

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

NOVEMBER 23, 2010

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 23, 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. Donnelly and Mr. Valente.

Mr. Marshfield offered the invocation.

Mr. Smith 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 welcomed Catskill Center for Conservation and Development Regional Planner Peter Manning and the Participation in Government Class from Margaretville Central School.

Mr. Manning stated that the Participation in Government Class is a New York State requirement for high school students. Through funding from the Catskill Watershed Corporation, the Catskill Center for Conservation and Development has been able to integrate a *Sense of Place* curriculum into the Participation in Government Class. The curriculum is in its third year. The students have participated in comprehensive planning meetings in the Town of Middletown and found the experience interesting and informative. As a result of those experiences, the curriculum has been enhanced to integrate the students into the community through a partnering program with local businesses to gain knowledge and experience first hand.

Mr. Manning introduced Margaretville Center School Participation in Government Teacher William Lonecke.

Mr. Lonecke commented that it is important for the students to understand their place in government, that in fact, they are government. Watching and listening to the process helps the students recognize that "real, flesh and blood" people wrestle with issues and deal with them the best they can. He thanked the Board for the opportunity to attend the meeting.

Chairman Eisel thanked the group for attending.

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton to provide a powerpoint overview of the Certified Home Health Agency (CHHA).

Mrs. Hamilton referenced Resolution No. 184-10 authorizing a strategic review of the Certified Home Health Program (CHHA). She advised that a consultant from the firm of Jack Venesky, CPA & Associates will begin the analysis of the CHHA program on Monday, November, 29th.

The county's CHHA began operation in 1986 with the purpose of enabling patients and families to maintain or restore independence at home. The services are provided by professionals who specialize in caring for people at home. The county is able to own and participate in the CHHA program because the Public Health Department is accredited by the New York State Department of Health as a CHHA which operates under the rules and regulations of the State of New York Title 10 Health Law with Statutory Authority in Public Health Law 3606, 3611, 3612. The CHHA certification is what enables the county to bill for the services that are rendered.

Any agency seeking to own and operate under a CHHA must provide information showing that there is a public need and that they have the resources to adequately operate the CHHA. If there are any changes to the ownership of the CHHA it has to be approved by the State Public Health Council. No agency can elect to close the CHHA until the Commissioner of Public Health approves of the plan and assures that there is consideration made for the continuation of the patients under their care.

The CHHA and Long Term Home Health Care Program (LTHHCP) are considered optional services, meaning that the county is not required to provide them. The LTHHCP is the county's nursing home without walls program and is dependent upon either the CHHA or a nursing home to continue. There are twenty-four employees which include a clerical staff, ten full-time nurses, four home health aides, and seven per diem nurses under the direction of Director of Patient Services Wayne Shepard. In 2009, 39 percent of the department's expenses were related to the CHHA and 45 percent of the departments revenue came from the CHHA.

The CHHA program services between 250 to 275 clients at any given time. Some of the services provided by CHHA include, wound care, IV therapy, nursing home placement exam, rehabilitative care, disease specific care and instruction, case management, injections, venipunctures, bath/shower assistance and telehealth. The recipients attested in a CHHA survey that they are very satisfied with the care they receive from the CHHA program and would use the services again if there was need.

In answer to Mr. Marshfield, Mrs. Hamilton stated that the LTHHCP must be attached to either a CHHA or a nursing home. The county could sell the CHHA individually, or sell the CHHA and LTHHCP as a unit to an agency certified by the Department of Health. The LTHHCP could be sold to a nursing home interested in expanding their LTHHCP services.

Mr. Shepard stated in response to Mr. Hynes, that the CHHA sees approximately 600-900 clients within the calendar year.

Mrs. Hamilton noted CHHA is an extensive program not fully justified by a brief overview. She offered to make arrangements for any Supervisors desiring to spend time with the nursing staff making home visits or seeking further information about the program.

