

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
SEPTEMBER 24, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 24, 2008 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. Axtell 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 introduced Congresswoman Kirsten Gillibrand's Regional Representative Benedict McCaffree. Mr. McCaffree announced that the Congresswoman will be sponsoring a free federal and state grant application conference on Monday, October 6, 2008 at 9:00 a.m. at the Henry A. Wallace Center at the FDR Presidential Library and Home in Hyde Park, New York.

In addition, Mr. Caffree advised as a result of conversations with Supervisor Martin Donnelly and Supervisor Robert Homovich Congresswoman Kirsten Gillibrand will be trying to arrange differently the way FEMA determines disaster areas. The concern is that the current method disproportionately effects rural areas and the \$27 million dollar cut off creates a financial hardship for the towns.

Chairman Eisel granted privilege of the floor to Commissioner of Social Services who introduced Denise McGowan as Employee of the Month.

Ms. McGowan has been with the department for twenty-five years, beginning as a senior typist in the Administrative Unit in 1983 and promoted to administrative assistant in 1994.

As administrative assistant, Ms. McGowan, is responsible for coordinating the department's payroll and personnel functions, and coordinates the Medicaid transportation system for all County Medicaid recipients, and a myraid of other duties.

Ms. McGowan is a dedicated employee with a reservoir of abilities. She provides a consistent level of support and good information to her co-workers and the public. Ms. McGowan's ability to remain grounded under pressure provides a calming affect on those around her. This is particularly helpful when dealing with the emotional crisis of clients that arise from time to time. Ms. McGown takes her position and responsibility very seriously and has produced a twenty-five year record of quality work.

Commissioner Moon presented Ms. McGowan with a \$100.00 Savings Bond and thanked her for her dedication. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Ms. McGowan said that the Board of Supervisors should be proud of all the departments and their employees because they are a great bunch of caring people and it is a great pleasure working with all of them.

Chairman Eisel granted privilege of the floor to Sam Rowe who thanked everyone for their prayers, calls and cards expressing their sympathies over the passing of his son, Samuel Rowe III.

Chairman Eisel granted privilege of the floor to Mr. Smith. Mr. Smith introduced Cornell Cooperative Extension Executive Director Jeanne Darling.

Mrs. Darling introduced 4-H Extension Educator Kathy Sherwood, Resource Educator Coordinator Rural Health Care Alliance Pam Hildebrandt and Senior Resource Educator Paul Cerosaletti.

Mrs. Darling stated that Cornell Cooperative and 4-H Week will be celebrated in Delaware County during the week of October 5 - 11. The goal this year is to grow healthy families, confident youth, successful farms and stronger communities.

A slide presentation entitled: *Highlights for the Year*, was given detailing the programs of Cornell Cooperative Extension (CCE) featuring each town in Delaware County and focusing on activities of, agricultural competitiveness and profitability, children and youth, economic sustainability, environmental protection and enhancement, individual, family and community well-being and nutrition, health and safety.

Mr. Cerosaletti discussed Cornell's latest pilot project in the area of biofuels and renewable energy sources.

In cooperation with the Catskill Watershed Corporation, CCE is embarking on a pilot project in the area of grass pellets. The project will be designed for use in municipal buildings with the thought of carrying the technology to homes through the use of pellet stoves. He referenced the Miller family, located in the Town of Franklin and their attempts to begin a wood

and grass pelleting plant.

CCE is very excited about the pilot project and expects to have demonstration sites in municipal buildings heated with grass pellets open to the public over a three year period. It is anticipated that demonstration sites will be open to the public this winter.

Mr. Cerosaletti pointed out that this is another example of Delaware County's leadership and foresight as we move ahead in the development of this technology.

Mrs. Darling invited the Supervisors to attend the Harvest Dinner Annual Meeting of Cornell Cooperative Extension of Delaware County on Friday, October 3rd from 7 - 9 p.m. at the Rice Dining Hall at 4-H Camp Shankitunk. The program will feature Mike Hoffman, Director, Cornell University Agricultural Experiment Station, Associate Dean, College of Agriculture and Life Sciences.

Mrs. Darling invited all in attendance to enjoy a sampling of local grown foods hosted by Mrs. Sherwood and Mrs. Hildebrandt in the lobby at the conclusion of the meeting. She thanked the Board of Supervisors, Cornell Cooperative Partners and all the volunteers who help to make these programs successful.

For Standing Committee Reports Chairman of Watershed Affairs Committee Leonard Utter stated a copy of an e-mail from Commissioner of Watershed Affairs Dean Frazier has been placed on each desk. As part of the Economic Impact Analysis of the New York City Land Acquisition Program a blog site has been developed and can be accessed through the website www.downeastgroup.ca/blog/.

