

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 27, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 27, 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. Layton and Mr. Dolph.

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.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier to discuss Resolution No. 193 entitled: *Opposition to Recently Proposed Total Maximum Daily Load Allocations for the Susquehanna River in New York State* which will be introduced later in the meeting.

Commissioner Frazier defined total maximum daily load (TDML) allocation as a cap on loadings from a given pollutant. Allocations for phosphorus, nitrogen and sediment have already been determined for New York State by the United States Environmental Protection Agency (USEPA). The data collected for New York State water quality leaving New York has been determined to meet all Clean Water Act standards.

Since the mid 1980's New York State counties, including Delaware County have substantially reduced pollutant loads. New York State was not eligible for any Chesapeake Bay Program funds until 2000 even though the program existed since 1985. Other states, mainly at the southernmost sections of the Susquehanna Basin as well as the Potomac Basin have experienced explosive population increases and as a result nutrient loads skyrocketed. They have been able to take advantage of the Chesapeake Bay Program funds for twenty years but, have not achieved the reductions because of the growth. The Chesapeake Bay Foundation, an environmental group, brought a number of lawsuits against the USEPA to clean up the bay. In 2009 President Obama declared the Chesapeake a "national treasure" and issued an executive order to the USEPA to clean up the bay by 2025. These actions resulted in an accelerated effort to establish the TMDLs.

It is not likely that the state could meet the proposed load reduction requirements, for

instance, over 75 percent of the Susquehanna/Chemung basin in New York State is forested. Nitrogen levels described by the USEPA are unattainable as nitrogen losses from the unforested landscape would have to be lower than the nitrogen losses of the forested land. In addition, atmospheric deposition of nitrogen from the mid-west preclude any likelihood of nitrogen reductions being met. Over the past ten years Delaware County Soil and Water Conservation District, Cornell Co-Operative Extension, the Departments of Planning, and Watershed Affairs have been active in efforts to ensure the model accurately depicts the loadings from New York State and to minimize the impacts of the pending TMDLs on our local economy. In the end, given the pressure from the lawsuits and President Obama's declaration the USEPA has ignored local and state concerns about the establishment of these pollutant caps. New York State Department of Environmental Conservation (NYSDEC) opposes the caps and is being very vocal about it because of the costs associated with regulatory compliance for waste water treatment plants, stormwater and agriculture. These are highly restrictive limitations on future economic growth.

In answer to Mr. McCarthy, Commissioner Frazier advised that he has attended meetings where presentations were made showing the exorbitant increase to the project costs as a result of these regulations. The presentations made no impact on the USEPA officials. If you do not comply with the regulations, you do not get the permit.

Mr. McCarthy suggested there may be a correlation between the proposed regulations, the NYSDEC and fracking as he believes nitrogen is being used in the fracking process.

In answer to Mr. Utter, Commissioner Frazier said that USEPA is just steam rolling forward without consideration of the outcome. Delaware, along with other counties, have demonstrated all the positive things going on but, that data is being ignored.

Chairman Eisel questioned how the USEPA could rush into these regulations, remarking that we will all be out of business if they succeed. When the TDML levels are established they have to apply for those states further down in the Susquehanna Basin as well. We are fortunate that the NYSDEC is on our side.

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

RESOLUTION NO. 182

**TITLE: 2010 BUDGET AMENDMENT
ACCEPTANCE OF BULLETPROOF VEST PARTNERSHIP GRANT
SHERIFF'S OFFICE**

WHEREAS, Delaware County is the recipient of a grant awarded by the US Department of Justice and administered by the Bulletproof Vest Partnership ("BVP") in an amount not to exceed \$7,609.21; and

WHEREAS, the grant, to be administered by the Delaware County Sheriff's Office, was awarded for the specific purpose of reimbursing Delaware County 50% of the cost of purchasing

Bullet Proof Vests at a price not to exceed \$7,609.21 during the period commencing on September 17, 2010, and ending on August 31, 2012, unless extended;

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

ESTIMATED REVENUES:

10-13110-44432000/3110034/907	Federal Crime Control	\$7,609.21
-------------------------------	-----------------------	------------

ESTIMATED APPROPRIATIONS:

10-13110-52200001/3110034907	Equipment, Bulletproof Vests	\$7,609.21
------------------------------	------------------------------	------------

The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Sheriff Mills stated that each vest costs approximately \$1,100 and is tagged with an expiration date as the materials degrade with time.

