

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 14, 2012

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 14, 2012 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. McCarthy 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 the Chairman of the Public Safety Committee Thomas Axtell. Mr. Axtell introduced Director of Emergency Services Richard Bell to provide an update on services local fire departments were able to provide our downstate neighbors after Hurricane Sandy.

Mr. Bell stated that the county provided assistance through the New York State Fire Mutual Aid system that was activated due to the severity of the storm. As the Delaware County Fire Coordinator he has the ability to mobilize firemen and employ them where needed. Once it was determined that the Delaware County Emergency Operation Center could close, the county was able to offer help to our neighbors hard hit by Hurricane Sandy. Requests immediately came from New York City and the Counties of Nassau and Suffolk.

He stated with appreciation that 45 percent of the fire departments came through with some level of availability. The first crews deployed were from the Delhi, Stamford and Sidney fire departments, the second crews were from the Arkville and Franklin fire departments, the third and final deployment was from the Hancock fire department. Two additional crews from the Margaretville and Hancock fire departments were ready to go but were cancelled at the last minute. Each crew served a 72-hour deployment in the affected area assigned to them. These crews did whatever was necessary to meet the needs of the devastated communities to include pumping water, cleaning debris, and checking on the welfare of the residents. Our help was greatly appreciated and provided a way for Delaware County to help fire departments that have helped our county in the past.

In answer to Chairman Eisel, Mr. Bell advised that our deployment is now over.

Chairman Eisel granted privilege of the floor to the Chairman of the Public Works Committee Samuel Rowe. Mr. Rowe introduced Commissioner of Public Works Wayne Reynolds to provide an update on the activities of our county forces in areas affected by

Hurricane Sandy.

Commissioner Reynolds stated that once Chairman Eisel knew the threat to our area had passed he contacted the Department of Environmental Protection (DEP) Deputy Commissioner Paul Rush to offer the county's assistance where needed. Commissioner Rush advised that chainsaw crews were greatly needed. The Department of Public Works deployed two people immediately to work alongside DEP's crew being sent to the Borough of Queens, New York. In total six people, Tim Cobane, Joseph Giallanzo, Scott Lambrecht, Brandon Mirrer, Trever Moody and Edward Wheeler, were deployed in three crews. The last crew will be returning on Friday, November 16th and no further assistance is needed at this time. DEP provided the department with daily progress reports and worked very well with our county employees.

While our crews were working they were cheered on by Delaware County second homeowners who recognized the county trucks. One evening while the men were out to dinner there was an explosion in the restaurant. A busboy sent to retrieve a food item in the cellar brought up instead a container of gasoline which was being stored in a similar food container. There was an explosion and the busboy came into the dining area on fire. Delaware County employee Trever Moody immediately wrestled the busboy to the ground to quench the flames. Delaware County not only received press coverage for their support of the community after Hurricane Sandy but, for helping to avoid further disaster.

In answer to Chairman Eisel, Commissioner Reynolds noted that three people were seriously burned but they are expected to be okay.

Chairman Eisel stated that our county has received great support in times of emergency from the DEP and felt our county had to do something in return.

For Standing Committee Reports, Chairman of the Public Works Committee Mr. Rowe stated that Director of Solid Waste Susan McIntyre placed information on each of the Supervisor's desks concerning regulations for Chronic Wasting Disease (CWD). The Pennsylvania Department of Agriculture confirmed their first case of CWD last month. CWD is a contagious neurological disease affecting deer, elk and moose. Effective November 14th wildlife animal carcasses and body parts may be disposed of at the Delaware County Landfill. Persons seeking to dispose of these items will need to advise the Scale Operator at the Delaware County Solid Waste Management Center that they have carcasses and animal body parts for disposal.

