

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

DECEMBER 8, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, December 8, 2010 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Marshfield offered the invocation.

Mr. Rowe 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 thanked Director of Veterans' Affairs John Boecke for providing an outstanding display on the *Honor Flight Program*. The program is an all volunteer organization committed to getting as many World War II veterans to visit the WWII Memorial in Washington, D.C. at no cost to them. The county will be having a Blue Jeans Day to raise funds for this very worthwhile program.

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

Commissioner Frazier referenced Resolution No. 233 entitled: *Resolution for the Execution of the Side Agreement and the Settlement of the Water Supply Permit Proceeding* that will be brought up later in the meeting. He noted that in December 1996 the Board of Supervisors passed Resolution No. 233 in support of the Memorandum of Agreement and that today's resolution is also Resolution No. 233.

Commissioner Frazier stated that Catskill Watershed Corporation (CWC) Executive Director Alan Rosa, CWC Attorney Tim Cox and Attorney Kevin Young who has been negotiating on behalf of the county are here to discuss the Tax Litigation Avoidance Program (TLAP).

Mr. Cox referenced the information placed on each Supervisor's desk entitled: *For Settlement Discussion Only, December 6, 2010, Valuation of City of New York Reservoir Lands West-of-Hudson and Tax Litigation Avoidance Program (TLAP) Summary*.

Mr. Cox provided a brief history of the Catskill Watershed Corporation Tax Consulting Program. The \$3 million dollars received in funding was used to push test cases for the towns and although the towns won every time in court, the wins were on technicalities. In the end, although the towns were winning, the litigation was not working to achieve the desired result,

that being a decision by the judge to tell the towns and the City how to value “speciality” properties, such as reservoirs, dams and wastewater treatment plants. What has been accomplished through these negotiations is an alternative process to determine the assessed value of speciality properties through an agreed upon template. The assessed value on these speciality properties would be based on reproduction costs new less depreciation. Reproduction costs new is based on the cost to build today and depreciate based on the current conditions.

At this point, that entire principal of the Tax Consultant Program is allocated to existing contracts. A few years ago CWC passed a resolution advising the Governor’s Office that the tax consulting issue was the most important issue facing the towns and the City. As a result of that resolution and the support and efforts of Coalition of Watershed Towns, the CWC received funds from the Governor’s Office to determine a mutually agreeable value on speciality properties.

The new program is based on the success of the template developed for the wastewater treatment plants. It is a voluntary program and nothing in it will affect how the reservoirs or dams in towns are currently valued.

At the current time, the wastewater treatment plant template has been completed. The reservoir template is currently in draft form and is expected to be completed within the next six months. The impoundment template is expected to be completed within the next twelve months. Based upon an agreement with the City the useful life of a dam is 150 years. For the purposes of depreciation, the City has agreed to use the *effective age*, rather than the actual age of a dam taking into consideration routine maintenance throughout its life. The collection system template for City owned plants should be completed within the next eighteen months, unless the City decides to contest their taxable status in court.

The initial funding for the program is \$500,000 with three additional \$500,000 payments anticipated. This will help the CWC finish their work on the templates and hire the needed expertise to help the town go through the evaluation report based upon the template to come up with a mutually agreeable value with the City on properties without having to litigate year after year.

The idea of this program is to minimize or eliminate continuous litigation that some of the towns are faced with and to provide some certainty to the towns and the City about assessed values. Should there be a disagreement between the town and the City and litigation is needed this process limits the scope of that litigation to individual lines within the template. The TLAP does not cover the towns legal fees so if a town pursues a lawsuit it must front the money. However, if it is determined that the town’s position on a given line item is more than 15 percent higher than that of the City then they can be reimbursed for up to two-thirds of the legal fees not to exceed \$90,000. If they do not demonstrate that margin of difference then the town is liable for all of the attorney fees.

In answer to Mr. Homovich, Mr. Cox stated the assessment does not drop down to zero, there is no more than a 20 percent curve. This is relatively the same curve that is used for the wastewater treatment templates. There is no finalized agreement with the City at this time to value a dam.