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

RESOLUTION NO. 166

**TITLE: 2008 BUDGET AMENDMENT
ACCEPTANCE OF COUNTY-WIDE TAX DATA BASE GRANT
TREASURER'S OFFICE**

WHEREAS, the Treasurer's Office has been awarded a grant from the State of New York Office of Real Property Services to perform a study to analyze a county-wide tax data base; and

WHEREAS, the acceptance of the grant does not obligate the County to implement a tax data base system

THEREFORE BE IT RESOLVED that the following budget amendment be authorized:

ESTABLISHED REVENUE ACCOUNT:

10-11325-43308900/1325032/909 State Other - General Government \$25,000.00

ESTABLISH APPROPRIATION ACCOUNT:

10-11325-54327000/1325032/909 General Grant Related Expenses \$25,000.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4199, Noes 607 (Homovich, Smith, DuMond), Absent 0.

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

RESOLUTION NO. 167

**TITLE: 2008 BUDGET AMENDMENT
DESIGNATION OF DELAWARE COUNTY
AS LOCAL SPONSOR FOR SNOWMOBILE GRANT
PLANNING DEPARTMENT**

WHEREAS, the Delaware County Board of Supervisors passed Resolution No. 76 on April 9, 2008 to declare Delaware County as the Local Sponsor for the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Grant Program; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has amended the amount of funds available for the maintenance of Delaware County Snowmobile Trails;

NOW, THEREFORE BE IT RESOLVED, that the 2008 budget be amended as follows:

INCREASE REVENUE:

10-17989-43388900-8020-014-908 State Otr Culture & Recreation \$2,275.00

INCREASE APPROPRIATION:

10-17989-54555000-8020-014-908 Recreation Snowmobile Grant \$2,275.00

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

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

RESOLUTION NO. 168

**TITLE: COMMUNITY SOLUTIONS FOR TRANSPORTATION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Community Solutions for Transportation Program. Said monies to be used for public assistance employment purposes and is 100 percent reimbursed.

NOW, THEREFORE BE IT RESOLVED that the 2008 budget be amended as follows:

INCREASE REVENUE:

10-16010-44461000	Federal Social Services	\$25,275.00
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INCREASE APPROPRIATION:

10-16010-54427013	Solutions	\$25,275.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 169

**TITLE: RESOLUTION CALLING ON THE NEW YORK CONGRESSIONAL
DELEGATION TO SUPPORT AN INCREASE IN THE FEDERAL MEDICAL
ASSISTANCE PERCENTAGE (FMAP) TO PROVIDE NEW YORK COUNTIES
WITH PROPERTY TAX RELIEF
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, under Federal Law, local governments are not responsible for any portion of Medicaid funding, however, Congress has given states the ability to require local governments to share in financing the non-federal share of Medicaid costs; and

WHEREAS, the United States Centers for Medicare & Medicaid Services, data demonstrates that no other state in the country financially burdens its localities like New York State; and

WHEREAS, Medicaid represents the largest single program expense in every county budget and siphons away the limited resources needed to fund other critical budgetary needs at the county level; and

WHEREAS, the total Medicaid Program in Delaware County exceeds \$50 million

annually and more than one-third of the County's \$23 million tax levy is local Medicaid expense; and

WHEREAS, the National Governor's Association (NGA), including Governor Paterson, have supported a proposal for a temporary increase in the federal medical assistance percentage (FMAP) as an economic stimulus option that would provide more federal funding for state Medicaid programs; and

WHEREAS, the NGA has indicated that it would both help to stimulate the nation's economy and shore up the safety net for low-income families; and

WHEREAS, this proposal would provide nearly \$1.6 billion in fiscal relief to New York State, including \$480 million in relief to county government; and

WHEREAS, this FMAP increase would reduce the local Medicaid burden and provide immediate property tax relief to the residents of New York State:

NOW, THERE FOR BE IT RESOLVED, that the Delaware County Board of Supervisors calls upon the New York Congressional Delegation to support an increase in the (FMAP) to provide New York's local taxpayers with relief from the crushing financial burden of the Medicaid program;

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors shall forward copies of this Resolution to the New York State Congressional Delegation, Governor Paterson and all others deemed necessary and proper.

The resolution was seconded by Mr. Hynes.

Chairman Eisel advised that a letter has been prepared and will be attached to the Resolution going to the Congressional Delegation and Governor Patterson.

The resolution was unanimously adopted.

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

RESOLUTION NO. 170

**TITLE: AUTHORIZATION FOR AWARDS -
DEPARTMENT OF PUBLIC WORKS**

LETTING OF SEPTEMBER 17, 2008

Notice to bidders and proposals received having been filed and the bidding procedures

and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 34-08 TANDEM AXLE DUMP BOXES to:

Wayne's Welding, Inc.
66 Calder Avenue
Yorkville, NY 13495

Bid Price:	Stainless Steel Box	\$46,372.00
	Mild Steel Box	\$22,378.00

The County will only purchase one Stainless Steel Box.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Haynes.

Mr. Utter stated that this is a budgeted item. DPW had budget for two boxes but, with the price of stainless steel it was decided to purchase one new box and re-use the existing box on another truck.