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

RESOLUTION NO. 160

**TITLE: 2012 BUDGET AMENDMENT
DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the sum of \$11,835.65 has been made available to the District Attorney's Office by way of felony drug prosecutions; and

WHEREAS, an invoice from Linstar, Inc., for the repair of the audio portion of the

Village of Walton Police Department's recording system in the sum of \$330.00 has been incurred

NOW, THEREFORE BE IT RESOLVED that the following budget amendment be made:

INCREASE REVENUE:

10-11165-42262500	Forfeiture of Crime Proceeds	\$330.00
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INCREASE APPROPRIATION:

10-11165-54415040	Maintenance & Repair Office Equip	\$330.00
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The resolution was seconded by Mr. Spaccaferno and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 161

**TITLE: 2012 BUDGET AMENDMENT
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM ("STEP")
2013 GRANT (00071-(013))
SHERIFF'S OFFICE**

WHEREAS, Governor Andrew M. Cuomo has authorized the Commissioner of Motor Vehicles to make a grant available to Delaware County to fund our participation in the statewide Selective Traffic Enforcement Program which is devoted to reducing aggressive driving and speeding; and

WHEREAS, participation in the program will result in the award of \$9,000.00 to be used to pay the salaries of the participating officers during the program year October 1, 2012 through September 30, 2013.

NOW, THEREFORE BE IT RESOLVED that the 2012 budget be amended as follows:

INCREASE REVENUE:

10-13310-43338900/3310071/907	State Otr. Public Safety	\$9,000.00
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INCREASE APPROPRIATION:

10-13310-51327000/3310071/907	Personal Services Expense	\$9,000.00
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The resolution was seconded by Mr. Bower.

In answer to Chairman Eisel, Undersheriff DuMond stated that the money will be used to pay the salaries of officers participating in the speed enforcement program.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 162

**TITLE: 2012 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, Delaware County Public Health Services was awarded a higher amount of money than was budgeted from the New York State Governor's Traffic Safety Grant; and

WHEREAS, medications for tuberculosis has exceeded budgeted amounts

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

FROM:

10-14010-54535320 Prof Fees Occupational \$6,015.00

TO:

10-14051-54144000 Car Seat Loan \$3,800.00

10-14070-54595260 Supplies Medication \$2,215.00

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 163

**TITLE: 2012 BUDGET AMENDMENT
BASSETT CRISIS SERVICE
MENTAL HEALTH**

WHEREAS, the State Office of Mental Health has converted Delaware County's share of the funding for the Bassett Crisis Service from DSH funding to State Aid; and

WHEREAS, it is necessary to establish a budget in order to pay Bassett for this service

NOW, THEREFORE BE IT RESOLVED that the 2012 budget be amended as follows:

INCREASE REVENUE:

10-14312-43349925 State Aid Crisis \$22,672.00

INCREASE APPROPRIATION:

10-14312-54458025 MH Crisis Contract \$22,672.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 164

**TITLE: 2012 BUDGET
TRANSFER OF FUNDS**

DEPARTMENT OF SOCIAL SERVICES/YOUTH BUREAU

WHEREAS, the following 2012 Appropriation accounts are in need of funds

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

FROM:

10-16010-51000000	DSS Personal Services	\$94,000.00
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TO:

10-17310-51000000	Youth Bureau Personal Services	\$94,000.00
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The resolution was seconded by Ms. Molé and Mr. Marshfield.

Commissioner of Social Services answered in reply to Mr. Marshfield, that this is a transfer between the Department of Social Services and the Youth Bureau which falls under the Department of Social Services. The transfer covers personal services for Youth Bureau caseworkers.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 165

**TITLE: 2012 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, it has become obvious that we will exceed the budgeted amount in engineering for personal services

NOW, THEREFORE BE IT RESOLVED that the 2012 budget be amended as follows:

DECREASE APPROPRIATION:

24-15142-51000000	Personal Services	\$45,000.00
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INCREASE APPROPRIATION:

24-15020-51000000	Personal Services	\$45,000.00
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The resolution was seconded by Mr. Smith.