The decommissioning clause is a separate issue from what the real property assessment is. There is no state law that takes in decommissioning cost when valuing. As the City replaces

equipment within the structure of the dam the effective age will change.

Mr. Cox stated in response to Mr. Marshfield, that the commitment was to come up with the best deal and he believes this is it. The town assessors need to evaluate and then make a decision if the town wants to go with the program. It is completely voluntary.

In response to Chairman Eisel, Mr. Young stated the reproduction cost should be higher even though it is depreciated.

Mr. Cox stated in response to Mr. McCarthy, that there can be depreciation on the reservoirs because of silt accumulation lessening the capacity. There is no depreciation on land. There has to be a process of evaluating these speciality properties and the reconstruction cost new less the depreciation appears to be the fairest way. A market value has to be established for the speciality properties before a town can do a re-evaluation.

Mr. Young commented when a fence is replaced the value goes up and as noted, there is no depreciation on the land.

In response to Mr. DuMond, Mr. Cox stated the cost of the City's avoiding the building of a water filtration plant is not built into the template. Under state law an avoided cost cannot be used when determining a value. The value is in what is on the ground and consideration is given to what it would cost to build new less depreciation.

Mr. Cox stated that every five years there will be funds to update the templates.

Mr. Cox in response to Mr. Utter stated that in the wastewater treatment plant cases the City owned treatment plants are taxable as established by litigation with the Tax Consultant Fund. The attorneys handling those cases advised the towns to put the collection systems on the tax roles while the cases were pending. Roxbury, Middletown and Shandaken have the collection lines on their assessments at a value from \$3 to \$6 million. The City still wants the right within the 18 months to go to court and argue they are not taxable because they believe it remains an open question.

In answer to Mr. Hynes, Mr. Cox stated if the town has an existing case, 2006 or prior and has a contract with CWC the Tax Consultant Fund might cover some of the litigation cost, if not the cost is the town's responsibility. It is part of the agreement the coalition agreed to.

Mr. Axtell commented that in his opinion no matter how you look at it the towns are getting clobbered. A town has to consider a town-wide re-evaluation or get sued by the City to take advantage of any of this.

Mr. Cox remarked that this is the best we could negotiate, no town is required to use it. If the town is content with its assessments it can remain as is. CWC has the funding for towns to do re-evaluations if they want to. We are not going to get any more money for litigation. We had to come up with another option to get certainty for the towns and something that would work for the City as well to try and end these questions without continual ligation.

Mr. Young added if we do not get this we are no worse off, if we get it at least the watershed communities have a safe harbor.

Mr. Cox stated in reply to Mr. Valente, that the town can do their own work through the template. The town has the opportunity to opt into the template program as well as opt out at any time. CWC does not have the funding to run the numbers for every town.

In reply to Mr. Hynes, Mr. Cox stated that the program we are talking about is a town-wide reassessment.

Mr. Cox explained that neither the City or CWC is making the assessments, the town assessor has the obligation to place a value on the roles for the speciality property. If the City challenges the assessment in court the town and the City would have to pay for a back-up assessment report. What we are trying to do is get a less expensive process in place. As far as the towns being impacted, they are already impacted, we do not have the money to keep litigating without resolution.

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

RESOLUTION NO. 225

**TITLE: 2010 BUDGET AMENDMENT
NEW YORK STATE SHERIFFS' ASSOCIATION CAMP RENOVATION
SHERIFF'S OFFICE**

WHEREAS, every summer approximately 30 disadvantaged children throughout Delaware County are afforded an opportunity to spend an all-expense paid week at the New York State Sheriffs' Association summer camp on Keuka Lake; and

WHEREAS, the summer camp needs to replace one of its oldest structures, the nurse's cabin, at an estimated cost of \$25,000, to make it more efficient and comfortable; and

WHEREAS, the O'Connor Foundation agreed to provide a matching grant to the county in the amount of \$5,000 for this purpose and the New York State Sheriffs' Association has agreed to provide \$5,000 as the match; and

WHEREAS, once the grant is received by the county the full amount will be disbursed to the New York State Sheriffs' Association for said project