On another matter, Mrs. Hamilton referred to the information placed on each Supervisor's desk, a booklet entitled: *Delaware County Public Health Nursing Service Compliance Program*

Training Booklet 18 NYCRR 521 Regulation and the Delaware County Public Health Nursing Service Compliance Program Attestation form noting that it is a yearly requirement that the Board of Supervisors be compliance trained. The compliance training covers the important points of a good corporate compliance program and is essentially about having a plan in place to keep fraud and abuse from happening. The Public Health Nursing Service's Corporate Compliance Officer is Director of Patient Services Wayne Shepard. The department has recently completed a self-evaluation of the program with their consultant and determined that the program met compliance standards.

Mrs. Hamilton asked the Supervisors to review the training material and leave the signed attestation form with her at the end of the meeting.

Mr. Hynes offered the following resolution moved its adoption:

RESOLUTION NO. 205

**TITLE: 2010 BUDGET AMENDMENT
GRANT FUNDING
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has received a grant from the Roxbury Arts Group in the amount of \$750.00 to support cultural activities at the 4C-Camp for adults; and

WHEREAS, the agency will use these funds to reimburse artists for this activity

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

INCREASE REVENUES:

| | | |
|-------------------------------|------------------------|----------|
| 10-16772-42270602/6772022/977 | Grants From Non Profit | \$750.00 |
|-------------------------------|------------------------|----------|

INCREASE APPROPRIATIONS:

| | | |
|-------------------------------|--------------------------------|----------|
| 101-6772-54327000/6772022/977 | General Grant Related Expenses | \$750.00 |
|-------------------------------|--------------------------------|----------|

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 206

**TITLE: 2010 BUDGET AMENDMENT
GRANT FUNDING
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Senior Council has received a grant from Covidien in the amount of \$1,500.00 to expand the Delaware County Office for the Aging's Non-Emergency Medical Transportation program; and

WHEREAS, the Delaware County Senior Council has donated this funding to the Delaware County Office for the Aging

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

INCREASE REVENUES:

| | | |
|-------------------------------|------------------------|------------|
| 10-16772-42270602/6772036/977 | Grants From Non Profit | \$1,500.00 |
|-------------------------------|------------------------|------------|

INCREASE APPROPRIATIONS:

| | | |
|-------------------------------|------------------------|------------|
| 101-6772-54620020/6772036/977 | Transportation Medical | \$1,500.00 |
|-------------------------------|------------------------|------------|

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 207

**TITLE: 2010 BUDGET AMENDMENT
CONTRIBUTIONS FOR YOUTH AWARDS
YOUTH BUREAU**

WHEREAS, contributions in the amount of \$2,808.32 will be received by the Delaware County Youth Bureau to be used for Youth Awards

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

INCREASE REVENUE:

| | | |
|-------------------|------------------------------|------------|
| 10-17310-42207000 | Contributions/Youth Programs | \$2,808.32 |
|-------------------|------------------------------|------------|

INCREASE APPROPRIATION:

| | | |
|-------------------|--------------|------------|
| 10-17310-54663000 | Youth Awards | \$2,808.32 |
|-------------------|--------------|------------|

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield noted that he attends the youth awards dinner and enjoys it very much. He opined that it is awesome to see what the youth of our county is accomplishing. He complimented the effort that is put into the event and encouraged the Supervisors to attend this year's dinner if possible.

In answer to Chairman Eisel, Commissioner of Social Services William Moon stated that the contributions come from the private sector and foundation grants.

The resolution was adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 208

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
LEGAL AID TO INDIGENTS**

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

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

FROM:

| | | |
|-------------------|-------------|-------------|
| 10-11990-54900000 | Contingency | \$75,000.00 |
|-------------------|-------------|-------------|

TO:

| | | |
|-------------------|----------------------------|-------------|
| 10-11170-54535060 | Professional Fees Attorney | \$75,000.00 |
|-------------------|----------------------------|-------------|

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 209

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
SAFETY INSPECTIONS**

WHEREAS, there is insufficient funds in the consultant appropriation to meet the remaining 2010 flood buy-out obligations

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

FROM:

| | | |
|-------------------|------------------|------------|
| 10-13620-58600000 | Health Insurance | \$1,800.00 |
|-------------------|------------------|------------|