Mr. Rowe explained that this year, as a result of special projects the engineers worked more on the maintenance design side of capital improvements causing a shortfall in funding of personal services in engineering. The money is being moved to engineering from the snow account to cover the shortfall.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 166

**TITLE: ACCEPTANCE OF FUNDING
COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY
(CDBG-DR)
ECONOMIC DEVELOPMENT**

WHEREAS, in April 2012 the US Department of Housing and Urban Development (HUD) announced that New York State was proposed to receive \$71,654,116 in Community Development Block Grant Disaster Recovery (CDBG-DR) funding to assist local municipalities in the recovery from Hurricane Irene and Tropical Storm Lee; and

WHEREAS, the State of New York and the Office of Community Renewal (OCR) developed and submitted an action plan to HUD and have proposed to make CDBG-DR funds available within Delaware County to the most severely impacted areas of highest need; and

WHEREAS, the county, and towns and villages within the county, may be eligible to receive assistance for the non-federal match requirement of FEMA assistance that may be provided for certain public water, sewer and other public infrastructure repairs (FEMA Public Assistance Projects); and

WHEREAS, the County of Delaware has received a grant agreement to formalize acceptance of the funds making up to \$7,562,424 in flood recovery funding available within Delaware County to provide for the non-federal match requirement of FEMA assistance provided for certain public water, sewer and other public infrastructure repairs (FEMA Public Assistance Projects)

NOW, THEREFORE, BE IT RESOLVED that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the NYS Community Development Block Grant Disaster Recovery Agreement and as necessary and appropriate, subrecipient agreements with Hurricane Irene and Tropical Storm Lee impacted towns and villages within the county.

The resolution was seconded by Mr. Dolph.

Director of Economic Development Glenn Nealis explained that HUD announced that New York State would receive \$71 million in CDBG-DR funding to assist local municipalities in their recovery efforts as a result of Hurricane Irene and Tropical Storm Lee. The federal funds will be allocated by New York State to the five counties deemed to be worst hit by Hurricane Irene and Tropical Storm Lee. New York State decided to use the recovery funds to cover the 12.5 percent local share on FEMA projects related to these storm events.

The Department of Economic Development will administer the funds on behalf of the local communities. The funds will never actually be received by the county or the communities as they will reimburse New York State for funds already advanced to the communities for the completion of these projects.

Mr. Nealis noted that the Town of Colchester is the first community to participate in this program.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 167

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 \$1,800,000, 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	5,579,065,338	\$834,736.45
<u>Towns</u>		
Andes	434,772,989	\$65,050.48
Bovina	144,297,293	\$21,589.67
Colchester	771,305,759	\$115,402.31
Davenport	206,952,282	\$30,964.08
Delhi	346,866,999	\$51,898.03
Deposit	273,655,702	\$40,944.20
Franklin	203,438,561	\$30,438.36
Hamden	155,888,663	\$23,323.97
Hancock	382,732,218	\$57,264.17

Harpersfield	147,487,019	\$22,066.92
Kortright	162,589,564	\$24,326.55
Masonville	97,525,158	\$14,591.66
Meredith	145,171,459	\$21,720.47
Middletown	702,581,414	\$105,119.81
Roxbury	398,459,923	\$59,617.34
Sidney	309,074,836	\$46,243.59
Stamford	178,422,751	\$26,695.51
Tompkins	162,632,292	\$24,332.95
Walton	355,210,456	\$53,146.38

Villages

Delhi	105,682,701	\$15,812.18
Deposit	35,186,302	\$5,264.55
Franklin	17,817,636	\$2,665.86
Hancock	69,965,513	\$10,468.20
Stamford (Harpersfield)	32,021,015	\$4,790.97
Stamford (Stamford)	30,388,943	\$4,546.78
Fleischmanns	38,174,981	\$5,711.72
Sidney	181,545,827	\$27,162.78
Hobart	58,389,201	\$8,736.16
Walton	129,648,100	\$19,397.87

Fire Districts

Stamford, Jefferson	30,285,953	\$4,531.36
Stamford, Gilboa	46,951,487	\$7,024.84
Arena, Hardenburgh	15,989,509	\$2,392.33

Midd.-Hard., Hardenburgh	44,821,122	\$6,706.10
Deposit	35,526,175	\$5,315.40
TOTAL	12,030,525,141	\$1,800,000.00

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

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

RESOLUTION NO. 168

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2013**

BE IT RESOLVED that the 2013 budget for the BAGS Landfill in the total amount of \$7,100.00 with \$1,820.35 the apportioned cost to the Town of Sidney be ratified as presented.