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

INCREASE REVENUE

10-13110-42270604/3110035/907	Grants from O'Connor	\$5,000.00
10-13110-42270500/3110035/907	Gifts and Donations	\$5,000.00

INCREASE APPROPRIATION

10-13110-54327465/3110035/907	Grant Misc	\$10,000.00
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 226

**TITLE: DELAWARE COUNTY COMPREHENSIVE ENERGY PLAN
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, the Delaware County Board of Supervisors implemented the Delaware County Action Plan (DCAP) in 1999 that recognized the need to protect the natural resources of the county while at the same time maintaining economic vitality; and

WHEREAS, the natural resources within the County include vast untapped energy resources such as biomass, geo-thermal, wind, solar, bio-gas and natural gas; and

WHEREAS, these natural resources could be utilized more efficiently and effectively with the implementation of an energy plan that would be complementary to the DCAP; and

WHEREAS, such a plan would be used as a guide for the development of infrastructure to increase local markets and demand for clean energy enterprises; and

WHEREAS, this plan would provide an effective approach to energy-conscious and renewable resource decision making; and

WHEREAS, Delaware County has been awarded funding from the Appalachian Regional Commission for developing the Delaware County Comprehensive County-wide Energy Plan

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors accept this funding and that the Chairman of the Board of Supervisors be authorized to enter into a contract with the Appalachian Regional Commission and a subsequent contract for professional services to conduct this work; and

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

INCREASE REVENUE:

10-18741-44498900/8740032/900	Appalachian Regional Commission	\$20,000.00
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INCREASE APPROPRIATIONS:

10-18741-54327200/8740032/900	Contractual Services	\$20,000.00
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The resolution was seconded by Mr. Axtell.

In response to Mr. Triolo, Commissioner Frazier explained that the end goal is to develop a plan that tells us what we have in place in terms of potential energy sources and how those sources might be utilized to support local businesses and create local jobs. The plan will enable us to set priorities and seek funding for the projects.

In answer to Mr. Marshfield, Commissioner Frazier advised that through the funding received from the Appalachian Regional Commission a consultant will be hired to perform the work.

Commissioner Frazier stated in reply to Chairman Eisel, that the purpose of the plan is to explore the potential energy sources available to us and put together a strategy to develop effective alternatives. The plan could lead to implementation funding also from the Appalachian Regional Commission. He pointed out that this effort is being supported by other county departments and agencies.

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

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

RESOLUTION NO. 227

**TITLE: CHANGE ORDER NO. 2, PROPOSAL NO. 37-09
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 139 of 2009 authorized the Department of Public Works to make award to C.A. Phillips Construction Corp., 1339 State Route 55, Eldred, NY 12732 for the supply of a Butler Building in the amount of \$198,000.00; and

WHEREAS, Resolution No. 33 of 2010 authorized the execution of Change Order No. 1 which reduced the amount of retainage the county would hold and had no effect on the contract amount; and

WHEREAS, the building has now been erected and the county has come to final terms with the contractor on the amount of technical support, the rental of the roof seamer and some additional trim to cover the inside corners and the areas over the overhead doors that was not in the initial contract.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to execute Change Order No. 2 in the amount of \$1,871.66 bringing the final contract amount to \$199,891.96.

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

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

RESOLUTION NO. 228

**TITLE: CHANGE ORDER NO. 3, 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, Resolution No. 187 of 2010 authorized the execution of Change Order No. 2 bringing the contract total to \$1,888,497.80; and

WHEREAS, the construction is nearing completion and the project quantities are being refined which has resulted in \$53,150.96 worth of item increases and \$53,150.96 worth of item decreases.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 3 for Proposal No 27-10 which adjusts project quantities at no cost impact so the project cost remains at \$1,888,497.80.

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

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

RESOLUTION NO. 229

**TITLE: YEAR END ACCOUNTING MODIFICATIONS TO THE 2010 BUDGET
DEPARTMENT OF FISCAL AFFAIRS**

WHEREAS, there are many bookkeeping entries that are needed to close out the books for 2010; and

WHEREAS, there will be no increase in the actual spending, just a balancing of accounts between personal services, equipment, contractual, employee benefits and undistributed employee benefits; and

WHEREAS, an accounting of all transactions will be presented to the Board of Supervisors upon completion of the annual report

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors authorizes the Department of Fiscal Affairs to make the necessary adjustments to the 2010 Budget and to file a written report to the Finance Committee before the books for 2010 are actually closed.

