

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 13, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 13, 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 except Mr. Valente.

Mr. Marshfield offered the invocation.

Mr. Bracci 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.

The Chairman called on Director of Emergency Services Richard Bell to give a brief summation of the September 30th and October 1st rainfall which caused flooding in various towns and villages across the county. Mr. Bell advised that the county sustained \$2.1 million in municipal damages. He noted that assessment evaluations are still being made across the state and at this time we do not know if the state is eligible to make an application for federal assistance.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier provided the Supervisors with a copy of a draft entitled: *Comments of the Delaware County Board of Supervisors Regarding the Draft Environmental Impact Statement for the Extended New York City Watershed Land Acquisition Program*. He asked the Supervisors to review the document and contact him with any additional comments they may have by Tuesday, October 19th. Currently the due date for comments is Friday, October 22nd. He asked that the document not be shared as there is the possibility the information in the document may change when the New York State Department of Environmental Conservation comes through with the Watershed Permit. The due date for comments may be extended in order to allow time for public comment, but that has not been confirmed.

The last meeting of principals on the land acquisition program focused mainly on the logistics of how to disseminate the information to the public. A conference call is scheduled for Friday, October 15th to firm up the logistics and to discuss the issue of taxes and the use of land trusts.

Referencing the federal government's movement to close rural post offices Chairman Eisel advised that a form letter opposing the closing of any rural post office and a list of the names and address of the members of the United States Senate Committee on Homeland Security and Government Affairs has been placed on each Supervisor's desk. An electronic copy of the letter will be forwarded to each Supervisor. He noted that the letter will be sent to every official on the list and encouraged the Supervisors to do the same as this issue has the potential of becoming a significant problem for our towns.

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

RESOLUTION NO. 168

**TITLE: 2010 BUDGET AMENDMENT
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM
(STEP) GRANT (00105-(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 \$22,279.00 to be used to pay the salaries of the participating officers during the program year October 1, 2010 through September 30, 2011 and purchase a replacement for an old, out-of-service radar unit

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

ESTABLISH REVENUE:

| | | |
|-------------------------------|--------------------------|-------------|
| 10-13310-43338900/3310105/907 | State Otr. Public Safety | \$22,279.00 |
|-------------------------------|--------------------------|-------------|

ESTABLISH APPROPRIATIONS:

| | | |
|-------------------------------|---------------------------|-------------|
| 10-13310-51327000/3310105/907 | Personal Services Expense | \$20,460.00 |
| 10-13310-52200001/3310105/907 | Equipment Grant | \$1,819.00 |

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

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

RESOLUTION NO. 169

**TITLE: 2010 BUDGET AMENDMENT
SUMMER FOOD SERVICE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Youth Bureau is the designated local agency to administer the Summer Food Service Program; and

WHEREAS, 100% state funds are available for youth 18 and under

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

REVENUE:

| | | |
|-------------------------------|-----------------------------|----------|
| 10-17310-43382000/7310006/987 | Summer Food Service Program | \$437.00 |
|-------------------------------|-----------------------------|----------|

APPROPRIATION:

| | | |
|-------------------------------|-----------------------------|----------|
| 10-17310-54200000/7310006/987 | Summer Food Service Program | \$437.00 |
|-------------------------------|-----------------------------|----------|

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

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

RESOLUTION NO. 170

**TITLE: 2010 BUDGET AMENDMENT TO RESOLUTION NO. 160 -10
THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS FOR THE
TOWNS OF DELAWARE COUNTY – PHASE II
WATERSHED AFFAIRS**

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

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

WHEREAS, the floods of 2006 and 2007 has delayed the data collection needed to develop these plans; and

WHEREAS, interns were hired for the summer of 2010 to complete the data collection; and

WHEREAS, the New York State Department of Environmental Conservation has approved this transfer request

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

FROM:

| | | |
|-------------------------------|--------------------|-------------|
| 10-18741-52200001/8740026/900 | Equipment Services | \$13,000.00 |
|-------------------------------|--------------------|-------------|