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

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

RESOLUTION NO. 169

**TITLE: 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 2013.

NOW, THEREFORE BE IT RESOLVED that continuation of said four-day work week until December 31, 2013, is hereby approved.

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

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

RESOLUTION NO. 170

**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.

NOW, THEREFORE BE IT RESOLVED that Resolution No. 269 is hereby temporarily waived until December 31, 2013 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. Bower and Mr. Spaccaferno and unanimously adopted.

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

RESOLUTION NO. 171

**TITLE: RESOLUTION SUPPORTING US SENATE BILL S.2245
AND HOUSE OF REPRESENTATIVES BILL H.4965
WATERSHED AFFAIRS/ECONOMIC DEVELOPMENT**

WHEREAS, Delaware County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to coordinate municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, the CWA was intended to protect the nation's significant water bodies from degradation, it was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, the Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) have developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, this draft guidance creates uncertainty, confusion and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of the county with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the draft guidance to the county and local municipalities could be significant with roadside ditch projects and ongoing maintenance alone, costing tens of thousands of dollars annually to county citizens due to the need for jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS, the county believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rule making process to allow public and stakeholder comments on this critically important and complex issue;

NOW, THEREFORE BE IT RESOLVED that the county urges EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments to clarify federal jurisdiction under the CWA that is reasonable, to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources; and

BE IT FURTHER RESOLVED, that the county supports any federal legislation consistent with the above recommendations, such as Senate Bill S.2245 and corresponding House of Representative Bill H.4965 and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and

BE IT FURTHER RESOLVED, that a copy of this resolution should be sent to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representative Chris Gibson, EPA Administrator Lisa Jackson, New York Governor Andrew Cuomo, New York State Senators John Bonacic, James Seward, Tom Libous, New York Assembly Representatives Cliff Crouch, Peter Lopez, Claudia Tenney and EPA Region 2 Administrator Judith Enck.

The resolution was seconded by Mr. Smith.

Commissioner of Watershed Affairs Dean Frazier explained that the purpose of the resolution is to support concerns expressed by representatives of Delaware County businesses, agribusiness and municipalities. In addition, the resolution supports the US Senate and House of Representatives bills in their attempt to prevent the US-EPA and Army Corps of Engineers from expanding their scope of regulatory jurisdiction through guidance language.

The objective of both bills is to prevent the US-EPA and Army Corps of Engineers from making a unilateral interpretation of an existing US Supreme Court ruling and bring the decision of whether or not to expand EPA or Army Corps of Engineering jurisdiction back to Congress where it belongs.

An example of the impact of the US-EPA and Army Corps of Engineers interpretation involves their scope of jurisdiction over isolated bodies of water with no obvious connection to navigable waters. This, among other examples, could have substantial economic consequences for homeowners, businesses and municipalities that they currently do not have jurisdiction to act on.

Commissioner Reynolds stated in response to Mr. Marshfield, that such latitude in scope would have huge financial impacts on the Department of Public Works and the town highway departments.

Chairman Eisel stated that the county does not want the US-EPA and Army Corps of Engineers to have the latitude to interpret the law in a manner that expands their jurisdiction to control ditches and unconnected bodies of water, further adding, that in his opinion they should not be considered navigable waters.

Mr. Valente felt that the action taken by the US-EPA and Army Corps of Engineers is questionable as the purpose and scope of the law was set by Congress.

Mr. Spaccaforo expressed concern that the expanded language may lead to the US-EPA and Army Corps of Engineers to control isolated ponds on private property which are separated from navigable waters.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 172

**TITLE: CORRECTION TO RESOLUTION NO. 137-12
ADOPTION OF STATE ADVISORY EQUALIZATION RATES**

WHEREAS, due to a clerical error the State Equalization Rate adopted on September 26, 2012 for the Town of Bovina was listed incorrectly and should be listed as 23.75.