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. 171

**TITLE: PURCHASE OF HIGHWAY RIGHT OF WAY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Delaware County Department of Public Works has entered into an Agreement with the New York State Department of Transportation to receive Federal Aid under PIN 9752.99 for the reconstruction of County Bridge 2-2, BIN 3352470, and its approaches; and

WHEREAS, the new structure and highway realignment will require additional right of way; and

WHEREAS, the Department of Public Works has followed all the Federal Requirements for acquiring highway right of way including certified appraisals and appraisal reviews; and

WHEREAS, the Board of Supervisors is authorized to provide such right of way pursuant to the provisions of Section 118 of the Highway Law.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Department of Public Works is authorized to purchase the following parcels in the Town of Hamden for the respective amounts including damages.

Map No. 1 Parcel No. 1	0.876 Acres	Fee
Map No. 8 Parcel No. 8	0.370 Acres	Temporary Easement
Donald F. Bishop II	\$6,350.00	

BE IR FURTHER RESOLVED, that all closing costs associated herewith are also authorized.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter said that this is the last easement that needed to be addressed. The project is ready to begin and the County did not have to exercise their right to use eminent domain.

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. 172

TITLE: AUTHORIZATION TO ENTER INTO AGREEMENT WITH THE TOWN OF DEPOSIT FOR THE TRADE OF ROADS FOR BUILDINGS DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works owns a patrol facility including land, garage and ancillary buildings at 2430 State Highway 10, Deposit, New York; and

WHEREAS, the patrol garage is the base of operations for a crew that maintains county roads in the Town of Deposit as well as the Towns of Masonville, Hancock, and Tompkins; and

WHEREAS, the Town of Deposit is in need of a new highway garage; and

WHEREAS, the County roads in the Town of Deposit are among the lowest traveled County roads on the County system; and

WHEREAS, the Department of Public Works has worked with the Public Works Committee to develop a plan to reorganize the remaining Delaware South Patrols to maintain the

County roads in the Towns of Masonville, Hancock and Tompkins previously maintained by the Deposit Patrol; and

WHEREAS, the Deposit Town Board adopted Resolution No. 8 of 2008 on September 9, 2008 authorizing the Town Supervisor to enter into an agreement with the County for the transfer of the ownership of patrol property and County roads in the Town of Deposit; and

WHEREAS, it is in the County's best interest to turn over the ownership and maintenance of County Routes 19, 48 and the portion of Route 20 that is in Deposit to the Town of Deposit in return for deeding them the building and property.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board is herewith authorized to execute any and all agreements and documents necessary to complete the transfer.

The resolution was seconded by Mr. Haynes.

Chairman Eisel granted Mr. Axtell's request to abstain from voting as he is the Supervisor of the Town of Deposit.

The resolution was unanimously adopted.

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

RESOLUTION NO. 173

**TITLE: BRIDGE TAKEOVER AND CONSTRUCTION STANDARDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the 21st Century Bridge Program was established by Resolution No. 234 of 1994; and

WHEREAS, under the program all bridges in Delaware County are owned and maintained by the Delaware County DPW; and

WHEREAS, the Board recognizes that there will be times that towns and villages in the County will want to increase the size of their existing structures to a length that becomes 20 feet in span or longer; and

WHEREAS, the Board wants the new structures to be designed and built to the same standard that the County builds its structures.

NOW, THEREFORE, BE IT RESOLVED, that the following procedure be followed for all structures that will become the County's after construction is complete:

The proposing municipality shall retain an engineer, licensed to practice engineering in NYS to perform all the necessary work identified herein.

1. The municipality shall have a hydrologic and hydraulic analysis performed to determine the required structure waterway opening. The analysis shall be summarized in a report. The report shall include all the necessary calculations to determine the waterway opening of the structure. The calculations shall include a USGS quadrangle map clearly delineating the limits of the watershed for the proposed crossing. It shall also include a sketch plan of the proposed structure. The sketch shall include the skew angle of the proposed structure, the bank full width of the stream to be crossed as measured a minimum of 100 feet upstream and downstream of the proposed bridge, the proposed alignment of the approach roadways, and other appropriate information.
 - a. The design standards for the hydrology and hydraulics shall be:
 - i. The USGS regression equations methodology dated 1991 shall be used.
 - ii. The waterway opening shall be the smaller of the two following conditions
 - (1) 50 year recurrence interval with 2 feet of freeboard
 - (2) Pass the 100 year recurrence interval under gravity flow conditions.
 - (3) The hydraulics shall be modeled manually with reasonable assumptions or by using any generally accepted modeling software package ie HEC RAS.
 - b. The report shall be submitted to the DPW for review and written approval prior to any further work being done on the bridge design.
 - c. DPW is required to review and act on the document within 10 working days of the receipt by the department
 - d. If the H&H report does not clearly identify the need for the structure to be a bridge as defined by the New York State Highway Law, then the municipality shall not build a structure with a span length of 20 feet or greater just to have the County take the structure over.
2. Once the H & H report has proven that a structure having a span of 20 feet or greater is required, and the report is accepted, the municipality shall proceed with the design.
3. Design phase shall include a number of sub phases. Each of the sub phases have to be approved in writing by the DPW prior to the advancement to subsequent sub phases. The sub phases shall include:
 - a. Type, size, and location study
 - i. Under this submission the engineer shall identify the general alignment of the structure and the approach roadways
 - ii. The skew of the crossing with respect to the stream shall be clearly shown