The resolution was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

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

RESOLUTION NO. 183

**TITLE: 2010 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING FOR MOBILITY MANAGEMENT SERVICES
OFFICE FOR THE AGING**

WHEREAS, Delaware County has entered into a planning initiative to coordinate transportation services within the county; and

WHEREAS, the Delaware County Office for the Aging has applied for funding from the Rural Health Care Alliance of Delaware County to offset the costs related to mobility management services;

THEREFORE BE IT RESOLVED that upon the receipt by the county of a grant in the sum of \$10,000 from the Rural Health Care Alliance of Delaware County for this purpose the Chairman of the Board of Supervisors is authorized to enter into a contract with Delaware Support & Services, Inc. for the sum of \$10,000 to provide mobility management services through January 31, 2011; and

BE IT FURTHER RESOLVED that the following 2010 budget amendments be authorized:

ESTABLISH REVENUE ACCOUNT:

10-16772-42270602/6772033/977	Grants From Non-Profit	\$10,000.00
-------------------------------	------------------------	-------------

ESTABLISH APPROPRIATION ACCOUNT:

10-16772-54327000/6772033/977 General Grant Related Expenses \$10,000.00

The resolution was seconded by Ms. Molé and Mr. Rowe.

In answer to Mr. Marshfield, Director of Public Health Bonnie Hamilton replied that the grant was awarded to the Delaware County Office For the Aging by the Rural Health Care Alliance.

In response to Mr. Triolo, Director of the Office for the Aging Thomas Briggs explained that the mobility manager will be the individual coordinating the county's departments and participating agencies transportation program. Through the services of the mobility manager it is possible to create a transportation program that is an effective and efficient use of time, vehicles and money.

Mr. Briggs answered in reply to Mr. Marshfield, that due to this funding the county is able to begin the initiative now as opposed to waiting until January of 2011.

In answer to Mr. Marshfield, Chairman Eisel explained that the final report from RLS Associates, Inc. is not completed. There are requirements outlined by the consulting firm, one of which is the establishment of a governance committee, that the county is the process of completing.

Chairman Eisel stated that he believes the county will have a more economic and efficient means of transporting people. The position of mobility manager will be contracted through Delaware Support and Services, Inc. and funded through county department monies already earmarked for transportation.

The resolution was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

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

RESOLUTION NO. 184

**TITLE: 2010 BUDGET AMENDMENT
STRATEGIC REVIEW OF CERTIFIED HOME HEALTH PROGRAM
PUBLIC HEALTH**

WHEREAS, due to the elimination of state funding it has been deemed necessary to perform a strategic review of the Certified Home Health Agency Program (CHHA)

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board be authorized to enter into an agreement with the firm of Jack Venesky, CPA & Associates to perform a strategic review of the CHHA Program; and

BE IT FURTHER RESOLVED that the following 2010 budget amendment be authorized:

FROM:

10-11990-54900000	Contingency	\$15,000.00
-------------------	-------------	-------------

TO:

10-11010-54535000	Professional Services	\$15,000.00
-------------------	-----------------------	-------------

The resolution was seconded by Mr. Marshfield

Mr. Bracci stated that as a result of reduced and in some cases eliminated state funding it has become necessary for the county to review the financial cost of the CHHA program to the benefits it affords our residents. An objective review by an outside firm will help the Board determine an outcome, especially if eliminating the program is being considered.

Chairman Eisel noted that upon approval of the resolution Public Health, Budget Oversight and Finance Committees will meet to discuss the overview of the strategic review. The Board needs to be informed before any decisions are made. The strategic review is the first phase of information gathering.

In answer to Mr. McCarthy, Chairman Eisel noted that the firm of Jack Venesky, CPA & Associates presently does work for the county. They were chosen because they have performed similar strategic reviews for other counties.

Mr. Hynes asked the Board to consider a presentation on the CHHA program for the purpose of educating the Supervisors. Mr. Marshfield agreed, noting that he has benefitted from having the department heads come to committee meetings to explain how specific programs work. Mrs. Hamilton offered to put a presentation together detailing the specifics of the CHHA program.