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

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

RESOLUTION NO. 230

**TITLE: LEVY OF TAXES FOR SPECIAL DISTRICTS,
HIGHWAYS AND GENERAL OUTSIDE OF VILLAGE**

WHEREAS there has been presented to the Board of Supervisors a duly certified copy of the annual budget of each of the several towns of Delaware County for the fiscal year beginning January 1, 2011;

RESOLVED that there shall be and hereby is assessed and levied upon and collected from the taxable property situated wholly or partially therein the amounts indicated below for the Highway Outside Village and General Outside Village purposes as specified in the budgets of the respective towns:

TOWN	HIGHWAY OUTSIDE VILLAGE	GENERAL OUTSIDE VILLAGE
Delhi	\$460,935.76	\$69,694.00
Deposit	\$295,896.00	\$26,770.00
Franklin	\$294,505.90	\$31,670.00
Hancock	\$720,000.00	\$40,000.00
Harpersfield	\$331,616.00	\$32,260.00
Middletown	\$810,722.00	\$84,135.00
Sidney	\$242,000.00	\$11,350.00
Stamford	\$217,298.00	\$31,506.00
Walton	\$527,812.00	\$43,055.00

FURTHER RESOLVED that there shall be and hereby is assessed and levied upon and collected from the real property liable therefore within the respective budgets:

ANDES

Andes Joint Fire District	\$191,288.04
Arena Fire District	\$12,642.54
Andes Light	\$8,000.00

BOVINA

Bovina Center Light District	\$2,000.00
Bovina Rural Fire District	\$103,750.00
Bovina Water District	\$31,939.00
Bovina Sewer District	\$9,646.25

COLCHESTER

Downsville Light District	\$10,000.00
Downsville Fire District	\$227,992.43
Beaverkill Valley Fire District	\$571.09
Colchester Fire Protection District	\$9,500.00

DAVENPORT

East Meredith Fire District	\$102,764.73
Davenport Fire District	\$49,471.76
Davenport Light District	\$1,000.00
Davenport Center Light District	\$1,450.00
West Davenport Light District	\$800.00

DELHI	
Delhi Rural Fire District	\$214,462.28
DEPOSIT	
Deposit Fire and Ambulance	\$65,320.00
FRANKLIN	
Treadwell Light District	\$3,782.00
Treadwell Water District	\$7,500.00
Franklin-Treadwell Fire District	\$192,484.54
HAMDEN	
Hamden Light District	\$2,950.00
DeLancey Light District	\$2,000.00
Delhi Fire District	\$665.24
Walton Fire and Protection	\$19,842.00
Downsville Fire Protection	\$3,500.00
Delhi Rural Fire Protection	\$57,537.00
Downsville Fire District	\$4,482.07
Hamden Sewer District	\$8,085.00
HANCOCK	
Upper Delaware Valley Ambulance District	\$936.00
Cadosia Light District	\$1,600.00
East Branch Light District	\$4,000.00
East Branch Fire District	\$95,650.00
Fish's Eddy Light District	\$3,200.00
Hancock Rural Fire District	\$148,042.87
Long Eddy Fire District	\$20,902.61
HARPERSFIELD	
Stamford Fire District	\$34,876.69
Hobart Fire District	\$5,395.86
Davenport Fire District	\$11,976.80
North Harpersfield Fire Protection	\$43,000.00
North Harpersfield Light District	\$2,000.00
KORTRIGHT	
Kortright Fire District	\$81,920.29
Bloomville Light District	\$4,908.00
Bloomville Sewer District	\$14,738.00
Stamford Fire District	\$6,799.37
Hobart Rural Fire District	\$10,907.64
East Meredith Fire District	\$3,436.79
Davenport Fire District	\$8,661.95
MASONVILLE	