TO:

| | | |
|-------------------|------------|------------|
| 10-13620-54195000 | Consultant | \$1,800.00 |
|-------------------|------------|------------|

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 210

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
REAL PROPERTY TAX SERVICES**

WHEREAS, there is insufficient funds in the equipment appropriation account to purchase a file cabinet

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

FROM:

| | | |
|-------------------|-----------------|----------|
| 10-11355-54595320 | Office Supplies | \$500.00 |
|-------------------|-----------------|----------|

TO:

| | | |
|-------------------|-----------|----------|
| 10-11355-52200000 | Equipment | \$500.00 |
|-------------------|-----------|----------|

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 211

TITLE: DIRECT TOWN TAX

BE IT RESOLVED that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$127,804.31 for the assessment rolls, field books, tax bills, etc.; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

The resolution was seconded by Mr. Triolo.

In reply to Mr. McCarthy, Clerk of the Board Christa Schafer advised this amount represents the charges towns have incurred throughout the year such as tax roll binders, postage, supplies and various other expenses.

The resolution was adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 212

TITLE: LEVY OF TOWN ACCOUNTS

WHEREAS, there has been presented to the Board of Supervisors the County Treasurer's 2010 Preliminary Report with the following amounts to be charged to the several towns:

| <u>TOWNS</u> | <u>CHARGES</u> | <u>CREDIT</u> |
|--------------|----------------|---------------|
| Andes | \$5,995.54 | |
| Bovina | \$2,775.25 | |
| Colchester | \$9,320.29 | |
| Davenport | \$12,674.88 | |
| Delhi | \$8,579.00 | |
| Deposit | \$7,256.48 | |
| Franklin | \$10,393.30 | |
| Hamden | \$2,636.03 | |
| Hancock | \$13,693.19 | |
| Harpersfield | \$4,339.58 | |
| Kortright | \$6,292.34 | |
| Masonville | \$3,777.43 | |
| Meredith | \$5,832.83 | |
| Middletown | \$14,413.60 | |
| Roxbury | \$8,499.11 | |
| Sidney | \$12,992.44 | |
| Stamford | \$7,172.33 | |
| Tompkins | \$7,302.24 | |
| Walton | \$12,519.52 | |

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

Chairman Eisel stated in answer to Mr. McCarthy that this is the resolution that levies the expense to the towns directly.

In answer to Mr. McCarthy, Mrs. Schafer noted that the amounts include tax adjustments and cancellations in addition to the other various expenses that have occurred throughout the year.

The resolution was unanimously adopted.

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

RESOLUTION NO. 213

TITLE: APPORTIONMENT OF COUNTY SELF INSURANCE BUDGET

RESOLVED that the budget for the County Self Insurance Fund for Workers' Compensation and Volunteer Firemen's Benefits in the total amount of \$1,710,000, as set forth below be accepted as part of the records of this Board.

| <u>Participant</u> | <u>Full Value Assessment</u> | <u>Apportioned Amount to Raise</u> |
|--------------------|----------------------------------|--|
| County of Delaware | 5,481,430,375 | \$792,913.72 |
| <u>Towns</u> | | |
| Andes | 438,747,446 | \$63,466.81 |
| Bovina | 138,161,995 | \$19,985.76 |
| Colchester | 716,439,741 | \$103,636.25 |
| Davenport | 202,532,757 | \$29,297.28 |
| Delhi | 326,870,473 | \$47,283.29 |
| Deposit | 273,500,353 | \$39,563.07 |
| Franklin | 209,430,552 | \$30,295.08 |
| Hamden | 158,496,118 | \$22,927.18 |
| Hancock | 350,836,473 | \$50,750.09 |
| Harpersfield | 132,906,284 | \$19,225.50 |
| Kortright | 160,125,229 | \$23,162.84 |
| Masonville | 105,556,541 | \$15,269.23 |
| Meredith | 147,294,635 | \$21,306.84 |
| Middletown | 692,414,163 | \$100,160.85 |
| Roxbury | 437,717,429 | \$63,317.81 |
| Sidney | 324,072,110 | \$46,878.50 |
| Stamford | 164,234,522 | \$23,757.27 |
| Tompkins | 155,332,636 | \$22,469.57 |
| Walton | 346,760,918 | \$50,160.54 |
| <u>Villages</u> | | |
| Delhi | 100,490,339 | \$14,536.38 |

