

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 28, 2012

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 28, 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. Triolo 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 Commissioner of Public Works Wayne Reynolds who presented Jamie Bryden as Employee of the Month.

Mr. Bryden was hired as a Motor Equipment Operator in September 2006 and promoted to a Heavy Equipment Operator in August 2009. Mr. Bryden's responsibilities include road maintenance and snow plowing with his main responsibility being driving tractor trailer and hauling heavy equipment to and from job sites throughout the county.

Commissioner Reynolds stated that Mr. Bryden is a dedicated and dependable employee who is willing to do whatever is asked of him. He is very conscientious and careful with the equipment whether hauling or operating. During the flood of 2011, Mr. Bryden's contribution to the department and the county was exemplary, coming in to work on scheduled days off and staying until the tasks at hand were completed. Mr. Bryden's willingness and commitment to his work continues to be very much appreciated. He has truly become an asset to the Department of Public Works.

Commissioner Reynolds presented Mr. Bryden with a \$50.00 check and thanked him for his dedication. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Bryden thanked Commissioner Reynolds and the Board for this honor.

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

RESOLUTION NO. 176

**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, expenses totaling \$239.00 have been personally incurred by Investigators Steven Andersen and Rodney L. Westbrook for training re-certifying them as New York State Level Two Arson Investigators;

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

INCREASE REVENUE:

10-11165-42262500	Forfeiture of Crime Proceeds	\$239.00
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INCREASE APPROPRIATION:

10-11165-54465000	Miscellaneous	\$239.00
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The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 177

**TITLE: YEAR END ACCOUNTING MODIFICATIONS TO THE 2012 BUDGET
DEPARTMENT OF FISCAL AFFAIRS**

WHEREAS, there are many bookkeeping entries that are needed to close out the books for 2012; 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 2012 Budget and to file a written report to the Finance Committee before the books for 2012 are actually closed.

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

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

RESOLUTION NO. 178

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 \$169,095.11 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. Marshfield.

In answer to Mr. McCarthy, Clerk of the Board Christa Schafer noted that the amounts include tax adjustments and cancellations in addition to the other various expenses town have incurred throughout the year.

Mrs. Schafer stated in answer to Mr. Marshfield, that she would provide a breakdown of the charges to his town for him to review.

The resolution was unanimously adopted.

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

RESOLUTION NO. 179

TITLE: LEVY OF TOWN ACCOUNTS

WHEREAS, there has been presented to the Board of Supervisors the County Treasurer's 2012 Preliminary Report with the following amounts to be charged to the several towns:

<u>TOWNS</u>	<u>CHARGES</u>	<u>CREDIT</u>
Andes	\$1,030.70	
Bovina	\$2,997.51	
Colchester	\$10,004.45	
Davenport	\$15,052.37	
Delhi	\$11,910.85	

Deposit	\$4,863.78	
Franklin	\$10,122.03	
Hamden		\$1,090.77
Hancock	\$8,739.60	
Harpersfield	\$5,317.56	
Kortright	\$6,868.69	
Masonville	\$3,863.95	
Meredith	\$6,775.21	
Middletown	\$17,483.92	
Roxbury	\$12,213.44	
Sidney	\$19,214.72	
Stamford	\$9,315.47	
Tompkins	\$4,209.55	
Walton		\$348.07

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

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

RESOLUTION NO. 180

**TITLE: AUTHORIZATION OF FOUR DAY WORK WEEK
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 55 of 1993, as modified, authorizes a four ten hour per day work week in the Public Works Department which is subject to annual approval by the County and Public Works employees;

NOW, THEREFORE BE IT RESOLVED, that subject to approval of the Public Works employees, four day work schedules for 2013 are hereby approved in the Public Works Department as follows:

- 1.) January 1 to March 30, 2013: Bridge Crews only.
- 2.) March 31 to October 26, 2013: All Public Works employees, except those employees specifically excluded from the four day work week by agreement with the union, ie. landfill employees, certain engineering staff, etc.

3.) November 24 to December 31, 2013: Bridge Crews only.

The resolution was seconded by Mr. Smith.

In answer to Mr. McCarthy, Commissioner Reynolds stated that the four day work schedule has proven to be very beneficial to the department. Home base is in Delhi and travel by the crew to the bridge projects could take up to 2 hours. The longer work day enables the crew to accomplish more work from the time they set up to the time they shut down.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule10 to permit the introduction without objection of the following not-prefiled resolutions.

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

RESOLUTION NO. 181

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,433,811.83 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	\$670,809.16
OET	\$37,239.67
Highway Audits, as Follows:	
Weights and Measures	\$30.47
Landfill	\$84,512.89
Road	\$13,081.80
Machinery	\$71,302.97
Capital Road & Bridge	\$543,153.87
Capital Solid Waste	\$13,681.00

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

Budget Officer Bruce Dolph called the Board’s attention to the updated handout entitled: Exhibit A - Summary of 2013 Budget. He pointed out that the estimated real estate tax levy for 2013 has been reduced to \$26,986,240 for a tax levy increase of 3.9092 percent and a total appropriations of \$96,633,977. Since the presentation of the 2013 Tentative Budget at the last Board of Supervisors meeting further reductions have been made to several departments.

