take the Attorney General's office on. If the Attorney General's office is so concerned about protecting the watershed they should be as concerned about protecting their 9 million people from drinking unpotable water. In his opinion, the Attorney General does not have the courage to enforce the law on New York City.

Mr. Bracci referenced a January 2010 article in The Daily Star entitled "*4 Facilities Fined For Dumping Drugs Into Reservoirs.*" It should be noted that the facilities were following the mandates of the NYSDOH laws. It was pointed out to him by a director of one of the county's healthcare facilities that out of all the drugs this facility disposes of by putting the excess down the drain only 1/10th of 1 percent of all the medications that are disposed of in this manner actually ends up in the septic system. At that 1/10 of 1 percent, 90 percent of the pharmaceutical waste is excreted through normal bodily functions. We are looking at a trace amount of elements that are not even measurable. In his opinion, the question becomes why would the Attorney General's office single Delaware County out. He believes the reasons are obvious.

Mr. Dolph commented that the Town of Walton is also dealing with this issue. It is hard to understand the Attorney General's opinion on this issue, why they feel the residents of the City of New York deserve better care than the rest of the state. If the NYSDOH pharmaceuticals law is safe throughout New York State then why is it not safe for the residents of New York City. It is unfair to expect residents of upstate New York to live a poorer quality of life in comparison to the New York City residents.

Chairman Eisel remarked that everyone is in someone's watershed. The New York City watershed in Delaware County is being discriminated against because it supplies water to the 9 million people in New York City. The established laws and regulations have to apply to everyone in the state, not just to the people in the watershed.

Mr. Hynes remarked that he believes New York State will see a statewide regulation on this issue. He explained that he is the President of the Kirkwood Adult Home in Roxbury which is a small 21 bed facility. One of the few adult homes left in the state due to the impact of regulations imposed by the state. He explained this all started with a telephone call from the Attorney General's office asking to do a survey of the establishment. The survey was completed and about two months later a subpoena was received at the facility stating that a fine of \$30,000 was being imposed for dumping excess pharmaceuticals into the water supply. This was a very sneaky backhanded way to get into the facility and in his opinion will shut down the facility if it is made to pay the fine. At this point the facility has not paid the fine awaiting the outcome of the Board's protest of the issue.

Chairman Eisel felt it fair to say that up until this time the targeted organizations have followed the existing regulations. It has always been the practice to flush an any unused excess medications down the toilet. Maybe the law has to change but, it cannot be done on the backs of

these institutions in the watershed.

Mr. DuMond stated that he sees the Attorney General's actions as a slap in the face to upstate, New York and something our residents have been dealing with for a long time. It is very obvious that New York City is trying to force our residents out and this action is confirmation of that. New York City is fully aware that shutting down these facilities will severely affect our quality of life. It is also obvious that we are the only ones following the MOA. Perhaps it is time to reevaluate and consider, as Mr. Homovich has alluded to, playing the trump card.

Mr. Rowe referenced the sixth paragraph of the resolution "these health care facilities met and cooperated with the Attorney General's Watershed Inspector General under the false impression of developing a method of disposing of excess pharmaceuticals in the safest, affordable and environmentally sound manner" pointing out that this is what infuriates him the most. The Town of Hancock is not bound by the watershed but supports the fight. We try to be proactive, good neighbors and team players. This is not the first time we have been treated like this. In his opinion, the next time New York City comes calling we should tell them that we do not want to talk to them.

Chairman Eisel noted there are actions that can and will be taken if New York City and the Attorney General's office is not going to work in partnership with us.

Mr. Rowe stated that New York City is not a team player, we continue to try but, he believed it was time to go to the next level.

Mr. Donnelly felt that residents might not be aware of what was happening to our health facilities and suggested the local papers might provide front page coverage of the issue with a headline reading "local facilities desperately needed by our communities cited by the New York State Department of Health for following its existing regulations."

Chairman Eisel noted that the Attorney General's office came in under the guise of a feel good survey in March 2009. Everyone complied, and there was no reason not to as our residents also drink the water. For the Attorney General to take this action against our people is unconsciousable.

Mr. Bracci stated that the word for the actions taken by the Attorney General's office is extortion. It is very upsetting that the partnership with New York City that we have worked so hard for and have done so well with is now jeopardized.

The resolution was unanimously adopted.

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

RESOLUTION NO. 27

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,857,993.42 are hereby presented to the Board of Supervisors' for approval of payment;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,265,621.30
Countryside	\$420.00
OET	\$73,662.58
Highway Audits, as Follows:	
Landfill	\$65,856.60
Road	\$97,148.12
Machinery	\$64,398.36
Capital Road & Bridge	\$290,886.46
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 28

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present.

Upon a motion, the meeting adjourned at 2:43 p.m.