| | | |
|----------------------------|-------------|-------------|
| Deposit | 35,646,462 | \$5,156.38 |
| Franklin | 18,744,510 | \$2,711.48 |
| Hancock | 65,074,853 | \$9,413.37 |
| Stamford (Harpersfield) | 29,102,118 | \$4,209.75 |
| Stamford (Stamford) | 28,392,434 | \$4,107.09 |
| Fleischmanns | 39,204,273 | \$5,671.08 |
| Sidney | 192,616,334 | \$27,862.83 |
| Hobart | 52,793,473 | \$7,636.82 |
| Walton | 128,230,925 | \$18,549.18 |

Fire Districts

| | | |
|-----------------------------|----------------|----------------|
| Stamford, Jefferson | 27,150,095 | \$3,927.38 |
| Stamford, Gilboa | 48,015,684 | \$6,945.69 |
| Arena, Hardenburgh | 15,564,762 | \$2,251.51 |
| Midd.-Hard., Hardenburgh | 43,678,296 | \$6,318.26 |
| Deposit | 33,703,162 | \$4,875.32 |
| TOTAL | 11,821,268,470 | \$1,710,000.00 |

The resolution was seconded by Mr. Marshfield and Mrs. Capouya.

In response to Mr. McCarthy, Mrs. Schafer stated that the 2011 Workers' Compensation budget is \$1,710,000 and is apportioned amongst the participants based on the full value assessment.

In answer to Mr. Marshfield, Mrs. Schafer confirmed that fire departments are covered through the town's assessed value.

In response to Mr. Utter, Mrs. Schafer stated that full value assessment is the fairest way to assess the towns. There are towns that have a considerable amount of claims which they could not pay independently.

The resolution was unanimously adopted.

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

RESOLUTION NO. 214

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending September 30, 2010;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261.

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

| Town | Amount Allocated to Tax District | Amount Apportioned to Town | Amount Apportioned to Village |
|---------------|--|----------------------------------|-------------------------------------|
| Andes | \$13,932.13 | \$13,932.13 | |
| Bovina | \$7,217.97 | \$7,217.97 | |
| Colchester | \$7,333.53 | \$7,333.53 | |
| Davenport | \$20,957.52 | \$20,957.52 | |
| Delhi | \$23,578.46 | \$19,954.08 | \$3,624.38 |
| Deposit | \$3,994.70 | \$3,734.38 | \$260.32 |
| Franklin | \$16,259.81 | \$15,532.17 | \$727.64 |
| Hamden | \$8,172.05 | \$8,172.05 | |
| Hancock | \$14,445.32 | \$13,105.63 | \$1,339.69 |
| Harpersfield | \$5,616.09 | \$5,001.22 | \$614.87 |
| Kortright | \$9,162.54 | \$9,162.54 | |
| Masonville | \$5,876.37 | \$5,876.37 | |
| Meredith | \$9,265.59 | \$9,265.59 | |
| Middletown | \$29,799.88 | \$26,199.26 | FL \$843.63 |
| | | | MV \$2,756.99 |
| Roxbury | \$16,449.04 | \$16,449.04 | |
| Sidney | \$42,364.09 | \$29,774.28 | \$12,589.81 |
| Stamford | \$6,317.47 | \$4,756.02 | ST \$546.07 |
| | | | HO \$1,015.38 |
| Tompkins | \$6,056.90 | \$6,056.90 | |
| Walton | \$21,766.70 | \$17,742.08 | \$4,024.62 |
| Totals | \$268,566.16 | \$240,222.76 | \$28,343.40 |

The resolution was seconded by Mr. Triolo.

Mr. Marshfield noted that the amount of mortgage tax raised for the Town of Hamden is 30 percent less than the amount received last year. At one time, the Town of Hamden generated over \$40 thousand annually in mortgage revenue. The reduction in mortgage tax revenue affects the county as well as the towns.

The resolution was unanimously adopted.