Masonville Fire District	\$100,350.00
Masonville Light District	\$2,500.00
MEREDITH	
East Meredith Light District	\$1,300.00
Delhi Fire District	\$36,169.45
Meredith Square Light District	\$540.00
Franklin-Treadwell Fire District	\$24,115.94
Meridale Rural Fire District	\$51,000.00
East Meredith Fire District	\$17,599.48
Meridale Light District	\$1,160.00
MIDDLETOWN	
Halcottsville Light District	\$1,438.00
Arena Fire District	\$12,399.15
Arkville Light District	\$8,440.00
Arkville Water District	\$27,515.00
New Kingston Light District	\$794.00
Arkville Fire District	\$31,200.00
Fire District No. 1	\$56,930.00
Middletown-Hardenburgh Fire District	\$222,653.05
ROXBURY	
Roxbury Fire District	\$168,875.00
Roxbury Light District	\$15,190.00
Roxbury Water District	\$43,385.00
Grand Gorge Fire District	\$150,875.00
Grand Gorge Light District	\$13,375.00
Grand Gorge Water District	\$61,625.00
Middletown/Hardenburgh Fire District	\$5,270.11
Roxbury Run Light District	\$3,195.00
Roxbury Sewer District (unit charge)	\$37,573.11
Denver Sewer District (debt charge)	\$15,347.00
Denver Sewer District (unit charge)	\$77,290.00
Denver Water District	\$19,437.00
SIDNEY	
Consolidated Health District	\$3,300.00
Sidney Center Light District	\$6,500.00
Sidney Center Fire District	\$71,260.00
Sidney Fire Protection District	\$52,218.00
STAMFORD	
Stamford Fire District	\$7,181.05
South Kortright Fire District	\$4,000.00
Hobart Fire District	\$28,696.50
Kortright Fire District	\$7,660.71
South Kortright Light District	\$850.00

TOMPKINS

Tompkins Fire District	\$94,878.00
Hancock Rural Fire District	\$18,723.81

WALTON

Walton Fire District	\$360,931.00
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FURTHER RESOLVED that the amounts to be raised by tax for all other purposes, as specified in the annual budgets as presented to the Board and which are on file in the office of the Clerk of the Board, are hereby assessed and levied upon and collected from all of the taxable property in the towns as enumerated below, except as otherwise provided by law; namely:

<u>TOWN</u>	<u>TOWN GENERAL</u>	<u>HIGHWAY TOWNWIDE</u>
Andes	\$579,827.00	\$622,000.00
Bovina	\$204,946.00	\$369,747.00
Colchester	\$760,530.00	\$1,281,500.00
Davenport	\$183,130.00	\$638,300.00
Delhi	\$345,788.00	\$442,842.00
Deposit	\$155,985.00	\$343,659.00
Franklin	\$134,790.00	\$558,300.90
Hamden	\$123,610.00	\$485,859.00
Hancock	\$355,000.00	\$656,000.00
Harpersfield	\$329,818.50	\$108,389.00
Kortright	\$215,409.00	\$591,116.00
Masonville	\$166,923.00	\$294,900.00
Meredith	\$138,570.00	\$653,855.75
Middletown	\$659,591.00	\$855,607.00
Roxbury	\$895,650.00	\$1,541,792.00
Sidney	\$573,586.00	\$314,900.00
Stamford	\$211,938.00	\$233,536.00
Tompkins	\$194,500.00	\$628,400.00
Walton	\$252,880.00	\$484,684.00

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

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

RESOLUTION NO. 231

**TITLE: LEVY OF COUNTY TAX, EXTENSION OF ROLL,
WARRANTS FOR SAME**

RESOLVED, that the sum of \$24,944,528 be levied against the taxable property of the County of Delaware and the same be credited by the County Treasurer to the objects specified in the Appropriation Resolution; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors be and hereby is directed to extend the tax according to this resolution on the tax rolls of the several towns and that, when the same have been extended, the various rolls of the several towns shall become the tax rolls thereof.