Mr. Rowe discussed the budget from the perspective of his position as Chairman of the Public Works Committee. He stated that a “yes” vote for the 2013 budget is a vote for reduction of services in 2014. The committee has already begun preparation for the 2014 budget and plans to have it to the Budget Oversight Committee early in 2013. The goal of the committee is to take care of the employees and prevent layoffs.

The Department of Public Works (DPW) took \$585,000 out of its \$5.8 million reserve to meet the 2013 budget. This was agreed to in order to meet the department’s obligations and help reduce the overall budget. The committee is in agreement that the department cannot continue to sustain services by taking money from the reserves. The level of service must be adjusted to the actual allocation of funding.

He pointed out several reasons why the department’s fund balance reserve needs to be maintained and cannot be used to sustain services: (1) the county is required to have enough money on hand to operate a closed landfill for thirty years, (2) there needs to be a sufficient amount of money on hand to front bridge repairs and other projects while waiting for applicable reimbursements, and (3) the committee would like to give the Board the option in 2014 to pay off the landfill bond early removing a \$1 million payment obligation.

The committee has committed to developing a 20-year plan. This will be accomplished through the evaluation of the current level of services the department is providing and the reality of what funding will allow the department to provide. These evaluations are intended to help the department find new and better ways of doing things as well as recognize what services can be reduced or eliminated. For example, the technology of Soil and Nails which is saving the county money while working well to stabilize slopes or bringing a paved road back to dirt based on a traffic study.

He referenced the difficulty the towns are faced with as they prepare their budgets. These are very difficult times for the county and its residents. He acknowledges that cuts at both the town and county level will be painful but necessary in order to live within the budgets that are developed. On behalf of the committee he asked for the support of towns, villages and Supervisors as cuts in services are introduced.

Mr. Valente shared that the Public Works Committee is no longer speaking of mandates in generalities. The committee will bring a specific mandate to the Board for its consideration and is asking that all of the committees do the same. The opinion of the committee is that with the support of the New York Association of Counties and the unification of our neighboring counties it may be possible to make a difference.

Mr. McCarthy suggested that the Public Works Committee may need to look at consolidating and/or farming services out. He referenced prevailing wages, salary and benefit packages as part of the problem.

Mr. Rowe commented that Public Works has one significant mandate and it is the Davis-Bacon and Related Acts. Delaware County’s prevailing wage scale is connected to the New York City wage scale. Referencing Mr. McCarthy’s statement, he stated that he did not believe

outsourcing services was a cost effective direction for the county.

Mr. Spaccaforo explained that the Department of Labor (DOL) instituted the Davis-Bacon and Related Acts which applies to contractors and subcontractors working on federally funded or assisted contracts. The Act directs the DOL to determine local prevailing wage rates based on the local union that has that jurisdiction.

Mr. Valente stated that the Public Works Committee will be looking into how these territories are defined and what, if anything, can be done to make prevailing wage rates more realistic for Delaware County.

Ms. Miller thanked the Budget Oversight Committee for their work on the budget. She supported Mr. Rowe's comments, stating that if the Public Works Road Fund is not going to be funded adequately for their obligations the number is unrealistic. The harder choice, but perhaps the better choice, may be that the county keep the tax increases in line with the ten year average of 4.67 percent. The county could then continue to provide the same standard and level of service it always has. On the other hand, if the decision is not to adequately fund the accounts in order to minimize the increase it may be time to look at what can be cut from the road fund and turned over to the towns in terms of roads, bridges and maintenance.

She stated that she would like to be involved in the budget process next year and asked that the Budget Oversight Committee make her aware of their budget meetings or that all the Supervisors work on the budget in a Budget Workshop meeting.

Chairman Eisel agreed that more Supervisors could be involved with the budget process. The Budget Oversight Committee also agreed suggesting that next year a schedule of the meeting dates and times will be made available for those interested in taking part.

He was also in agreement that the increase should be more in line with the ten year average as Ms. Miller pointed out however, these are tough times. Putting out a budget with a 3.9 increase is commendable but is insufficient to meet the county's current obligations. He opined until mandates, hidden inflation and our representatives in Washington get more reasonable with their spending the increases will continue to roll down to the local municipalities. We are sliding and sooner rather than later something is going to have to be done to stop this.

Mr. Hynes stated that talk of turning over roads and bridges to the towns is equivalent to a mandate from the county to the towns, which is exactly what the federal and state governments are doing to the counties. If this were to occur, the town budgets would be forced to increase and the taxpayers of those towns would pick up the increase.

Chairman Eisel agreed, further stating that he has received many compliments on the excellent condition of Delaware County roads.