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

RESOLUTION NO. 215

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2011**

BE IT RESOLVED that the 2011 budget for the BAGS Landfill in the total amount of \$13,294.00 with \$3,466.25 the apportioned cost to the Town of Sidney be ratified as presented.

The resolution was seconded Mr. Rowe and Ms. Molé and unanimously adopted.

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

RESOLUTION NO. 216

**TITLE: RESOLUTION URGING GREATER INVESTMENT IN THE STATE'S
CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS)
AND MARCHISELLI PROGRAM
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the State's Consolidated Highway Improvement Program (CHIPS) funds are vital to county and local highway departments in order to maintain and upgrade important components of the local transportation system, and purchase necessary highway equipment and materials; and

WHEREAS, the Marchiselli Program is the State component of a successful Federal, State, and local partnership, delivering transportation improvements to federally-aidable local highway projects; and

WHEREAS, local governments are responsible for an increasing proportion of the statewide highway and bridge system, including eighty-seven percent of the State's 110,000 miles of roadways and fifty percent of the State's 18,000 bridges; and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, businesses, health and hospital facilities, emergency responders, as well as the general traveling public; and

WHEREAS, the DOT has adopted a Five-Year Capital plan that calls for a level for CHIPS of \$420 million and \$56 million for Marchiselli to simply maintain the current condition

and safety rating of our local transportation system and prevent further deterioration; and

WHEREAS, the current budget accounts for only a two-year capital plan for transportation and appropriates \$363 million for CHIPS and \$39 million for Marchiselli, well below that recommended by the Five Year Capital Plan; and

WHEREAS, highway capital expenditures by local governments outside of NYC are in excess of \$1.12 billion annually, yet an additional \$1.2 billion is required annually in local pavement and bridge investment to reverse the deterioration process.

NOW, THEREFORE, BE IT RESOLVED, that the County of Delaware urges the Governor and the Legislature of the State of New York to recognize this unfunded need of over \$1.2 billion annually; to insure that the CHIPS and Marchiselli programs are funded at least at the level determined by DOT as necessary; and to enact a Five-Year Capital Plan to promote longer-term planning and establish a secure and reliable, pay-as-you-go funding source for CHIPS; and

BE IT FURTHER RESOLVED, The County will forward copies of this resolution to the Governor, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Mr. Rowe.

Mr. Utter urged the Boards support of this resolution noting that the 2010 CHIPS funding for the county amounted to \$1,838,000. To have this funding cut or lost would dramatically affect the towns and the county.

In answer to Mr. Marshfield, Department of Public Works Commissioner Wayne Reynolds advised the Board of a few significant proposed changes to the CHIPS program. The oil and stone surface treatments that many of the towns use will no longer be eligible for CHIPS funding under the proposed rule changes. The Department of Transportation (DOT) does not consider the process as having a ten year service life. Town highway superintendents will be receiving a questionnaire seeking their input to establish the fact that surface treatment is critical to all town programs.

In the past, the town highway superintendent's signature has been sufficient for the CHIPS reimbursement application, now in addition, the signature of the Chief Executive Officer is being required by the State Bond Council to ensure the governing body understands the rules and regulations of the CHIPS program.

The money generated from taxes on fuel intended to go to capital improvements will now solely be used for debt retirement payments, there will be no new money for the CHIPS program. Future funding for highways through CHIPS does not look promising.

Commissioner Reynolds answered in reply to Mr. Marshfield, that the Association of Town Highway Superintendents, the County Highway Superintendents Association and the Association of Towns and the Association of Counties were informed at a meeting held in Albany about three weeks ago that the changes were coming. In addition, a notice of the changes and a survey will be going to the town highway superintendents from the DOT. He noted that the Association of Counties is lobbying hard to keep the CHIPS funding coming.

In reply to Mr. Bracci, Commissioner Reynolds stated that there is no single application product in New York State that will provide un-maintained use for up to ten years without seal coating. The state puts down a 2 inch overlay typically every six to eight years. That process is not as effective as the surface treatment used in this area.