- iii. The type of substructure units to be utilized shall be identified
 - iv. The type of superstructure to be utilized shall be identified
 - b. 50% plans
 - i. This submission shall include all of the major components of the structure
 - ii. Shall include the angles and lengths of all the wing walls
 - iii. Shall show the limits of the approach guide rail
 - iv. Shall show the limits of all required stone slope protection
 - c. 75% plans
 - i. This submission shall include all the necessary details to construct the bridge
 - ii. Shall include a listing of all the standard DOT specifications that will be used in the project.
 - iii. Shall include a rough draft of the special specifications required.
 - d. 100% plans
 - i. This submission shall include all the necessary details, specifications and bid documents to put the project out to bid
4. Design Standards. The following design standards shall be used on all County structures:
- a. Substructures
 - i. Must be based on a geotechnical report by a professional engineer licensed to practice in the State of NY. Must have at least two years of experience in the field of geotechnical engineering
 - ii. The preferred substructure shall be steel sheet piling. If sheets can not be driven to the required depths, the walls shall be tied back. If tie backs do not provide the required restraint, concrete abutments shall be allowed. Concrete abutments shall be founded on and doweled into rock or be on steel piles. Integral abutments may be acceptable to the department based on the projected water velocities of the design storm, slope of the stream and general topography of the valley floor. It is not to be assumed that integral abutments will automatically be acceptable. If they are acceptable, there will be a requirement for scour protection against loss of embankment material from the approaches.
 - b. Superstructure
 - i. Design loading shall be HS 25
 - ii. Cross section of roadway shall be in accordance with AASHTO for the appropriate level of service of the roadway on which the bridge will be situated
 - iii. NYS DOT bridge design manual and Bridge Design Detail (BDD) sheets shall be used.
 - iv. If the type is beam and deck, the deck shall be a 6"X8" nail laminated, pressure treated deck in accordance with standard

- the purposes of the Unified Bridge Inspection Program.
- iii. The record drawings shall be provided to the County within 20 working days of the day that the bridge was first opened to the traveling public.
- c. Level One Load Rating Calculations
 - i. A level one load rating calculation shall be provided upon the completion of the project. The level one shall accurately reflect the structural capacity of the project as it was completed. The level one shall be submitted on the forms required by the NYSDOT. The rating shall clearly identify the structural capacity of all the components and also identify the controlling components. The rating shall be signed and stamped by a PE licensed to practice engineering in NY State.
 - ii. Two original copies of the signed and sealed Load Rating Calculations shall be submitted to the DPW within 14 working days of the opening of the structure to the public.

The resolution was seconded by Mr. Haynes.

Mr. Utter explained that the 21st Century Bridge Program established in 1994 by Board Resolution stipulates that bridges spanning 20 feet or longer are to be owned and maintained by the County Department of Public Works (DPW).

This resolution is written to ensure that towns and villages design all new structures to the same standard as the County. This way, if a town or village increases the size of an existing structure the County would not be taking over a substandard bridge.

In answer to Mr. Bracci, Mr. Utter said that this resolution is the written policy of DPW's existing guidelines.

Responding to Mr. DuMond, Commissioner of Public Works Wayne Reynolds stated that the bridges currently being built in Masonville were designed to meet these standards.

Commissioner Reynolds stated in response to Mr. Homovich, that certified engineers are not used on projects that are done by DPW because the guidelines have been developed by DPW staff. If a bridge is contracted out an inspector is used every time. The cost to the County to use an inspector is approximately \$7,000. It is impossible for DPW to provide a County employee full time to the towns, however, a staff member from engineering has been identified and will try to be available as needed to the towns and villages.

Mr. Homovich said it is his feeling that this resolution will place an additional financial burden and make it more difficult on the towns and villages. He discussed several difficulties that could arise during a project that would inflate the original cost of the project and noted that

FEMA representatives may not agree with DPW's specification and/or their funding may not be sufficient because of them.

Commissioner Reynolds stated that the intent of the resolution is not to cost the towns or village additional money, but to ensure that a structure taken over by the County is as good as a structure built by the County. He explained DPW has learned a great deal through experience and as a result of the recent disasters. The County is scrambling to upgrade its existing structures. The idea was to put together a comprehensive plan helpful for each town or village. He sited a bridge that was built more cost effectively than DPW's design but, the protection is not there and DPW is working on an agreement that if something happens to the substructure units that cost will be a local responsibility. The County will take care of the superstructure because it was built to specifications.

In answer to Mr. Valente, Commissioner Reynolds said that a wonderful set of plans could be designed but what is built could be very different. He pointed out that DPW does not want to tell a town that they have to build a bridge rather than box culverts, the town needs to be able to weigh their choices and make that decision.

Mr. Valente said that he used an engineer and the cost was between six and seven thousand.