Mr. Rowe opined that he sees this as the beginning of many strategic reviews. He recommended that the Board make money available for strategic reviews of all department operations within the county in order to plan effectively long term.

The resolution was adopted by the following vote; Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

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

RESOLUTION NO. 185

**TITLE: 2010 BUDGET AMENDMENT
FUNDING FOR THE OPPOSITION TO THE
NEW YORK STATE REGIONAL INTERCONNECT PROJECT (NYRI)**

WHEREAS, Resolution No. 156 adopted at the June 21, 2006 Board meeting opposed the construction of a high voltage transmission line extending from Oneida County to Orange County, New York to provide electricity at a lesser rate downstate; and

WHEREAS, there is a final balance due Communities Against Rural Interconnect (CARI) for legal representation

NOW, THEREFORE BE IT RESOLVED that the following 2010 budget transfer be authorized:

FROM:

10-11990-54900000	Contingency	\$75,126.94
-------------------	-------------	-------------

TO:

10-11420-54400000	New York Regional Interconnect (NYRI) Legal Fees	\$75,126.94
-------------------	--	-------------

The resolution was seconded by Mr. Rowe.

In answer to Mr. Triolo, First Assistant County Attorney Porter Kirkwood stated that the full amount of the county's obligation is \$200,126.94.

Mr. Marshfield referenced the county's opposition to recently proposed total maximum daily load allocations for the Susquehanna River Basin and the Land Acquisition Program commenting that he would like to see money made available to fight these issues as well. He stated that NYRI was a good cause and fighting the project was the right thing to do. He was skeptical about NYRI's loss, expressing concern that the project might be redesigned and this time come through the center of the county.

Chairman Eisel agreed that the fight was expensive but noted that CARI won the case.

Mr. Rowe stated that CARI budgeted \$2.7 million for legal costs and stayed within budget. He pointed out that NYRI spent \$23 million in legal costs. The project was bad from the start and if NYRI won, the county would be looking at an estimated 5 percent increase in the cost of electric. He agreed with Mr. Marshfield that money needs to be available to fight these other issues. Winning comes at a price and it is not cheap.

Mr. Homovich felt that the county took on a controversial and harmful issue and stuck with it to the end. In his opinion, providing the funding to fight NYRI sets the precedent that Delaware County will stand up to the issues.

The resolution was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

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

RESOLUTION NO. 186

**TITLE: RESCINDING RESOLUTION NO. 154 AND CORRECTING
CHANGE ORDER NO. 1, PROPOSAL NO. 27-10
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the math in Resolution No. 154 was incorrect, it is hereby rescinded and replaced as follows:

WHEREAS, Resolution No. 79 of 2010 authorized the Department of Public Works to make award of Proposal No. 27-10 to Bette & Cring LLC for the Replacement of Bridge 7-2, BIN 3359430, Cat Hollow Road over Spring Brook, Town of Colchester for the bid price of \$1,837,974.00; and

WHEREAS, the contractor has submitted a value engineering proposal that was mainly a time saving issue; and

WHEREAS, this value engineering proposal eliminated the original stage line retention items and replaced them with the time saving items; and

WHEREAS, this process resulted in a minor savings to the county.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 1 for Proposal No 27-10 in the amount of (\$23.82) decreasing the project cost to \$1,837,960.18.

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

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

RESOLUTION NO. 187

**TITLE: CHANGE ORDER NO. 2, PROPOSAL NO. 27-10
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 79 of 2010 authorized the Department of Public Works to make award of Proposal No. 27-10 to Bette & Cring LLC for the Replacement of Bridge 7-2, BIN 3359430, Cat Hollow Road over Spring Brook, Town of Colchester for the bid price of \$1,837,984.00; and

WHEREAS, Resolution No. 186 of 2010 authorized the execution of Change Order No. 1 bringing the contract total to \$1,837,960.18; and

WHEREAS, actual field conditions have varied from the basis of the original design resulting in quantity increases for steel bearing piles, pile splices, trench and culvert excavation, establishing turf, asphalt, asphalt binder and pavement markings; and

WHEREAS, two new items are required to provide for the safe maintenance and protection of traffic.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 2 for Proposal No 27-10 in the amount of \$50,537.62 increasing the project cost to \$1,888,497.80.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds replied that federal funding on the project is 80 percent.