Commissioner Reynolds stated in response to Mr. Homovich, that other categories will remain, however, the proposed guidelines have become more stringent and there are greater data reporting requirements. For example, it has always been a requirement that equipment purchased with CHIPS funding had to be kept for ten years but, there was leeway. Now the Bond Council will provide a list of equipment believed to have a minimum service life of ten years that the towns, villages and county will be required to purchase from.

Mr. Homovich suggested that the towns shift their money appropriately to receive the greatest funding from the program.

Chairman Eisel commented that the program has been threatened in the past but has always come through, this year may be more critical. The program has been a significant help to the towns and county.

Mr. Rowe referenced an article from the Monday, November 22, 2010 edition of the *New York Post*. The article entitled: *Shafting Transportation* based on Lt. Governor Richard Ravitch's report points out that New York State currently lacks the revenues necessary to maintain its transportation system. Governor Ravitch noted "the state faces a choice, significantly higher taxes, fees, fares and tolls or a drastically diminished transportation program that could jeopardize safety and economic well-being." The writer points out that "Governor Ravitch is spot on about the need to keep New York's roads, bridges and mass transit in good order and to take on worthy expansion projects to ensure economic viability. Transportation is a core government responsibility. But, to fund that effort, Albany's got to reprioritize spending, not raise taxes."

Chairman Eisel commented that the county's infrastructure is in pretty good shape as a result of the county's 21st Century Bridge Program. The expense now is in maintaining what we have.

The resolution was unanimously adopted.

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

RESOLUTION NO. 217

TITLE: RESOLUTION URGING REFORM OF THE STATE DEDICATED HIGHWAY AND BRIDGE TRUST FUND (DHBTF) DEPARTMENT OF PUBLIC WORKS

WHEREAS, local governments are responsible for an increasing proportion of the statewide highway and bridge system, including eighty-seven percent of the State's 110,000 miles of roadways and fifty percent of the State's 18,000 bridges; and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic

development and revitalization, job creation and retention, schools, businesses, health and hospital facilities, emergency responders, as well as the general traveling public; and

WHEREAS, the source of state funding assistance for this local transportation system is the State's Dedicated Highway and Bridge Trust Fund originally designed as a pay-as-you-go financing method to support the state's transportation programs and purposes, using revenue from highway taxes, motor vehicle taxes and fees, petroleum business taxes and a number of smaller resources; and

WHEREAS, as a result of the State's ongoing practice of spending in excess of available revenues, this fund is now primarily used to pay for State agency operations and for debt service payments; and

WHEREAS, in an audit entitled, "The Dedicated Highway and Bridge Trust Fund: Where Did the Money Go?" the State Comptroller reveals that since 1991 just 34.9 percent of the money in the State's DHBTF went directly toward the repair and improvement of the State's deteriorating roads and bridges.

NOW, THEREFORE, BE IT RESOLVED, that the County of Delaware urges the Governor and the Legislature of the State of New York to develop a multi-year plan to return structural balance to the DHBTF in order to ensure its ability to meet the State's highway and bridge capital needs today and in the future; and

BE IT FURTHER RESOLVED, that this plan would restore the original intent of the DHBTF to provide a secure and reliable, pay-as-you-go funding source to meet the State's critical transportation infrastructure needs which for the local transportation system are underfunded by over \$1.2 billion annually; and

BE IT FURTHER RESOLVED, that the County will forward copies of this Resolution to the Governor, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Mr. Smith.

Mr. Utter pointed out that Delaware County bridges rank in the top 5 percent in the State of New York. He complimented Commissioner Reynolds and his crew, of which he was one prior to his retirement, for this accomplishment. In his opinion, the three resolutions introduced by Public Works are critical to the county's economic development and existing infrastructure.

The resolution was unanimously adopted.

