

In the Matters of the

ONEIDA INDIAN NATION OF NEW YORK,

Petitioner/Plaintiff,

- vs -

TANYA M. PIFER, as Assessor of the TOWN OF LENOX, ET AL.,

Index No. 05-1532

LONNIE P. STEDMAN, as Assessor of the CITY OF ONEIDA, ET AL.,

Index No. 05-1533

TANYA M. PIFER, as Assessor of the TOWN OF STOCKBRIDGE, ET AL.,

Index No. 05-1534

TANYA M. PIFER, as Assessor of the TOWN OF LINCOLN, ET AL.,

Index No. 05-1535

RAYMOND A. MANN, as Assessor of the TOWN OF SULLIVAN, ET AL.,

Index No. 05-1536

PRISCILLA J. SUITS, as Assessor of the TOWN OF FENNER, ET AL.,

Index No. 05-1537

RHONDA M. WEIGAND, as Assessor of the TOWN OF SMITHFIELD, ET AL.,

Index No. 05-1538

TANYA M. PIFER, as Assessor of the TOWN OF LINCOLN, ET AL.,

Index No. 05-1606

Respondents/Defendants.

For a Judgment pursuant to Article 7 of the Real Property Tax law and
Article 78 and Section 3001 of the Civil Practice Law and Rules

AFFIDAVIT OF JOSEPH SLIVINSKI

STATE OF NEW YORK)
)S.S.:
COUNTY OF MADISON)

JOSEPH SLIVINSKI, being duly sworn, deposes and says:

1. I am the Highway Superintendent in and for the County of Madison, a position I have held since 1980. I am over 18 years old and am competent to make this affidavit. I have personal knowledge of the statements made herein

and make this Affidavit in Support of the County of Madison's Motion to Dismiss in the above-captioned matter.

2. I am familiar with the inability of the County to collect Real Property taxes on parcels owned by the Oneida Indian Nation of New York and the impact that has had on the overall County budget. As a result of that shortfall there have been serious cuts in the Madison County Highway Department's budget that have had an impact on all the citizens of Madison County.
3. In 1998, the Road Machinery Repair and Expenses budget line was \$755,000. That budget line is used for the purchase of new equipment, including but not limited to trucks, bulldozers, loaders and smaller equipment. In the years 2002, 2003 and 2004 that budget line was zero. In the year 2005 that budget line was \$433,000 due to our desperate need to purchase two new dump trucks, which were necessary due to the current age of our fleet. Madison County presently has approximately 25 dump trucks with an average age of more than ten years.
4. The County of Madison is presently in need of a new road grader, bulldozer and hydraulic excavator. The current age of the present grader, bulldozer and hydraulic excavators that we presently have are approximately between 10 and 15 years. At that age it is difficult to get new parts and repairs are needed more frequently, meaning that the equipment spends more time being repaired than being used.
5. We also are in need of a new tree crane. The present tree crane we have was purchased in 1982. In order to supplement the tree crane we are presently

trying to purchase a used bucket truck. As a result we will be using two pieces of equipment instead of one.

6. The age of our equipment and our inability to replace it leads to serious safety concerns for our employees. They are having to use equipment that is either in need of replacement or repair on a daily basis.
7. Since 1998 the Contract Paving Budget has been reduced by 9%, and given significant annual increases in the cost of paving materials in order to provide maintenance to the same number of miles of road as we have in the past, the Highway Department has reduced by 1/3 the amount of asphalt applied to the roads. As a result wear and tear is more severe, their useful life is shortened considerably, and they will have to be repaved more frequently.
8. The Highway Department oversees and maintains the 125 to 130 bridges in the County. The average life span of a bridge is approximately 50 years. In the past the County Highway Department has tried to program 2 to 3 bridges per year for maintenance, repair or replacement. This has meant an allotment of between \$700,000 and \$800,000 per year. Currently the County has had to limit bridge replacement and repair to projects that are Federal bridge projects due to the fact that the local cost is only 5% of the repair costs.
9. Our department has put off completely the repairs to the Highway office building and the Highway garage. The estimated cost of repairs is \$300,000. These repairs include repairs to the façade of the office building and new windows in the Highway garage.
10. The repaving of the County Office complex parking lots has been curtailed.

11. The County has also deferred the construction of a road salt structure. A salt structure is necessary to protect the materials from the elements and also prevent dissipation of the materials into the ground.

WHEREFORE, it is respectfully requested that the relief requested by the County of Madison be granted.



**JOSEPH SLIVINSKI, MADISON COUNTY
HIGHWAY SUPERINTENDENT**

Sworn to the ^{2nd} day
of September, 2005



Notary Public—State of New York
Appointed in Madison County
My commission expires:

SUSAN I. FRANK
Reg. No. 4874672
Notary Public, State of New York
Appointed in Madison County
My Commission Expires Oct. 27, 20 06