The resolution was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

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

RESOLUTION NO. 188

**TITLE: INCREASE FEES FOR CIVIL SERVICE EXAMINATIONS
PERSONNEL OFFICE**

WHEREAS, examination fees charged by the state for Civil Service examinations has increased from \$5.00 to \$7.50 for non-uniformed examinations and from \$10.00 to \$12.50 for uniformed protective services examinations; and

WHEREAS, effective 2011 the state will change its practice of charging only for examinations that are rated to charging for all examinations even if the applicant does not sit for the exam; and

WHEREAS, at the present time, the Personnel Office charges \$10.00 to participate in all non-uniformed Civil Service examinations with \$7.50 going to the state and \$2.50 being retained by the county and the Personnel Office charges \$15.00 to participate in all uniformed Civil Service examinations with \$12.50 going to the state and \$2.50 being retained by the county; and

WHEREAS, in addition to the increased state examination fees, the cost to the county for administering Civil Service examinations has also increased.

NOW, THEREFORE BE IT RESOLVED that effective January 1, 2011, the Personnel Office and Human Resources Committee recommend that the fee charged by the Personnel Office for the non-uniformed examination fee shall be \$15.00 and the exam fee charged for the uniformed exam be increased to \$20.00.

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

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

RESOLUTION NO. 189

**TITLE: AUTHORIZATION OF FOUR DAY WORK WEEK
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 2011 are hereby approved in the Public Works Department as follows:

- 1.) January 1 to March 19, 2011: Bridge Crews only.
- 2.) March 20 to October 29, 2011: 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 27 to December 31, 2011: Bridge Crews only.

The resolution was seconded by Mr. Haynes.

In reply to Mr. Valente, Commissioner Reynolds stated that although the employees are working a ten hour day, the benefits are computed on an eight hour day.

The resolution was unanimously adopted.

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

RESOLUTION NO. 190

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

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

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

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

WHEREAS, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2011.

THEREFORE, BE IT RESOLVED that continuation of said four-day work week until December 31, 2011 is hereby approved

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

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

RESOLUTION NO. 191

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
PERSONNEL OFFICE**

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

WHEREAS, the Personnel Office is experiencing difficulties in recruiting clerks to serve as exam monitors for exams scheduled on Saturdays; and

WHEREAS, from time to time employees in other county departments may be willing to work on a per hour, as needed basis.

NOW, THEREFORE BE IT RESOLVED that Resolution No. 269 of 1990 is hereby temporarily waived until December 31, 2011 for county employees who are willing to work on a per hour, as needed basis in the Personnel Office.

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

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

RESOLUTION NO. 192

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

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

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

WHEREAS, from time to time employees in other county departments are willing to

work on a per hour, as needed basis in the Sheriff's Office.

THEREFORE, BE IT RESOLVED that Resolution No. 269 is hereby temporarily waived until December 31, 2011 for county employees who are willing to work on a per hour, as needed basis in the Sheriff's Office.

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

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

RESOLUTION NO. 193

TITLE: OPPOSITION TO RECENTLY PROPOSED TOTAL MAXIMUM DAILY LOAD ALLOCATIONS FOR THE SUSQUEHANNA RIVER IN NEW YORK STATE WATERSHED AFFAIRS

WHEREAS, Delaware County supports the reasonable, cost effective and science-based protection of natural resources while protecting the economic integrity of the county; and

WHEREAS, Delaware County has demonstrated its commitment to protecting water quality by adopting (August 1999, Resolution No. 213) and implementing its Delaware County Action Plan county-wide; and

WHEREAS, even though Delaware County in partnership with other New York State counties have made significant improvements in water quality with regard to phosphorus, nitrogen, and sediment since the mid-1980's, it has been summarily dismissed by the Environmental Protection Agency (EPA) while other signatory states in the basin have increased their pollution footprint; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provided reasonable and achievable thresholds for pollutant loading reductions from various sources for phosphorus, nitrogen and sediment through the Watershed Implementation Plan (WIP); and