TO:

| | | |
|-------------------------------|-------------------|-------------|
| 10-18741-51000000/8740026/900 | Personal Services | \$13,000.00 |
|-------------------------------|-------------------|-------------|

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

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

RESOLUTION NO. 171

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following appropriation accounts are in need of funds

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

FROM:

| | | |
|-------------------|--------------------------------------|--------------|
| 10-16129-54200015 | Contracted Services Training Schools | \$50,000.00 |
| 10-16102-54200000 | Contracted Services MMIS | \$950,000.00 |

TO:

| | | |
|-------------------|-----------------------|--------------|
| 10-16119-54313150 | Foster Care | \$875,000.00 |
| 10-16140-54569000 | Safety Net Assistance | \$125,000.00 |

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

In answer to Mr. Rowe, Deputy Commissioner of Social Services Susan Aikens advised that MMIS is an acronym for Medicaid Management Information System.

Ms. Aikens replied in answer to Mr. McCarthy, that the transfer is being made to cover the anticipated cost of the program through the end of the year. The county pays \$300 plus a day to house a child/youth placed in an institutional facility and at this time there are seven institutional placements.

Mr. Marshfield pointed out that there are approximately 70 children/youth in the foster care program. He understood from the Social Services Committee meeting that the foster care program has been an underfunded program and that the department anticipates closing two homes, one is in the Town of Hamden. Children/youth are only placed in an institutional facility if there is a need and they are relocated to a foster home as soon as appropriate. Currently, the department is in the process of moving one child/youth from the institutional facility to a foster

home.

The resolution was adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

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

RESOLUTION NO. 172

**TITLE: 2010 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS
SOLID WASTE DIVISION**

WHEREAS, there has been an unusually high rate of employee turnover in the Solid Waste Department this year; and

WHEREAS, some of the new employees have chosen family plan insurance over the single person insurance that was budgeted; and

WHEREAS, it has become obvious that the amount budgeted to cover health insurance is not sufficient

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

DECREASE APPROPRIATIONS:

| | | |
|-------------------|-----------------------|-------------|
| 22-18160-54415060 | Maint. & Repair Parts | \$40,000.00 |
|-------------------|-----------------------|-------------|

INCREASE APPROPRIATIONS:

| | | |
|-------------------|------------------------------|-------------|
| 22-18160-58600000 | Hospital & Medical Insurance | \$40,000.00 |
|-------------------|------------------------------|-------------|

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

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

RESOLUTION NO. 173

**TITLE: 2010 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the flood events of recent years have caused the department to increase capital expenditures; and

WHEREAS, the personal service lines in the departments budget are based on historic figures; and

WHEREAS, the flood related activity has artificially raised the capital portion of the personal services; and

WHEREAS, it has become obvious that we will exceed budgeted lines in maintenance and engineering for personal services.

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

DECREASE REVENUE:

| | | |
|-------------------|--------------------------|--------------|
| 34-15112-45503100 | Interfund Transfers Otr. | \$325,000.00 |
|-------------------|--------------------------|--------------|

DECREASE APPROPRIATIONS:

| | | |
|-------------------|-------------------|--------------|
| 34-15112-51000000 | Personal Services | \$325,000.00 |
|-------------------|-------------------|--------------|

INCREASE REVENUE:

| | | |
|-------------------|-------------------------|--------------|
| 24-15110-45503100 | Interfund Transfers Otr | \$325,000.00 |
|-------------------|-------------------------|--------------|

INCREASE APPROPRIATIONS:

| | | |
|-------------------|-------------------|--------------|
| 24-15110-51000000 | Personal Services | \$283,000.00 |
|-------------------|-------------------|--------------|

| | | |
|-------------------|-------------------|-------------|
| 24-15020-51000000 | Personal Services | \$42,000.00 |
|-------------------|-------------------|-------------|

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

Mr. Rowe introduced local law nos.1 through 10. The local laws were seconded by Mr. Dolph.

In answer to Mr. McCarthy, Chairman Eisel stated the salary increase is \$1,000 across the board in addition to a step increment if entitled.