Commissioner Reynolds, answered in reply to Mr. Homovich that most of the time the FEMA representatives are very good, but there are times when they can be difficult. The DPW Committee is currently in a situation with a municipality as a result of a FEMA representative that would not allow compliance with DPW's specifications. As a result, DPW is attempting to reach an agreement with this municipality stating that because the bridge was not built to DPW's specifications any necessary repairs to the bridge will be the municipality's responsibility.

Mr. Marshfield said the Town of Hamden built three box culverts between 1996 and 2006 and the engineering on each one was \$30,000, an additional culvert completed in 2008 cost \$35,000. He believed that full reimbursement would be made by FEMA.

Mr. Rowe noted that the County is going to get eight bridges from the Town of Hancock and that he worked with Commissioner Reynolds and DPW through the whole project. It was a FEMA representative that remarked that they had been three times in two years to the same pipe that kept blowing out and encouraged the town to look at building a new structure. Hancock just bid out two bridges that will become the County's. One will cost \$287,000 and the other \$314,000 that is an expense that the town will have to pay and get reimbursed through hazzard mitigation money. The DPW committee is trying to put the tools in place to ensure the County inherits good structures.

Mr. Homovich pointed out that the 21st Bridge Program went into effect because the towns were unable to maintain their large structures. Now he feels the towns are in the same

problem because of changes in the rules. He felt that the wording of this resolution required the towns to meet rules the County DPW is not required to meet.

Mr. Rowe pointed out that the DPW staff is top notch. The pattern is there, it is not worth investigating ourselves. The County does place an inspector on all jobs that are contracted out.

Commissioner Reynolds explained that this resolution established the specifications for how bridges will be built in this County. The guidelines will be helpful to consultants hired by the towns and FEMA because the County's specifications are downloadable right from the website. These guidelines have been developed by trial and error. DPW now knows what works in our area and what will not. If a decision is made by a municipality not to build per the specifications for whatever reasons, and the County becomes owner of the bridge, the municipality will be held responsible in the event of major repair.

Mr. Donnelly said that he is very confident about what is spelled out in this resolution but, expressed concern that it may result in an increase to County taxpayers. He suggested that funding be put into the DPW budget specifically for a person to work with the towns and village.

Chairman Eisel asked Commissioner Reynolds and the DPW Committee to discuss this matter further and report back to the Board.

The resolution was adopted by the following Vote: Ayes 3301, Noes 1505 (Homovich, Valente, Bracci, Meredith) Absent 0.

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

RESOLUTION NO. 174

**TITLE: TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE OR OVER
RESCIND RESOLUTION NO. 203 OF 1990
REAL PROPERTY TAX SERVICES**

WHEREAS, the existing income ceiling of \$7,000 for the Real Property tax exemption for persons 65 and older in Delaware County is no longer effective in protecting the most vulnerable of this County's citizens;

BE IT RESOLVED, that Resolution No 203 of 1990, entitled: *Tax Exemption for Persons 65 Years of Age or Over*, is hereby rescinded and the following be adopted for granting real property tax exemption for persons 65 and older in Delaware County.

BE IT RESOLVED, that, pursuant to the authority granted by Sec. 467 of the Real Property Tax Law, real property within the County of Delaware owned by one or more persons,

each of who is 65 years of age or over, or real property within the county owned by husband and wife, one of who is 65 years of age or over, shall be exempt from county tax levy according to the following schedule based on income of the owner or combined income of the owners of the property for the tax year immediately preceding the date of application:

Income \$10,600 or less	50% exemption
Income more than \$10,600 but less than \$11,600	45% exemption
Income more than \$11,600 but less than \$12,600	40% exemption
Income more than \$12,600 but less than \$13,600	35% exemption
Income more than \$13,600 but less than \$14,500	30% exemption
Income more than \$14,500 but less than \$15,400	25% exemption
Income more than \$15,400 but less than \$16,300	20% exemption
Income more than \$16,300	NO exemption

BE IT FURTHER RESOLVED that all of the provisions of Sec. 467 of the Real Property Tax Law shall apply in the administration and interpretation of this resolution and such exemption shall not be granted unless the applicant qualified thereunder.

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

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

RESOLUTION NO. 175 (WITHDRAWN)

TITLE: AGENCY MOVING TO KELLOGG SCHOOL IN TREADWELL OFFICE FOR THE AGING

WHEREAS, the Delaware County Office for the Aging was directed by both the Senior Council and the Agency’s Advisory Council to search for another location due to inadequate parking and office space; and

WHEREAS, the Agency has been unable to find a suitable location in Delhi; and

WHEREAS, the Delhi Central School Board has offered to lease the recently vacated Kellogg School to the Agency; and

WHEREAS, the School Board is willing to lease the building to the Agency for a sum that does not exceed the Agency’s current costs related to occupying the Luce Senior Center; and

WHEREAS, as a result of this agreement and subsequent relocation there will be no increase in local County match

THEREFORE, BE IT RESOLVED, that the County will enter into an agreement with the Delhi Central School Board to lease the Kellogg building to the Office for the Aging at a date starting no sooner than November 3, 2008.

The resolution was seconded by Mr. Maddalone.

Director of Office for the Aging Tom Briggs referenced his letter mailed to the Supervisors explaining the background information for this resolution.