WHEREAS, EPA has rejected the NYSDEC WIP as they believe it was significantly flawed; and

WHEREAS, EPA allocations would require all farms to meet Concentrated Animal Feeding Operations (CAFO) standards, a standard that would bankrupt most farms; and

WHEREAS, EPA allocations would require approximately 50% of the existing impervious surfaces (parking lots) to be retrofitted with stormwater best management practices, an exercise that would be detrimental to local businesses; and

WHEREAS, EPA allocations would require wastewater treatment facilities to upgrade nitrogen and phosphorus reduction strategies that would place an unaffordable tax burden on

village taxpayers and result is businesses leaving the basin; and

WHEREAS, EPA allocations would dictate even the smallest population centers to be classified as an MS-4, a stormwater classification that would require those communities to spend millions of dollars to treat stormwater for a relatively small amount of nutrient reduction.

NOW, THEREFORE BE IT RESOLVED, the Delaware County Board of Supervisors strongly opposes this USEPA unfunded TMDL mandate which is untenable and economically destructive.

BE IT FURTHER RESOLVED, that this resolution be sent to all appropriate county, state and federally elected officials that have a represented interest in the Susquehanna River Basin, EPA Administrator Lisa Jackson, Regional Administrator Shawn M. Garvin from Region 3, Regional Administrator Judith A. Enck from Region 2 and NYSDEC Commissioner Acting Commissioner Peter Iwanowicz.

The resolution was seconded by Mr. Haynes.

Mr. Rowe noted that the Town of Hancock is building a \$1.4 million highway garage, of that amount, \$250,000 is for stormwater management for the parking lot.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 194

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

WHEREAS, the following appropriation account is in need of funding to meet the Youth Bureau payroll

NOW, THEREFORE, BE IT RESOLVED that the following 2010 budget transfer be authorized:

FROM:		
10-16010-51000000	DSS Personal Services	\$105,000.00
TO:		
10-17310-51000000	YB Personal Services	\$105,000.00

The resolution was seconded by Mr. Triolo.

Commissioner of Social Services William Moon explained that a transfer is traditionally done at the end of the year to cover over-time and personal services for the county's youth bureau employee and summer youth program as the department budgets those costs in the Social Services budget.

In answer to Mr. Marshfield, Commissioner Moon stated this transfer should be sufficient to cover expenses through 2010.

The resolution was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

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

RESOLUTION NO. 195

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
DEPARTMENT OF SOCIAL SERVICES, OFFICE FOR THE AGING
AND VETERANS' SERVICE AGENCY**

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

WHEREAS, the Department of Social Services, Office for the Aging and the Veterans' Service Agency are experiencing difficulties in recruiting bus drivers to serve as drivers on a regularly needed basis to serve the elderly and medically needy; and

WHEREAS, from time to time employees in other county departments may be willing to work on a per hour, as needed basis.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 269 of 1990 is hereby temporarily waived until December 31, 2011 for county employees who are willing to work on a per hour, as needed basis for the Department of Social Services, Office for the Aging and the Veterans' Service Agency.

The resolution was seconded by Mr. Hynes.

Mr. Hynes asked the Board to consider rescinding Resolution No. 269 of 1990 rather than continually presenting resolutions to make exception to it.

The resolution was unanimously adopted.

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

RESOLUTION NO. 196

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,072,364.64 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	\$989,997.17
OET	\$85,867.26
Highway Audits, as Follows:	
Road	\$19,831.27
Machinery	\$56,340.75
Capital Road & Bridge	\$797,986.63
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$122,340.96

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Mr. Rowe called up the following ten local laws, seconded by Mrs. Capouya, and moved for their adoption.

Local Law Intro. No. 1 to set the 2011 salary of Michael Sabansky, Director of Real Property Tax Services II at \$57,236 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 2 to set the 2011 salary of Leonarda Storey, Personnel Officer at \$63,735 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 3 to set the 2011 salary of Richard Bell, Director of Emergency of Services at \$46,691 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 4 to set the 2011 salary William Moon, Commissioner of Social Services at \$94,331 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 5 to set the 2011 salary of Patricia Thomson, Director of Community Mental Health Services at \$85,997 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 6 to set the 2011 salary of Glenn Nealis, Director Economic Development at \$72,959 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 7 to set the 2011 salary of Dean Frazier, Commissioner of Watershed Affairs at \$69,006 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 8 to set the 2011 salary of John Boecke, Director of Veterans' Services Agency at \$38,273 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 9 to set the 2011 salary of Beverly Shields, County Treasurer at \$60,267 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Local Law Intro. No. 10 to set the 2011 salary of Richard Spinney, Delaware County Attorney at \$86,307 was adopted by the following vote: Ayes 4134, Noes 0, Absent 672 (Layton, Dolph).