The resolution was seconded by Ms. Molé and unanimously adopted.

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

RESOLUTION NO. 173

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the party 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.

SID08TX.035

ASSESSED TO:

ROBERTA A SAMPSEN

TOWN OF:	125001:SIDNEY
TAX MAP NO:	116.13-6-7
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	90.00'F x 80.00'D: 0.17A ACRES
CONVEYED TO:	ROBERTA A STAGE 8 BATES TERRACE SIDNEY NY 13838
CASH CONSIDERATION:	\$4145.11
TAX DEFICIT:	\$3137.90

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 174

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,235,455.41 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	\$902,766.74
OET	\$54,724.56
Public Safety Comm System	\$16,410.01
Highway Audits, as Follows:	
Weights and Measures	\$323.09
Landfill	\$59,134.32

Road	\$10,283.84
Machinery	\$123,451.80
Capital Road & Bridge	\$59,340.55
Capital Solid Waste	\$9,020.50

The resolution was seconded by Mr. Dolph and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Dolph recalled Local Law Intro. No. 2 entitled: A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c. The local law was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4222, Noes 577 (McCarthy), Absent 0.

Mr. Axtell recalled Local Law Intro. No. 3 to set the 2013 salary of Richard Bell, Director of Emergency of Services at \$52,059. The Local Law was seconded by Mr. Bower and unanimously adopted.

Ms. Molé recalled Local Law Intro. No. 4 to set the 2013 salary of John Boecke, Director of Veterans' Services Agency at \$40,800. The Local Law was seconded by Mrs. Capouya and Mr. Triolo and unanimously adopted.

Mr. Bracci recalled Local Law Intro. No. 5 to set the 2013 salary of Joe deMauro, Director of Information Technology at \$75,139. The Local Law was seconded by Mr. Marshfield and unanimously adopted.

Mr. Hynes recalled Local Law Intro. No. 6 to set the 2013 salary of Nicole Franzese, County Planning Director at \$74,959. The Local Law was seconded by Ms. Miller and Mr. Rowe and adopted by the following vote: Ayes 4511, Noes 288 (Donnelly, Eisel), Absent 0.

Mr. Triolo recalled Local Law Intro. No. 7 to set the 2013 salary of Dean Frazier, Commissioner of Watershed Affairs at \$70,006. The Local Law was seconded by Mr. Dolph and Mr. Axtell and unanimously adopted.

Mr. Smith recalled Local Law Intro. No. 8 to set the 2013 salary of William Campbell, Commissioner, Board of Elections at \$20,761. The Local Law was seconded by Mr. Rowe and adopted by the following vote: Ayes 4222, Noes 577 (McCarthy), Absent 0.

Mr. Bracci recalled Local Law Intro. No. 9 to set the 2013 salary of Bonnie Hamilton, Director of Public Health at \$82,727. The Local Law was seconded by Ms. Molé and adopted by the following vote: Ayes 4090, Noes 709 (Marshfield, McCarthy), Absent 0.

Mr. Bracci recalled Local Law Intro. No.10 to set the 2013 salary of Cynthia Heaney, Director of Community Mental Health Services at \$84,422. The Local Law was seconded by Mr. Donnelly and adopted by the following vote: Ayes 3863, Noes 936 (Marshfield, McCarthy, Triolo), Absent 0.

Mr. Bracci recalled Local Law Intro. No. 11 to set the 2013 salary of William Moon, Commissioner of Social Services at \$95,331. The Local Law was seconded by Mr. Hynes and

adopted by the by the following vote: Ayes 3889, Noes 910 (Merrill, McCarthy, Layton), Absent 0.

Mr. Triolo recalled Local Law Intro. No. 12 to set the 2013 salary of Glenn Nealis, Director of Economic Development at \$73,959. The Local Law was seconded by Mr. Bower and unanimously adopted.

Mr. Rowe recalled Local Law Intro. No. 13 to set the 2013 salary of Wayne Reynolds, Commissioner of Public Works at \$89,313. The Local Law was seconded by Ms. Miller and unanimously adopted.