BE IT FURTHER RESOLVED that the several tax rolls, when completed in accordance with the direction of the Board and the several warrants are signed for the collection of taxes by the Chairman and the Clerk of the Board to bear the date of December 27, 2010, the taxes be returnable the first day of April, 2011 and that the County Treasurer of the County of Delaware be and hereby is authorized to extend the time of collection in any town not beyond the first day of June 2011, upon the collector's complying with the statute thereto.

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

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

RESOLUTION NO. 232

**TITLE: AUTHORIZING THE CLERK OF THE BOARD OF SUPERVISORS TO
CAUSE TO BE PRINTED A SUMMARY OF ABSTRACT OF THE TOWN BUDGETS**

WHEREAS, Section 115 of the Town Law requires that the budgets of the respective towns for each year be printed in the Proceedings of the Board of Supervisors; and

WHEREAS, said section authorizes the Clerk of the Board of Supervisors to cause to be printed a summary or abstract of each budget;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board be and hereby is authorized and directed to cause to be printed in the Proceedings of this Board a summary or abstract of the budgets of the respective towns in this County in such form as the State Comptroller shall prescribe.

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

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

RESOLUTION NO. 233

**TITLE: RESOLUTION FOR THE EXECUTION
OF THE SIDE AGREEMENT AND THE SETTLEMENT OF THE
WATER SUPPLY PERMIT PROCEEDING
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, in July, 2007, the United States Environmental Protection Agency (“EPA”) issued a filtration avoidance determination (“2007 FAD”) which required New York City Department of Environmental Protection (“DEP”) to invest \$240 million of additional funds to acquire land within the New York City Watershed (the “Phase II Land Acquisition Program”); and

WHEREAS, the Coalition of Watershed Towns (“CWT”) together with the Towns of Hamden and Roxbury commenced an Article 78 proceeding in the Supreme Court of Delaware County against New York City DEP to annul a Negative Declaration under the New York State Environmental Quality Review Act (“SEQRA”) that was issued by DEP for the Land Acquisition Program Phase II; and

WHEREAS, the 2007 FAD required DEP to submit a completed updated new Land Acquisition Program Plan by September 2009 and an updated permit application for a new Water Supply Permit by January 2010. The 2007 FAD also indicated that the new Water Supply Permit would be subject to the State Environmental Quality Review Act; and

WHEREAS, in lieu of litigation, the parties to the litigation (including Delaware County) entered into negotiations with NYCDEP, Riverkeeper, Open Space Institute, Catskill Center, NRDC, DEC, EPA and DOH to negotiate the terms and conditions of the Phase II Land Acquisition Program; and

WHEREAS, these parties (including NYCDEP) agreed to work in good faith to reach a compromise on the terms and conditions of the Phase II Land Acquisition Program. In order to ensure a resolution acceptable to all parties, all other stakeholders were invited to participate in the discussions; and

WHEREAS, after approximately three years of discussions, the parties have now reached agreement on the terms and conditions of a Water Supply Permit and a Side Agreement; and

WHEREAS, with the direction of the Board of Supervisors to continue negotiating, the staff of the Delaware County Department of Watershed Affairs, the staff of the Delaware County Planning Department and the Special Delaware County Watershed Counsel have participated and have been very active in the negotiations; and

WHEREAS, the Board has been provided detailed summaries of the terms and conditions of settlement, copies of the settlement documents and has had an opportunity to discuss it with the staff of the Delaware County Department of Watershed Affairs, the staff of the Delaware County Planning Department and Special Delaware County Watershed Counsel, and

WHEREAS, the Side Agreement and the draft Water Supply Permit contain the conditions requested by the Coalition of Watershed Towns, Delaware County and CWC.

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors supports the settlement, and

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors, by this resolution, authorizes the Chairman of the Board of Supervisors to execute the Side Agreement conditioned on the Water Supply Permit being issued by DEC consistent with the Side Agreement and the draft Water Supply Permit attached thereto and upon notification from the Special Delaware County Watershed Attorney that the Side Agreement is in final acceptable form for execution.

The resolution was seconded by Mr. Rowe.