Chairman Eisel invited those in attendance to enjoy refreshments provided by Judy diLorenzo.

Upon a motion the meeting adjourned for a short recess and reconvened in regular session with all Supervisors present except Mr. Layton and Mr. Dolph.

Budget Director Bob Homovich presented the 2011 Tentative Budget for review and comments. If the Board members would like to have a special meeting to discuss the budget, they were asked to contact Chairman Eisel or himself. He asked the department heads to carefully review their budgets for accuracy and if any questions or concerns need to be addressed he asked that he be contacted directly or that a message be left for him with Clerk of the Board Christa Schafer.

Budget Director Homovich discussed a few of the difficulties the committee dealt with in preparing this budget. The sifting of the costs from the state to the county as well as the changing of the rules governing reimbursements for programs affecting 2010 and 2009 fourth quarter reimbursements. In July 2010 the state owed the county \$650,000 indicating that the county has to maintain a substantial amount of cash on hand in order to fund these mandated programs. The impact of the raise in retirement percentage will mean an approximate \$1.5 million increase in future payments. The taking of \$750,000 from the county's sales tax receipts without any prior notice to settle a four year audit with a vendor that did not have to collect sales tax has devastated our sales tax projection for this year.

The committee desired to create a financial plan for 2011 that had the ability to withstand future impacts to the budget by the state and federal changes in funding levels. We will have to be flexible and deal with impacts to the budget as they come along. Copies of the budget were distributed and additional copies will be available at the Office of the Clerk of the Board.

Budget Director Homovich stated the tax levy for 2010 is \$25,036,126.00 which is an increase of 3.0085 percent over last year's budget. He extended his thanks to the department heads and staff that worked with the committee in preparing this budget.

Mr. Marshfield noted that every one percent of increase to the budget is equal to \$250,000. The increase to the 2010 budget is mainly due to the increase in pension and health insurance. Without those increases, the increase in tax levy could have been much lower. Everything from here on will depend on what the state will do. He believes that next year will be worse.

In answer to Mr. McCarthy, Mr. Homovich stated that the increase to the health insurance was 12 percent.

Director of Personnel Teddie Story advised that 12 percent would be equal to an increase of approximately \$700,000.

Chairman Eisel stated that this is a good sound budget. All of the towns are faced with the same issues. Not knowing what the state is going to do is a tremendous burden. We have to be in a position to provide essential services and care for our residents.

In answer to Mr. McCarthy, Budget Director Homovich advised that at the point all comments and corrections have been addressed a preliminary budget will be presented, a public hearing scheduled and a resolution presented to adopt the budget. He was in hopes to schedule a public hearing for the November Board of Supervisors meeting.

Mrs. Capouya commented that she felt this was a remarkable budget for the current economic times.

Mr. Marshfield referenced a copy of the 2006 county budget noting that the total appropriations at that time were \$92 million as compared to \$89 million for 2011. The total revenues, excluding inter-fund items at that time were \$61 million as compared to \$54 million for 2011.

Mr. Utter commented that the concerns of the county budget are a reflection of the town's budgets, only with different figures.

Chairman Eisel made the following appointments to the Transportation Governing Board effective November 1, 2010:

Chairman of the Board of Supervisors James Eisel
Vice Chairman of the Board of Supervisors Tina Molé
Director of Economic Development Glenn Nealis
Director Office for the Aging Tom Briggs
Director of Public Health Bonnie Hamilton
Commissioner of Social Services William Moon
Director of Veterans' Service Agency John Boecke

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

RESOLUTION NO. 197

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present except Mr. Layton and Mr. Dolph.

Upon a motion the meeting adjourned at 3:17 p.m.