Director of Personnel Teddie Storey explained in reply to Mr. McCarthy, that most employees are hired at the base salary level and then move through five steps as they become more proficient in their position. After the employee has earned the fifth step he/she would only be entitled to the cost of living increase.

LOCAL LAW INTRO NO. 1

**TITLE: SALARY INCREASE
DIRECTOR REAL PROPERTY TAX SERVICES II**

Section 1. The salary of Michael Sabansky, Director of Real Property Tax Services II shall be fifty-seven thousand two hundred thirty six dollars [\$57,236] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions

of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 2

TITLE: SALARY INCREASE PERSONNEL OFFICER

Section 1. The salary of Leonarda Storey, Personnel Officer shall be sixty-three thousand seven hundred thirty five dollars [\$63,735] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 3

TITLE: SALARY INCREASE DIRECTOR OF EMERGENCY SERVICES

Section 1. The salary of Richard Bell, Director of Emergency of Services shall be forty-six thousand six hundred ninety one dollars [\$46,691] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 4

TITLE: SALARY INCREASE COMMISSIONER OF SOCIAL SERVICES

Section 1. The salary of William Moon, Commissioner of Social Services shall be ninety-four thousand three hundred thirty one dollars [\$94,331] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 5

**TITLE: SALARY INCREASE
DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES**

Section 1. The salary of Patricia Thomson, Director of Community Mental Health Services shall be eighty-five thousand nine hundred ninety seven dollars [\$85,997] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 6

**TITLE: SALARY INCREASE
DIRECTOR ECONOMIC DEVELOPMENT**

Section 1. The salary of Glenn Nealis, Director Economic Development shall be seventy-two thousand nine hundred fifty nine dollars [\$72,959] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 7

**TITLE: SALARY INCREASE
COMMISSIONER OF WATERSHED AFFAIRS**

Section 1. The salary of Dean Frazier, Commissioner of Watershed Affairs shall be sixty-nine thousand six dollars [\$69,006] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 8

**TITLE: SALARY INCREASE
DIRECTOR OF VETERANS' SERVICES AGENCY**

Section 1. The salary of John Boecke, Director of Veterans' Services Agency shall be thirty-

eight thousand two hundred seventy three dollars [\$38, 273] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 9

TITLE: SALARY INCREASE COUNTY TREASURER

Section 1. The salary of the Beverly Shields, County Treasurer shall be sixty thousand two hundred sixty seven dollars [\$60,267] per annum effective January 1, 2011.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 10

TITLE: SALARY INCREASE COUNTY ATTORNEY

Section 1. The salary of Richard Spinney, Delaware County Attorney shall be of eighty-six thousand, three hundred seven dollars [\$86,307] per annum effective January 1, 2011. Section 2. The salary of \$86,307 shall consist of the following: 1] Regular County Attorney duties, \$66,679; 2] Representation of the Delaware County Self-Insurance Fund, \$19,628, which shall be contingent on the continued assignment of this responsibility.

Section 3. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Law shall take effect forty-five (45) days after it shall be adopted.

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

RESOLUTION NO. 174

TITLE: PUBLIC HEARING ON LOCAL LAWS NOS. 1 THROUGH 10 OF 2010

WHEREAS, Local Laws Intro. Nos.1 through 10 have been introduced to increase the salaries of: **Non-Elected:** Michael Sabansky, Director Real Property Tax Services II, Leonarda Storey, Personnel Officer, Richard Bell, Director of Emergency Services, William Moon, Commissioner Social Services, Patricia Thomson, Director of Community Mental Health Services, Glenn Nealis, Director Economic Development, Dean Frazier, Commissioner

Watershed Affairs, John Boecke, Director of Veterans' Services Agency, Richard Spinney, County Attorney.

Elected Officials: Beverly Shields, County Treasurer.

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on Local Laws Intro., Nos. 1 through 10 on the 27th day of October 2010 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. Dolph and unanimously adopted.