Ms. Molé recalled Local Law Intro. No. 14 to set the 2013 salary of Michael Sabansky, Director of Real Property Tax Services II at \$58,236. The Local Law was seconded by Mr. Rowe and adopted by the by the following vote: Ayes 4511, Noes 288 (Donnelly, Eisel), Absent 0.

Mr. Dolph recalled Local Law Intro. No. 15 to set the 2013 salary of Leonarda Storey, Personnel Officer at \$64,735. The Local Law was seconded by Mrs. Capouya and unanimously adopted.

Ms. Molé recalled Local Law Intro. No. 16 to set the 2013 salary of Beverly Shields, Treasurer at \$61,267. The Local Law was seconded by Ms. Miller and unanimously adopted.

Mr. Smith recalled Local Law Intro. No. 17 to set the 2013 salary of Sharon O'Dell, County Clerk at \$61,267. The Local Law was seconded by Ms. Miller and unanimously adopted.

Mr. Axtell recalled Local Law Intro. No. 18 to set the 2013 salary of Thomas Mills, County Sheriff at \$68,930. The Local Law was seconded by Mr. Donnelly and Mr. Bower and unanimously adopted.

Budget Director Bruce Dolph introduced the 2013 Tentative Delaware County Budget. He thanked the department heads and committees involved for their help and support in bringing this budget to fruition.

The Budget Oversight Committee focused on reducing the initial 10 percent increase down to an increase of 4.4 percent. There are still some changes that need to occur before the budget is presented on November 28th. The proposed 4.4 percent tax levy for 2013 is an increase of \$1 million over the 2012 tax levy for a total of approximately \$27 million. Mr. Dolph stated that he will be available after the meeting to answer any questions Supervisors may have regarding the budget.

Mr. Donnelly thanked the Budget Oversight Committee for again producing a budget that meets the needs of our county residents with what he considered to be a reasonable increase. Addressing the concern of those who felt an increase in salary for county employees was inappropriate, he stated that county employees spend their salaries locally, pay taxes and contribute to the welfare of the county.

Mr. Marshfield noted that personal services and fringe benefits are up about \$1 million this year. Attempting to eliminate programs from the budget became a balancing act between the

amount of revenue received toward the program and the actual savings to the overall budget. Almost every vacancy has been removed from the budget and an anticipated increase in the sales tax revenue is reflected.

He shared with the Board the difficult position the Budget Oversight Committee was in and cited the reductions made to each of the department budgets by the Budget Oversight Committee in order to achieve the 4.4 percent. In his opinion, to present a budget under the 2 percent tax cap is near impossible. Every one percent increase is equal to \$250,000, in order to bring this budget under the 2 percent tax cap another \$600,000 to \$700,000 would need to be cut.

He felt with the cuts made to the initial budgets submitted by the department heads and further cuts made by the Budget Oversight Committee that what remained in the budget is vital to the department and the operation of the county.

Mr. McCarthy suggested that if it were possible the Budget Oversight Committee could consider farming out some of its operations to private enterprise. It was his opinion that private enterprise was in a position to run their operations more efficiently than government. In addition, he felt that salaries and fringes have gotten out of control.

Mr. Marshfield pointed out that the county has divested itself of the Countryside Care Center, the Certified Home Health Agency (CHHA) and the Long Term Home Health Care Program (LTHHC).

In answer to Mr. McCarthy, Mr. Marshfield noted that Public Health's budget is down overall \$500,000. The department was reduced by 20 employees with the elimination of the CHHA and the LTHHC. Changes in revenue for public health mandated programs created a loss of revenue that the county had to make up. The increase to the Mental Health budget is due to the resolution passed by the Board approving a contract with a Psychiatric Nurse Practitioner (PNP) to assist in medication management.

Mr. McCarthy commented that he does not believe that government belongs in any of these businesses.

Mr. Bracci shared that he learned at a recent Health Committee meeting that any further cuts would have to come from programs offered by the county to its residents. The county's meal program to the elderly was brought up for discussion and possible cut however, 85 percent of our elderly depend on this program for their daily subsistence. We are dealing with complex problems.