Chairman Eisel stated that he is in favor of this resolution and felt the watershed towns gained more than he originally thought they would. He recognized that the agreement may not satisfy everyone and that there has been compromise but, the TLAP is the best that could be extracted and in his opinion it is a good agreement. He advised at the last meeting of the Coalition of Watershed Towns it was voted unanimously to approve a similar resolution. He thanked Mr. Rosa, Mr. Cox and Mr. Young for the informative presentation.

The resolution was adopted by the following vote: Ayes 4292, Noes 514 (Homovich, Axtell, DuMond), Absent 0.

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

RESOLUTION NO. 234

TITLE: IN OPPOSITION TO THE PROPOSED ELIMINATION OF JOBS AT THE BELLEAYRE MOUNTAIN SKI CENTER DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, promotion of the tourism industry is of critical importance to the economy of Delaware County, and the Belleayre Mountain Ski Center plays a critical role in that tourism economy by attracting more than 200,000 visitors a year to the region; and

WHEREAS, dozens of studies by public, private and government agencies over the last 50 years have identified Belleayre Mountain as an economic lynchpin of the entire Catskill Mountain region; and

WHEREAS, Belleayre Mountain provides a four season recreation facility for visitors from throughout the Northeast which directly benefits many local motels, restaurants, gift shops and other tourism related businesses which rely heavily upon the visitor traffic created by the ski center and affiliated events; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has recently announced the elimination of up to 48 full-time jobs at the Belleayre Mountain Ski

Center, representing approximately 34% of the total number of jobs being eliminated by the DEC statewide; and

WHEREAS, the cuts being proposed at Belleayre will result in an inordinate and inequitable burden being imposed upon the economy and small businesses of the Catskill Mountain region.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby urges the New York State Department of Environmental Conservation to reconsider the drastic job cuts proposed at Belleayre Mountain; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor David Patterson, Governor-Elect Andrew Cuomo, Acting Commissioner of the Department of Environmental Conservation Peter Iwanowicz, Senator John J. Bonacic, Assemblymen Clifford W. Crouch and Ulster County Executive Mike Hein.

The resolution was seconded by Mr. Triolo.

Mr. Utter stated the Belleayre Mountain Ski Center is a very important economic generator for the eastern end of Delaware County and Ulster County. The ski center provides job opportunities for 408 employees of which 205 have Delaware County addresses. The slopes are running but, it looks like 40 permanent full time employees will lose their permanent status. The employees will have the opportunity to be rehired as seasonal help reducing their pay approximately 50 percent. He did not understand the reasoning behind the proposed elimination of jobs as ticket sales last year were up around \$180,000. He urged the Supervisor to support this resolutions.

Mr. Triolo advised that CWC is extremely concerned over the proposed eliminations and the resulting impact of which they believe will be an economic loss of about \$18 million. The state says that we are a tourism economy and they have proposed killing one of our main tourism areas.

Chairman Eisel noted that copies of this resolution will be sent to our legislatures and he hopes they hear us. The proposed cuts will significantly impact our local economy and will affect the ability of our local businesses to repay their loans and survive.

Mr. Donnelly suggested a similar resolution be adopted by each of the towns. Previous studies by the state and the NYSDEC have all concluded that Belleayre Ski Center is one of the major economic engines in our area.

The resolution was unanimously adopted.

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

RESOLUTION NO. 235

TITLE: 2011 BOARD OF SUPERVISORS MEETING SCHEDULE

WHEREAS, in accordance to Rule 2 of the Rules of the Delaware County Board of Supervisors, Board Meeting dates are annually designated in December each year for the following year;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors meetings will be held on the dates and times as stated below.

January 5, 2011 - 1:00 p.m.	January 26, 2011 - 1:00 p.m.
February 23, 2011 - 1:00 p.m	
March 23, 2011 - 1:00 p.m	
April 27, 2011 - 1:00 p.m.	
May 25, 2011 - 5:30 p.m	
June 22, 2011 - 5:30 p.m	
July 27, 2011 - 5:30 p.m	
August 24, 2011 - 5:30 p.m.	
September 28, 2011 - 1:00 p.m	
October 12, 2011 - 1:00 p.m	October 26, 2011 - 1:00 p.m.
November 9, 2011 - 1:00 p.m.	November 22, 2011 - 1:00 p.m.
December 7, 2011 - 1:00 p.m.	