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

RESOLUTION NO. 175

TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES

BE IT RESOLVED that the following State Equalization Rates be adopted for the apportionment of the 2011 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

| | |
|--------------|--------|
| ANDES | 100.00 |
| BOVINA | 23.91 |
| COLCHESTER | 3.47 |
| DAVENPORT | 74.00 |
| DELHI | 57.25 |
| DEPOSIT | 4.82 |
| FRANKLIN | 84.00 |
| HAMDEN | 17.75 |
| HANCOCK | 15.00 |
| HARPERSFIELD | 29.60 |
| KORTRIGHT | 100.00 |
| MASONVILLE | 100.00 |
| MEREDITH | 100.00 |
| MIDDLETOWN | 54.50 |
| ROXBURY | 28.00 |
| SIDNEY | 74.50 |
| STAMFORD | 28.88 |
| TOMPKINS | 4.59 |
| WALTON | 28.65 |

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

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

RESOLUTION NO. 176

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER
OF COMMERCE AS TOURIST PROMOTION AGENCY FOR
DELAWARE COUNTY**

BE IT RESOLVED that the Delaware County Chamber of Commerce be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the “I Love New York” tourism promotion 2011 program.

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

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

RESOLUTION NO. 177

**TITLE: RESOLUTION IN SUPPORT OF MORE TIMELY STATE REIMBURSEMENT
TO COUNTIES FOR STATE MANDATED AND OTHER SERVICES PROVIDED BY
COUNTIES ON BEHALF OF THE STATE AND TO ESTABLISH INTEREST
PAYMENTS TO COUNTIES IN THE EVENT OF A LATE STATE BUDGET**

WHEREAS, counties administer and fund a broad array of programs for the state; and

WHEREAS, many of the services delivered locally and funded with local tax dollars are mandated by the legislature under state law; and

WHEREAS, counties provide these state services with the understanding that timely reimbursement will be forthcoming so as to not unfairly burden local property tax payers with excessive financing costs to support delayed or late state reimbursements; and

WHEREAS, counties wait many months, sometimes exceeding a year for regular reimbursement from the state for what are often services mandated by the state; and

WHEREAS, chronically tardy state budgets can significantly expand these reimbursement waiting periods to the point where funds owed to counties by the state can exceed 10 percent of a county’s entire annual budget, forcing unscheduled short term borrowing, or the spending of reserves, which can be expensive and damage local government debt ratings, further straining local tax payers; and

WHEREAS, counties struggle during normal economic times to act as a “short term lender” to the state with no compensation for these reimbursement delays, it is absolutely untenable in a difficult economic climate such as today

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of

Supervisors calls upon the governor, the state legislature and state agencies to minimize the delay in regular reimbursements to counties, establish state budget reforms that ensure enactment of a timely state budget and also implement procedures that requires state to pay interest to counties for all delayed state reimbursement; and

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors 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 stated that this resolution and the two following came out of a lunch meeting with New York State Association of Counties (NYSAC) Executive Director Stephen Acquario. He spoke to Mr. Acquario about Delaware County's situation regarding untimely reimbursements noting that the Department of Public Health is owed approximately \$950,000. Mr. Acquario was not aware of the decision made by the federal and state government to withdraw funding of approximately \$110,000 from the mandated Childrens Preschool Special Evaluation Program. He also expressed his feeling that counties with a fund balance seem to be discriminated against as counties without a fund balance are reimbursed in a more timely fashion. The federal and state government need to hold up their end, which is to reimburse timely or cut the mandates.

Mr. Dolph suggested that the Supervisors modify these resolutions for their towns and approve them at their Town Board meetings.

Mr. Marshfield noted that the Town of Hamden passes resolutions on these types of issues all the time but, it seems to fall on deaf ears.

Mr. Rowe stated that timely reimbursements also affects small businesses that pay out of pocket and await reimbursement from the federal or state government. Through the Public Works Committee he was made aware of a small business that closed as a result of this type of situation.

Chairman Eisel mentioned that he intervned on behalf of a small businesses frustrated at the six to eight month process to acquire a liquor license. The state does not understand that this is a rural area and every job is important.