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

RESOLUTION NO. 218

**TITLE: RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE
OF THE STATE OF NEW YORK TO CREATE A STATE AID
TO LOCAL BRIDGE PROGRAM TO INCREASE BRIDGE SAFETY
AND FURTHER STIMULATE THE STATE'S ECONOMY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, local governments are responsible for an increasing proportion of the statewide highway and bridge system, including eighty-seven percent of the State's 110,000 miles of roadways and fifty percent of the State's 18,000 bridges; and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, our schools, businesses, health and hospital facilities, emergency responders, as well as the general traveling public and traveling tourists visiting New York State; and

WHEREAS, roughly one-third of the 8,535 bridges maintained by New York's local governments are structurally deficient or functionally obsolete. As an indication of a dangerous trend, this number actually increased between 2002 and 2007, from 2,966 to 3,006 bridges. NYSDOT indicates that the number of deficient bridges will increase by another 1,500 in the next few years; and

WHEREAS, the Comptroller's August 2009 report entitled "Cracks in the Foundation: Local Government Infrastructure and Capital Planning Needs" identified that New York will need to invest \$175.2 billion for transportation infrastructure over the next 20 years; and

WHEREAS, the DOT proposed Five-Year Capital Plan for transportation proposes the establishment of a \$150 million State Aid to Local Bridge Program but this initiative is not included in the final state budget despite the fact that there are over 100 bridges with the same or worse deficiency ratings than that of the Crown Point Bridge (connecting New York and Vermont over Lake Champlain) that was closed and destroyed recently because it was determined to be unsafe; and

WHEREAS, highway, bridge and culvert construction and maintenance projects are vital to extending the life of local bridge inventory and maintaining the system in a safe and structurally sound condition, so any bridge program must also include funds for culverts as well; and

WHEREAS, the State Aid to Local Bridge Program is a proven method of funding improvements to local bridge infrastructure in a way that will help further stimulate the economy of the State and help secure the safety of the traveling public;

NOW, THEREFORE, BE IT RESOLVED, that the County of Delaware urges the Governor and the Legislature of the State of New York to establish a new State Aid to Local Bridge Program and other local transportation investments in accordance with the DOT proposed Five-Year Capital Plan to insure the safety of the local transportation system, improve the State's economy and improve the livelihoods of the millions of citizens who rely on local roads every day; and

BE IT FURTHER RESOLVED, that County will forward copies of this Resolution to the Governor, the full membership of 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. Bracci offered the following resolution and moved its adoption:

RESOLUTION NO. 219

**TITLE: 2010 BUDGET AMENDMENT
HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local Agency to administer the county's Home Energy assistance Program (HEAP) for 2010-2011; and

WHEREAS, said monies to be utilized to reimburse the county at 100% of its expenditures:

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

ESTABLISH REVENUE:

| | | |
|-------------------------------|------|-------------|
| 10-16141-44464100/6141011/971 | HEAP | \$11,559.00 |
|-------------------------------|------|-------------|

ESTABLISH APPROPRIATIONS:

| | | |
|-------------------------------|---------|-------------|
| 10-16141-54342010/6141011/971 | HEAP-PA | \$11,559.00 |
|-------------------------------|---------|-------------|

The resolution was seconded by Mr. Hynes.

In reply to Chairman Eisel, Commissioner Moon advised that HEAP funding for the 2010/2011 heating season has been significantly reduced by the federal government. He anticipated that the program would be out of funds by late January early February 2011. He encouraged the public to apply as soon as possible.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Donnelly, Valente, Triolo).

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

RESOLUTION NO. 220

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
UNIFIED COURT**

WHEREAS, there are insufficient funds in the Personal Services Appropriation

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

FROM:

10-11110-58600000 Hospital & Medical Insurance \$1,000.00

TO:

10-11110-51000000 Personal Services-Exp CRTATT \$1,000.00

The resolution was seconded by Mr. Rowe and Mrs. Capouya and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Donnelly, Valente, Triolo).

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

RESOLUTION NO. 221

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon, upon receipt of cash consideration hereinafter set forth.

STA07TX.036

ASSESSED TO:

KEVIN WHITE AND DEBRA WHITE

| | |
|---------------------|--|
| TOWN OF: | 125289:STAMFORD |
| TAX MAP NO: | 108.1-1-9.1 & 108.1-2-15 |
| SCHOOL DISTRICT: | 125202:SOUTH KORTRIGHT |
| ACREAGE: | 2.20 ACRES & 1.40 ACRES |
| CONVEYED TO: | SHERMAN GROUP LLC 119 GRANDVIEW AVE RYE NY 10580 |
| CASH CONSIDERATION: | \$35,000.00 |
| TAX DEFICIT: | \$21,339.99 |

The resolution was seconded by Mrs. Capouya.