Mr. Bracci commented that the Department of Public Health has very little control over the mandates. The Human Services Committee has already divested itself of several services and

continues to look at privatizing and consolidating. The result of too many mandates becomes very real when the committee is reduced to looking at cutting services that would affect our senior citizens.

Mr. McCarthy expressed concern that very soon President Obama's Obama Care will be another mandate that will soon be felt at the local level.

Mr. Spaccaforo encouraged the county to become more involved with the work of the New York State Association of Counties. He believed if more counties were involved the federal and state mandates would not be so easily passed down.

Mrs. Capouya noted that the County of Tompkins has its own health insurance program and has found it to be very cost effective. She suggested this may be an avenue for the county to look at.

Mr. Valente noted that the Town of Davenport decided to fund their health insurance benefit rather than insure for it. The decision to fund a higher deductible for its employees will have no affect on the employees but will save the town money.

Mr. Marshfield referenced the county's efforts in past years to privatize and reduce spending. He pointed out that from 2010 to 2012 \$18.1 million was taken from the fund balance reserve to reduce the tax levy. This year, \$6.75 million will subsidize the 2013 Budget. Taxable land values have decreased, interest earnings and sales tax revenues continue to remain low. There is no question that further cuts will be necessary in 2014.

He noted that the majority of the increase for the Department of Social Services is due to the Medicaid mandate. Further, reduced funding for the Public Assistance and Safety Net Programs as well as the Child Welfare Protection and Prevention Services Program has placed a greater financial burden on the county. In addition, the county is mandated to upgrade services and programs causing a greater than anticipated increase to the Information Technology Department, the Sheriff's Office, Jail, Legal Aid for Indigents and employee pensions. It is frightening to consider that the federal and state governments could further cut their funding and or increase their mandates, adding once the fund balance is gone increases to the tax levy will fall on the backs of the taxpayers.

In conclusion, Mr. Marshfield stated that he will vote in favor of this budget knowing that the department heads and Budget Oversight Committee did all in their power to produce a responsible budget.

Chairman Eisel stated that he is in agreement with many of the comments made at today's meeting and the public hearing. However, as elected officials, it is our responsibility to provide the essential services to the best of our ability to the residents of this county. Achieving the 3.9092 percent was an ordeal. The Budget Oversight Committee would have liked nothing more than to present a zero percent increase. He will be voting in favor of the budget because he believes it is the only way to prevent more unemployment and instability in our current economy.

He further stated that as long as inflation in the form of worthless money continues future budgets have no where to go but up. The federal and state governments need to remove some of their laws and regulations that prevent small business from growing and creating jobs. He referenced with annoyance a situation brought to Senator Bonacic's liaison Tina Molé involving a farmer whose permit fee was received one day late and as a result is being fined \$600. The individual has served as a town justice and contributed in many other ways to his town.

Mr. McCarthy expressed concern that the county's sales tax situation may be no better off next year as he did not feel large chain stores would find the population base sufficient to put their stores in the county.

Chairman Eisel commented that his son is opening a store and has found that the requirements and restrictions make it difficult and time consuming to move forward. He referenced the length of time it takes small businesses to obtain a license from the Liquor Authority. It does not seem to phase the state of their lack of timeliness or that businesses cannot operate without the license.

Mr. McCarthy remarked that fiscal responsibility has to begin with the department heads and in his opinion it is the only way to turn the spending around.

Mr. Triolo thanked the department heads and the Budget Oversight Committee for their hard work in producing a responsible budget. A 3.9092 percent increase may not be what we need or want. The department heads and the Budget Oversight Committee did their best to develop a budget as close to the 2 percent tax cap as possible. In the end government has an obligation to provide the basic services to its residents. This county is fortunate to have a fund balance reserve, there are other counties that have had to raise their full tax levy because all of their reserves have been used. Other counties are looking at laying off employees, there are no layoffs planned as a result of this budget. These are very difficult times but there is hope. He encouraged the Board to look to the future with optimism and move forward in the knowledge that the problems will be addressed to the best of our ability.

Chairman Eisel thanked everyone for their comments.

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

RESOLUTION NO. 182

TITLE: ADOPTION OF 2013 DELAWARE COUNTY BUDGET

WHEREAS, the Tentative Budget for the year 2013 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 Tentative Budget, as amended, for 2013 be adopted.

The resolution seconded by Mr. Marshfield and adopted by the following vote: Ayes 4677, Noes 132 (Spaccaforno), Absent 0.

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

RESOLUTION NO. 183

TITLE: APPROPRIATION RESOLUTION

WHEREAS, this Board by Resolution No. 182, dated November 28, 2012 adopted a budget for the fiscal year 2013;

RESOLVED that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified, effective January 1, 2013.

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

Chairman Eisel thanked Nicole Franzese and her mother Angela Rossi for bringing in their delicious pizzelle's they baked for all to enjoy.

Upon a motion, the meeting adjourned at 2:30 p.m.