Mr. McCarthy commented that he is totally frustrated with Albany and noted the security restrictions and the overall process of gaining access into government buildings in Albany. While following the procedure to gain access into a building he noticed through the window rows of desks with no one at them. He remarked you can be sure for every desk there is a salary.

Mr. Utter said that he was approached by a contractor in the Town of Middletown asking for the town's guarantee of payment if federal or state money is involved. The contractor explained that he cannot afford to finance the job and wait an unreasonable amount of time for reimbursement.

The resolution was unanimously adopted.

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

RESOLUTION NO. 178

TITLE: RESOLUTION URGING NEW YORK STATE TO CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES

WHEREAS, New York property taxes are nearly 80% above the national average; and

WHEREAS, New York county leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local tax burden for decades; and

WHEREAS, counties do not have a choice over how to spend most of their locally raised revenues as mandates from Albany and other fixed costs make up as much as 80 percent of a typical county budget; and

WHEREAS, Governor Paterson and many state legislators support a cap on local property tax levies of 4%, or 120% of inflation, whichever is less, but the current crop of property tax cap proposals do nothing to reduce or eliminate current state mandates on counties or prevent new mandates; and

WHEREAS, arbitrarily capping property taxes without addressing root causes would cripple county governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap; and

WHEREAS, little action has been taken by New York State to decrease or control the costs of unfunded state mandates, which have been driving up county property tax levels for decades; and

WHEREAS, the major cost drivers for counties are fixed costs and delivering state services locally; and

WHEREAS, counties' fixed costs include pension contributions, which are determined by benefit levels established by the state legislature; and

WHEREAS, the other major cost drivers are unfunded and underfunded state mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost county property tax payers and New York City residents over \$10 billion this year alone, along with numerous other programs; and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly

every year, including:

- County payments to the New York State Retirement System that are expected to rise 40% in 2011 and by an similar amount in 2012, and have grown by over 1000% since the year 2000 due to generous benefit expansions mandated by the state legislature and governor.
- Since 2005, the local share of Medicaid costs has increased at least 3% each year and sometimes by double digit annual increases in the years prior to 2005.
- The state continued to shift its costs to counties in the 2009-10 and 2010-11 state budgets by over \$400 million in human service deliver alone.
- New York State counties are owed hundreds of millions of dollars in state reimbursement at any given moment, without providing any compensation to counties for the cost of “floating” cash to the state, and this amount can easily double when the state budget is not adopted on time.

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other state services that counties must pay for and implement at the local level; in fact it preserves the distinction of having the highest property taxes in the nation; and

WHEREAS, this distinction continues to drive people and businesses out of New York and acts as a deterrent to re-location to our state; and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the state; and

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors encourages all parties, state and local, to enact legislation so that fiscal responsibility for services resides with the level of government that has the decision-making authority over those services; this will in turn reduce the property tax burden and not preserve the status quo; and

BE IT FURTHER RESOLVED, that Delaware County Board of Supervisors urges the Governor and state legislature not to impose a local property tax cap unless it is coupled with significant cuts in local costs for state mandated programs that cause local property tax increases; and

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

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield referenced *The Update*, the New York State and Local Employee’s Retirement System Fall newsletter, commenting on the content of State Comptroller Thomas P. DiNapoli’s message. Mr. DiNapoli writes in his message that the New York State Common Retirement Fund is one of the strongest in the nation and posted a nearly 26 percent rate of return

last year. He also advises that the New York State and Local Retirement System will continue to be among the best-funded public retirement systems in the country. *The Update* quotes a statement from a recent article in *Governing* magazine that concluded, "New York is the nationwide pension leader, with the country's highest-funded public pension."

Mr. Marshfield remarked that he personally finds this disconcerting and feels strongly that there needs to be a change of leadership.

He noted that the Town of Hamden has had to increase taxes by 3 percent to pay for the added pension premiums that the town is forced to pay. It is also disconcerting that the added cost to fund this program will go to aid people who have lost money on their pension plan or those that do not have a pension plan at all. He disagrees with this pass down from the state and is frustrated that there is nothing that can be done about it.