The Office for the Aging moved to its present location, the Luce Senior Center in Delhi, thirty years ago with a staff of five. With the onset of new funding for a variety of programs, additional personnel and area parking, the Agency can no longer function effectively in the present location. Mr. Briggs explained that both the Delaware County Senior Council and Office for Aging Advisory Council requested that OFA seek another location. Available locations in the Town and Village of Delhi were explored. Last year, talks were initiated with the Superintendent at Delaware Academy to explore the possibility of moving into the Kellogg School in Treadwell. The school is willing to rent space to the OFA for the same amount of money the Agency is currently expending for rent and utilities in their current building.

The Board was in agreement with Mr. Briggs that OFA needed to find a more suitable location. There were many questions regarding the specifics of the lease agreement, concern over the Agency leaving Delhi, the difficulty of traveling Treadwell Road and the set up once the employees were moved. The Board felt that insufficient information was presented to vote on this matter at this time.

Mr. Hynes made a motion to withdraw the resolution in order to address the issues that were raised. The motion to withdraw was seconded by Mr. Maddalone.

Mr. Rowe introduced local law nos. 1 through 16, Mr. Haynes and Mrs. Capouya seconded.

LOCAL LAW INTRO NO. 1

TITLE: SALARY INCREASE COUNTY ATTORNEY

Section 1. The salary of Richard Spinney, Delaware County Attorney shall be of Eighty-Five Thousand, Eight Hundred Six Dollars [\$85,806] per annum effective January 1, 2009.

Section 2. The salary of \$85,806 shall consist of the following: 1] Regular County Attorney duties, \$66,179; 2] Representation of the Delaware County Self-Insurance Fund, \$19,627, which shall be contingent on the continued assignment of this responsibility.

Section 3. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 2

TITLE: SALARY INCREASE DIRECTOR OF REAL PROPERTY TAX SERVICES

Section 1. The salary of Michael Sabansky, Delaware County Director of Real Property Tax Services II shall be of Fifty-Six Thousand, Two Hundred Thirty Six Dollars [\$56,236] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 3

TITLE: SALARY INCREASE PERSONNEL OFFICER

Section 1. The salary of Leonarda Storey, Delaware County Personnel Officer shall be of Sixty-Two Thousand Seven Hundred Thirty Five Dollars [\$62,735] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 4

TITLE: SALARY INCREASE DIRECTOR OF INFORMATION TECHNOLOGY

Section 1. The salary of Joseph deMauro, Delaware County Director of Information Technology shall be of Seventy-Three Thousand, One Hundred Thirty Nine Dollars [\$73,139] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 5

TITLE: SALARY INCREASE DIRECTOR OF EMERGENCY SERVICES

Section 1. The salary of Richard Bell, Delaware County Director of Emergency Services shall be of Forty-Four Thousand, Six Hundred Fifteen Dollars [\$44,615] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 6

TITLE: SALARY INCREASE DIRECTOR OF COMMUNITY MENTAL HEALTH

Section 1. The salary of Patricia Thomson, Delaware County Director of Community Mental Health shall be of Eighty-Four Thousand, Nine Hundred Ninety Seven Dollars [\$84,997] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 7

TITLE: SALARY INCREASE COMMISSIONER OF SOCIAL SERVICES

Section 1. The salary of William Moon, Delaware County Commissioner of Social Services shall be of Ninety-Three Thousand, Three Hundred Thirty One Dollars [\$93,331] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 8

TITLE: SALARY INCREASE DIRECTOR OF VETERANS SERVICE AGENCY

Section 1. The salary of Robert Johnson, Delaware County Director of Veterans Service Agency shall be of Forty-Two Thousand, Eighty Five Dollars [\$42,085] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 9

TITLE: SALARY INCREASE PLANNING DIRECTOR

Section 1. The salary of Nicole Franzese, Delaware County Planning Director shall be of Seventy-One Thousand, Nine Hundred Fifty Nine Dollars [\$71,959] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 10

TITLE: SALARY INCREASE DIRECTOR ECONOMIC DEVELOPMENT

Section 1. The salary of Glenn Nealis, Delaware County Director Economic Development shall be of Seventy One Thousand, Nine Hundred Fifty Nine Dollars [\$71,959] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 11

TITLE: SALARY INCREASE COMMISSIONER OF PUBLIC WORKS

Section 1. The salary of Wayne Reynolds, Delaware County Commissioner of Public Works shall be of Eighty-Six Thousand, Three Hundred Thirteen [\$86,313] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 12

TITLE: SALARY INCREASE PUBLIC HEALTH DIRECTOR

Section 1. The salary of Bonnie Hamilton, Delaware County Public Health Director shall be of Seventy-Six Thousand, One Hundred fifty Three Dollars [\$76,153] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 13

TITLE: SALARY INCREASE COMMISSIONER OF WATERSHED AFFAIRS

Section 1. The salary of Dean Frazier, Delaware County Commissioner of Watershed Affairs shall be of Sixty-Eight Thousand, Six Dollars [\$68,006] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 14