Mrs. Capouya noted the figures that are most distressful have to do with programs for the people, such as the elderly, least able to pay for themselves. She felt it was important to look to other places first before taking away from programs like senior meals.

Mr. Rowe reflected back to post 911 budgets saying at that time the initial budget increase was 35 percent. After the work of the Budget Oversight Committee, the increase was reduced to 14 percent. Today's budget is good because of the foresight of previous Boards to

ensure a fund balance was available to future Boards. The county has to change the way it is doing business. The Department of Public Works feels there are changes that could be made to reduce their spending and is preparing a presentation to be shared with the appropriate committees.

Mr. Marshfield advised that in previous years money that was not spent to fill vacancies plus the fringes went into the fund balance as a reserve. Since this budget has removed all the vacancies, this will not happen again. In addition, the extra one percent in sales tax will not go into the fund balance unless the economy turns around and our sales tax increases.

Mr. Spaccaforo noted that he met with Clerk of the Board Christa Schafer to discuss questions and concerns regarding the budget. The first thing that caught his attention was the redundancy in federal and state mandates. The unfunded mandates are causing the county to cut its own needs but, the county cannot cut any of the unfunded mandates. He opined that until something is done to cut the unfunded mandates the county would not be able to change its current state. It is unreasonable to consider laying off employees in order to meet state and federal unfunded mandates. He pointed out that the Town of Masonville's budget is cut down to its bare bones. Many of our residents are living on fixed incomes and are having difficulty living within their means.

Mr. Dolph stated that he and the Budget Oversight Committee worked long hours to put together a realistic budget. The goal was to ensure that items are properly categorized so that in the future if cuts need to be made an accurate comparison can be done.

Mr. Marshfield noted that he has been reading about Otsego County and the possibilities of them laying off some of their employees. This year we are okay but layoffs may have to be considered for next year if the economy does not turn around. The downside of layoffs includes a less efficient operation. The county is self-insured for unemployment and there is the possibility that some of those people might need the services provided by the Department of Social Services.

In answer to Mr. Spaccaforo, Mr. Marshfield advised that the New York State Association of Counties lobbies for the relief of unfunded mandates and the county supports their efforts with county resolutions.

Ms. Miller stated that in her opinion, New York State set its people up with a false expectations when they initiated the 2 percent tax cap. Rather than a "doom and gloom attitude" of how to shrink government, she felt, elected officials should be focusing on ways to make living in Delaware County more enjoyable. People choosing to work and live in our communities want to participate in finding ways to provide sustainable lives for themselves and their families. Their value to the county is much more than money.

Chairman Eisel remained hopeful the economy would turn around. Through the use of the fund balance the county will be okay this year. The fund balance is depleting rapidly and next year will be even more difficult. We are grateful that there will be no layoffs as a result of the budget. This budget with a 4.4 percent increase allows the county to keep its employees and provide the necessary services for our residents. It would be nice to get some relief from federal

and state mandates and lobbyists are pursuing this but he did not see it happening in the near future.

Mr. McCarthy opined that the county needs to get its spending under control and turn the downward spiral around before it is totally broken. The only way government can increase revenue is through taxing its resident.

Mr. Hynes commented that it was not possible to compare the way government and private businesses are run. County government has a responsibility to its citizens and he felt with the privatization of its previous services the county was close to providing just the basics.

Mr. Rowe commented that private businesses do not have the federal and state mandates that counties are subject to. He did not feel a comparison of the two could be made.

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

RESOLUTION NO. 175

**TITLE: PUBLIC HEARING
2013 TENTATIVE BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Tentative 2013 Delaware County Budget and a public hearing be held on the 28th day of November, 2012 at 12:00 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Spaccaforno and Mr. Donnelly.

Chairman Eisel stated that the public hearing for the 2013 Tentative Budget will be held on November 28th at 12:00 p.m. prior to the Board of Supervisors meeting.

The resolution was unanimously adopted.

Upon a motion, the meeting adjourned at 2:20 p.m.