Mr. Marshfield noted that this is the sale of the Hidden Inn property. There were three sealed bids with this being the highest, the other two were quite a bit lower.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Donnelly, Valente, Triolo).

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

RESOLUTION NO. 222

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,511,444.04 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 | \$560,722.71 |
| OET | \$21,846.69 |
| Highway Audits, as Follows: | |
| Road | \$34,874.53 |
| Machinery | \$93,218.01 |
| Capital Road & Bridge | \$703,496.45 |
| Capital Solid Waste | \$0.00 |
| Solid Waste/Landfill | \$97,285.65 |

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Donnelly, Valente, Triolo).

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

RESOLUTION NO. 223

TITLE: ADOPTION OF 2011 DELAWARE COUNTY BUDGET

WHEREAS, the Preliminary Budget for the year 2011 has been presented to the Board by the Budget Officer and duly discussed and a public hearing having been held thereon as required by law;

NOW, THEREFORE, BE IT RESOLVED that pursuant to §360 of the County Law, the Preliminary Budget, as amended, for 2011 be adopted.

The resolution was seconded by Mr. Rowe.

Mr. Homovich provided a brief update on budget items and responded to concerns expressed at the Public Hearing for the budget. He reminded that the increase in the tax levy will not be the same in all the towns. There are many factors that come into play such as each town's equalization rate, workers' compensation assessment and other charges that are also added that will impact the levy. He noted that the outstanding state reimbursements have been received and

reimbursements are now where they should be. He advised that the state will be reducing their funding of indigent defense over the next three years. Recognizing that these depressed economic times have the potential of increasing the crime rate, he stated that the county will be obligated to pay what they are billed. The county has looked at the cost of having a Public Defenders Office and concluded that the use of assigned council is more cost efficient.

Referring to discussions with the Public Works Committee, Mr. Homovich stated that Public Works is paying hard this year. He thanked the committee, Commissioner Reynolds and Solid Waste Director Susan McIntyre for their willingness to listen and respond to the needs of the county by preparing a budget that balanced the services we provide with what the taxpayers are able to pay.

Referencing the CHHA and LTHHCP he noted that these are optional programs and ones that can be provided by private businesses at a profit.

If the economic conditions and the state and federal funding does not pick up he feared this Board would be forced to make cuts to the essential services provided to our residents.

Mr. Marshfield read a prepared statement detailing the financial circumstances facing the Budget Oversight Committee as they worked to prepare the 2011 county budget. He noted that the New York State Association of Counties recently completed a study that pointed out nine state mandated social and human services programs, namely, Medicaid, Public Assistance, Safety Net, Child Welfare, Pre-School Special Education, Early Intervention, Indigent Defense, Probation, Youth Detention and Pension that consume 90 percent of all county property taxes levied. In 2011 the county is paying \$350,000 more in personnel wages, \$900,000 more in mandated employee retirement costs and \$800,000 more in medical premiums. Sales tax revenues are running the same as last year and that was 10 percent less than the year before. The mortgage and tax receipts are extremely low as is the interest rate revenue. Appropriations are five percent less than last year, but the revenues are down nine percent from last year.

The state continues to make doing business more difficult, every year, there are more mandated costs passed down with less places for the county to cut. The lack of fiscal oversight by our federal and state governments is seriously jeopardizing the fiscal health of this county.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Donnelly, Valente, Triolo).

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

RESOLUTION NO. 224

TITLE: APPROPRIATION RESOLUTION

WHEREAS, this Board by Resolution No. 223 , dated November 23, 2010 adopted a budget for the fiscal year 2011;

RESOLVED that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified, effective January 1, 2011.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Donnelly, Valente, Triolo).

Chairman Eisel invited everyone in attendance to enjoy refreshments provided by the Public Health staff and visit the medical health displays.

Upon a motion, the meeting adjourned at 3:00 p.m.