Chairman Eisel mentioned that employees no longer pay a 3 percent contribution to the pension fund after ten years. He could not understand why someone would not want to fund their own retirement fund. The 3 percent personal contribution would help offset the costs to our town and county budgets.

Mr. DuMond opined that the state should not tell us what to do unless they are willing to pay for it.

The resolution was unanimously adopted.

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

RESOLUTION NO. 179

TITLE: RESOLUTION IN SUPPORT OF PERMANENTLY ENDING NEW AND EXISTING UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS AND ENDING STATE BUDGET ACTIONS THAT SIMPLY SHIFT COSTS FROM THE STATE TO LOCAL TAXPAYERS

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 the delivery of state programs using local resources; and

WHEREAS, in some counties, more than 80 percent of their entire budget goes toward funding state mandated programs and fixed costs; and

WHEREAS, these state mandates are the root cause of high property and sales taxes at the county level and have led to a decline in county services; and

WHEREAS, this high level of state imposed mandates continues to put New York at the top of lists of states with the highest local tax burden for residents and businesses in the country, severely damaging New York's ability to attract, create and maintain good paying jobs; and

WHEREAS, as the state continues to face growing annual budget deficits, successive state legislatures and governors continue to shift costs to local governments as a means of balancing the state budget while mandating that local governments continue to operate and finance an increasing share of these programs as the state's share decreases; and

WHEREAS, these state imposed mandates reach far beyond just forcing local governments to fund and administer state services locally, but are woven into the basic structure of local government day-to-day operations by imposing strict state laws that set the rules for purchasing basic supplies, building and financing public assets of any kind, how local government worker's salaries and benefits are negotiated and set, all with little regard for local economic conditions and ability to pay, or how that impacts our economic competitiveness with other states; and

NOW, THEREFORE, BE IT RESOLVED, that Delaware County Board of Supervisors calls on the governor and the state legislature to end the imposition of new unfunded state mandates on county governments and phase out or reform existing unfunded mandates; and

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors calls on the governor and the state legislature to repeal the WICK's law for all local governments, not just school districts and reevaluate restrictions and excessive cost drivers imposed on local governments under the Taylor Law and Triborough Amendment; and

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors 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. Rowe and 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. 180

**TITLE: 2010 BUDGET AMENDMENT
APPROPRIATION OF CAPITAL FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the flooding of September 30th and October 1st caused damage to County Bridge 112 in the Town of Middletown; and

WHEREAS, the county will be sending out a request for proposals for the repair of the

scour; and

WHEREAS, the department would like to appropriate the necessary funding directly for this project as the work will need to be completed prior to November 11, 2010 due to permit limits; and

WHEREAS, it is in the county's best interest to give the contractor as much time as possible to complete the work

THEREFORE BE IT RESOLVED, that \$75,000 be appropriated from account number 34-15112-54000000 to cover the cost of repairs.

The resolution was seconded by Mr. Rowe.

Mr. Utter explained that County Bridge 112 sustained substantial damage to the wing wall as a result of the recent flooding. A temporary 30-day emergency permit was applied for and received. Requests for proposals (RFP) will be sought but, due to the permitting requirements the repairs have to be completed by November 11th and as a result of the time constraints the department is unable to bid the project as required by county policy. Several other bridges sustained damage and in accordance with county policy RFP's will be sought.

The resolution was adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

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

RESOLUTION NO. 181

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,496,651.54 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 | \$1,744,782.92 |
| OET | \$75,988.79 |
| Countryside | \$420.00 |
| Public Safety Communication System | \$9,259.07 |
| Highway Audits, as Follows: | |
| Road | \$81,374.32 |
| Machinery | \$90,529.93 |
| Capital Road & Bridge | \$395,987.55 |
| Capital Solid Waste | \$7,538.48 |

Solid Waste/Landfill

\$90,770.48

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4529, Noes 0, Absent 277 (Valente).

Upon a motion, the meeting adjourned at 1:40 p.m.