TITLE: SALARY INCREASE COUNTY TREASURER

Section 1. The salary of Beverly J. Shields, Delaware County Treasurer shall be of Fifty-Nine Thousand, Two Hundred Sixty Seven [\$59,267] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 15

TITLE: SALARY INCREASE COUNTY CLERK

Section 1. The salary of Sharon O'Dell, Delaware County Clerk shall be of Fifty-Nine Thousand, Two Hundred Sixty Seven Dollars [\$59,267] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 16

TITLE: SALARY INCREASE COUNTY SHERIFF

Section 1. The salary of Thomas Mills, Delaware County Sheriff shall be of Sixty-Six Thousand, Nine Hundred Thirty Dollars [\$66,930] per annum effective January 1, 2009.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

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

RESOLUTION NO. 176

TITLE: PUBLIC HEARING ON LOCAL LAWS NO. 1 THROUGH 16 OF 2009

WHEREAS, Local Laws Intro. Nos.1 through 16 have been introduced to increase the salaries of: **Non-Elected:** Richard Spinney, County Attorney; Michael Sabansky, Director Real Property Tax Services II; Leonarda Storey, Personnel Officer; Joseph DeMauro, Director, Information Technology; Richard Bell, Director Emergency Services; Patricia Thomson, Director Community Mental Health Clinic; William Moon, Commissioner, Social Services; Robert Johnson, Director, Veterans Affairs; Nicole Franzese, Director, Planning; Glenn Nealis, Director, Economic Development; Wayne Reynolds, Commissioner, Public Works; Bonnie Hamilton, Director, Public Health; Dean Frazier, Commissioner, Watershed Affairs; **Elected:** Beverly J. Shields, County Treasurer, Sharon O'Dell, Delaware County Clerk, Thomas Mills, Delaware County Sheriff.

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on Local Laws Intro Nos. 1 through 16 on the 8th day of October, 2008 at 12:45 PM in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

Mr Rowe offered the following resolution and moved its adoption:

RESOLUTION NO. 177

TITLE: 2009 DEPARTMENT HEAD/NONUNION SALARIES

Be It Resolved, that the following 2009 salaries are hereby approved effective January 1, 2009.

<u>Name</u>	<u>Title</u>	<u>2009 Salary</u>
Debra Goodrich	Deputy County Clerk	\$40,560*
Haley Gransbury	2nd Deputy County Clerk	\$34,671
Vicki Wells	3rd Deputy County Clerk	\$33,057
Douglas Vredenburg	Undersheriff (40 Hour Week)	\$61,407
Denise VanDusen	Deputy Treasurer	\$47,110*
Porter Kirkwood	1 st Assistant County Attorney	\$90,860
Amy Merklen	Assistant County Attorney	\$77,438
Kristen Garland	Assistant County Attorney	\$77,438
Christa Schafer	Clerk of the Board	\$64,345*
Lori Koronowski	Assistant Clerk of the Board	\$38,144
Joyce Schultz	Administrative Assistant	\$28,914
Joanne Malino	Workers Compensation Clerk	\$33,418
Judy Dilorenzo	Assistant to Workers' Comp. Clerk	\$27,850
	District Attorney	\$119,800
John Hubbard	Assistant District Attorney (Chief)	\$75,691
Steven Rothenberg	Assistant District Attorney	\$54,369
Marlene Dominguez	Secretary to DA (40hr/wk)	\$33,580
Linda Pinner	Personnel Technician	\$44,503*
Cindy Bauer	Senior Human Resources Clerk II	\$39,144*
Brenda Stone	Sr Human Resources Clerk I	\$34,219
Marsha Muller	Human Resources Clerk	\$32,893
Susan McIntyre	Solid Waste Director (40 Hour Week)	\$56,236
Lisa Henderson	Assistant to the Commissioner Public Works	\$49,665
John Cammer	Deputy Commissioner PW Rds/Bridges (40 Hour Week)	\$68,006
Robert Conklin	General Highway Supervisor (40 Hour Week)	\$47,144
Brian Francisco	General Highway Supervisor II (40 Hour Week)	\$53,326*
Clarence Montgomery	Supt Buildings & Grounds (40 Hour Week)	\$55,910
Susan Aikens	Deputy Commissioner Social Services	\$59,345*
Darlene Benson	Accounting Supv Grade A/Dir Fiscal Mngmnt	\$48,836*
Jeff Bowie	Director of Social Services Investigations	\$53,575
Sylvia Armanno	Director of Programs	\$53,575
Tom Hilson	Assistant to the Commissioner WSA	\$48,514
Wayne Shepard	Director of Patient Services	\$70,322*
Jan Schlafer	Fiscal & Information Manager	\$47,110*
Cynthia Heaney	Chemical Dependency Clinic Director	\$62,407*

Scott Glueckert	Probation Director II	\$59,160
Dale Downin	Code Enforcement Officer	\$47,836
Daniel Schlafer	Sealer Weights Measures	\$42,085*
William Campbell	Election Commissioner	\$19,139
Janice Burdick	Election Commissioner	\$19,139
Robin Alger	Deputy Election Commissioner	\$33,418
Paula Schermerhorn	Deputy Election Commissioner	\$33,418

* Includes \$1,000 longevity

The resolution was seconded by Mr. Haynes.