The resolution was seconded by Mr. Triolo.

Chairman Eisel stated that he believes meetings once a month with the exception of January, October and November will be more efficient for the Board. If a need arises a special meeting can be called.

The resolution was unanimously adopted.

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

RESOLUTION NO. 236

TITLE: CALLING ORGANIZATIONAL MEETING

RESOLVED that pursuant to Section 151 [1] of the County Law and Rule 1 of the Delaware County Board of Supervisors, the organizational meeting of the Board of Supervisors shall be held on Wednesday, January 5, 2011 at 1:00 P.M. in the Supervisors' Room of the

County Office Building, Delhi, New York.

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

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

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

RESOLUTION NO. 237

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

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

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

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

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

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

REVENUE

10-17989-43388900/8020014/908	State Otr culture & Recreation	\$120,780.00
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APPROPRIATION

10-17989-54555000/8020014/908	Recreation Snowmobile Grant	\$120,780.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 238

TITLE: LEVYING OF RETURNED SCHOOL TAXES

WHEREAS, the Board of Trustees of the Board of Education of the several school districts of Delaware County have transmitted to the County Treasurer the several amounts of unpaid school taxes, duly verified and certified as provided by the Real Property Tax Law, §1330;

RESOLVED that, pursuant to §1330 of the Real Property Tax Law, there shall be and hereby is assessed and levied upon and collected from the lands of the several towns as listed herewith, upon which the same were imposed, the amounts of said returned school taxes as certified, with seven percentum thereon in addition as follows:

<u>Town</u>	<u>Tax</u>	<u>7% Penalty</u>	<u>Total Tax Relevied</u>
Andes	226,446.09	\$15,851.24	\$242,297.33
Bovina	119,851.16	8,389.53	128,240.69
Colchester	243,667.71	17,057.02	260,724.73
Davenport	238,339.11	16,683.72	255,022.83
Delhi	268,877.21	18,821.44	287,698.65
Deposit	165,475.13	11,583.20	177,058.33
Franklin	308,256.63	21,577.97	329,834.60
Hamden	211,556.78	14,808.95	226,365.73
Hancock	614,444.74	43,011.16	657,455.90
Harpersfield	224,854.50	15,739.71	240,594.21
Kortright	311,631.03	21,814.17	333,445.20
Masonville	177,671.31	12,436.99	190,108.30
Meredith	192,076.66	13,445.28	205,521.94
Middletown	548,677.03	38,407.46	587,084.49
Roxbury	452,503.78	31,675.33	484,179.11
Sidney	514,670.05	36,026.85	550,696.90
Stamford	257,018.63	17,991.31	275,009.94
Tompkins	90,681.23	6,347.68	97,028.91
Walton	<u>365,735.79</u>	<u>25,601.51</u>	<u>391,337.30</u>
Totals:	\$5,532,434.57	\$387,270.52	\$5,919,705.09

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

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

RESOLUTION NO. 239

**TITLE: AMENDMENT OF RESOLUTION NO. 221-10
SALE OF COUNTY OWNED PROPERTY**

WHEREAS, the purchaser of tax map no. 108.1 -1-9.1 and 108.1-2-15 in the Town of Stamford has asked to change the deeded name

THEREFORE BE IT RESOLVED that the County of Delaware convey this property to Jenlid LLC instead of Sherman Group LLC.

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

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

RESOLUTION NO. 240

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,119,249.02 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	\$693,221.35
Countryside Care Center	\$420.00
OET	\$111,646.13
Highway Audits, as Follows:	
Road	\$16,059.99
Machinery	\$73,642.56
Capital Road & Bridge	\$170,337.53
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$53,921.46

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

Chairman Eisel made the following appointments to the Delaware County Planning Board:

John Hamilton
Nancy Gallup
Bob Lesperence

Chairman Eisel wished everyone a Merry Christmas and a Happy New Year and invited all to enjoy refreshments provided by County Treasurer Beverly Shields.

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