Personnel Director Teddie Storey explained in response to Mr. Marshfield, that employees working 40 hours a week are entitled to earn over-time.

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

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

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

RESOLUTION NO. 178

TITLE: 2008 CORNELL COOPERATIVE EXTENSION AND NATIONAL 4-H WEEK

WHEREAS, Cornell Cooperative Extension of Delaware County is dedicated to improving the lives of Delaware County youth, families, farms and communities through research-based education; and

WHEREAS, Cornell Cooperative Extension represents a statewide system of partnerships working with federal, state and county governments; and

WHEREAS, the heart of Cooperative Extension is found in the vitality of its 1,841 volunteers who share their time, expertise and caring on our boards, in our 4-H clubs, and in our educational outreach; and

WHEREAS, Cornell Cooperative Extension's 4-H youth development program works to provide our youth with the qualities they need to become the next generation of leaders; and

WHEREAS, Cornell Cooperative Extension of Delaware County will continue to provide programs that will grow healthy families, confident youth, successful farms and stronger communities in Delaware County; and

WHEREAS, Cornell Cooperative Extension of Delaware County will continue to work closely with its many local partners to offer programs that promote local food, healthy lifestyles, alternative energy, and economic growth in the agricultural and healthcare workforce that are the backbone of this county

THEREFORE, BE RESOLVED, that the Delaware County Board of Legislators hereby designate the week of October 5 - 11, 2008 as Cornell Cooperative Extension Week and National 4-H Week in Delaware County.

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

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

RESOLUTION NO. 179

TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES

BE IT RESOLVED that the following State Equalization Rates be adopted for the apportionment of the 2009 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	100.00
BOVINA	24.00
COLCHESTER	3.66
DAVENPORT	69.60
DELHI	56.56
DEPOSIT	5.45
FRANKLIN	79.00
HAMDEN	16.86
HANCOCK	13.73
HARPERSFIELD	25.24
KORTRIGHT	100.00
MASONVILLE	100.00
MEREDITH	100.00
MIDDLETOWN	49.50
ROXBURY	25.92
SIDNEY	85.00
STAMFORD	27.50
TOMPKINS	3.58
WALTON	25.94

The resolution was seconded by Mr. Marshfield and Mr. Maddalone.

Mr. Valente commented that Davenport did a reevaluation and received a 100 percent equalization rate. The problem he felt was in keeping the 100 percent. Davenport assessed six percent across the board and created a problem causing many taxpayers to complain to the Assessment Review Board. The multitude of problems created resulted in the Town of Davenport's decision not to remain at 100 percent equalization.

Mr. DuMond said that it is a benefit to the towns to be at 100 percent equalization rate. It ensures a revenue stream for the town and every property. He felt that it was important for the towns to provide public information. The system is very transparent and fair, the taxpayers can see why they are paying what they are paying. It is the best way to go. The Town of Masonville has been at 100 percent for the last three years.

Mr. Haynes noted that the Town of Kortright is on its fifth year of 100 percent.

Mr. Valente commented that there is a great deal of paper communication between the towns and County. He felt communication could be improved.

Mr. Sabansky stated that the purpose of a reevaluation is not to create extra funds for governments. Its purpose is to promote fairness and equity so that the taxpayers would only pay taxes on what they actually owned. Each year after a town reaches 100 percent assessment, the entire tax roll is evaluated and changes are made only where necessary.

Mr. Donnelly stated if the Town of Andes did not go to 100 percent assessment 2008 would have been the last year the City of New York would be required to pay its current assessment on watershed properties. The evaluation has been a benefit to the taxpayers of the Town of Andes.

The resolution was unanimously adopted.

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

RESOLUTION NO. 180

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.

TOM05TX.014

ASSESSED TO:

MICHAEL SRAMEK & CAROLE SRAMEK

TOWN OF:

125400:TOMPKINS

TAX MAP NO:

227.1-1-3

SCHOOL DISTRICT:

125601:WALTON

ACREAGE:	0.33A ACRES
CONVEYED TO:	LARRY R PHOENIX AND MICHELLE PHOENIX*
	63 HERRICK HOLLOW ROAD
	TROUT CREEK NY 13847
CASH CONSIDERATION:	\$2,430.23
TAX DEFICIT:	\$1,931.13

*as per deed recorded 2/13/08 at Liber 1204/Page 63.

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. 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 \$1,499,861.75 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	\$596,418.33
OET	\$23,013.63
Risk Retention	\$4,224.50
Highway Audits, as Follows:	
Road	\$10,321.42
Machinery	\$420,881.99
Capital Road & Bridge	\$154,397.88
Capital Solid Waste	\$200,715.00
Solid Waste/Landfill	\$89,889.00

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

Chairman Eisel appointed Heather Donato to the Youth Bureau Board of Directors to replace Lorrie Walter.

Upon a motion the meeting adjourned at 3:05 p.m.