

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS APRIL 8, 2015

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 8, 2015 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 except Mr. Hynes and Mr. Dolph.

Mr. Marshfield offered the invocation.

Mr. Layton led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

The Clerk noted that all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Ms. Molé who introduced Deputy Public Health Director Amanda Walsh to talk about National Public Health Week.

Ms. Walsh stated that the week of April 6th through the 12th is National Public Health Week, a time when the public health community comes together to celebrate accomplishments in public health and focus on the work ahead.

As part of the *Make New York the Healthiest State* campaign, New York adopted a *Prevention Agenda* which aims to promote a healthy and safe environment, the health of women, infants and children and mental health, and to prevent chronic diseases, substance abuse, and the spreading of vaccine-preventable diseases and health care-associated infections.

Public Health in conjunction with local hospitals, agencies and community groups has chosen the Complete Streets and Prescription Trails project as the County priority. Complete Streets is designed to enable safe access for all users. To date, three municipalities in Delaware County have passed Complete Streets policies. Prescription Trails is designed to get people moving and encourage healthcare providers to prescribe walking prescriptions when appropriate. A full listing of all walking trails within Delaware County can be found by visiting: www.getoutandwalk.org.

Public Health, Mental Health and a variety of county and community based agencies have come together with a goal of strengthening the mental, emotional and behavioral (MEB) infrastructure. These organizations have formed the Suicide Prevention Network Coalition and instituted a County Warm Line in a first-line effort to work towards reducing the County's suicide rate.

Ms. Walsh pointed out that everyone has a role to play in making families and communities healthier. The Delaware County Community Health Assessment and Community Health Improvement Plan can be found at www.delawarecountypublichealth.com.

Chairman Eisel granted privilege of the floor to Kinder Morgan representatives, Allen Fore, Matt Abdifar and Bill Gustafsen from Public Affairs, Perry Luu, Bill Thomas, James Lucas from Project Management, Jim Hartman and Steve Martin from Right-of-Way and Jamie Ledbetter from Construction to provide a PowerPoint presentation regarding the Tennessee Gas Pipeline (TGP) Northeast Energy Direct Project.

Kinder Morgan is one of the largest energy companies in North America with an interest in approximately 68,000 miles of pipelines. The TGP is a 13,900-mile pipeline that serves markets in both upstate and downstate New York. There are about 849 miles of the TGP in New York State. The Northeast Energy Direct Project (NED) affects 45.6 miles of Delaware County and includes the Towns of Davenport, Franklin, Harpersfield, Masonville and Sidney. The expansion is intended to help meet an increased demand in the northeast United States for transportation capacity for natural gas.

The presenters discussed the company's safety and operational protocols and the engineering and construction process for NED. Horizontal directional drilling and directional boring were mentioned as methods of drilling and trenching causing minimal impact on surrounding areas, such as under streams. Pipeline operating conditions such as pipeline pressures, volume and flow rates and the status of pumping equipment and valves are monitored 24/7 from a control center using a Supervisory Control and Data Acquisition system. Additionally, visual inspections of facilities and right-of-ways are conducted by air and/or ground routinely. The safety of the nation's natural gas pipeline network is regulated and tracked by federal and state regulatory agencies. Among them are the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) (website www.phmsa.dot.gov) and the New York State Department of Environmental Conservation (website www.dec.ny.gov). Kinder Morgan posts their environmental and safety performance reports for review by the public on their website at www.kindermorgan.com.

The Federal Energy Regulatory Commission (FERC) pre-filing process for the NED project began in September of 2014. The process includes TGP conducting open houses for interested parties to learn more about the project and obtaining other applicable federal and state permits and/or authorizations for specific aspects of the project. During this time, FERC will conduct scoping meetings to gather comments on the proposed project from interested parties. The public can monitor FERC's process on their website www.ferc.gov. TGP anticipates obtaining its FERC Certificate Application for the NED Project in September 2015. The proposed construction start date is January 2017 with a proposed in-service date of November 2018.

In response to a request for more specific mapping earlier into the process, it was noted by Kinder Morgan representatives that the initial maps show the projected route and facilities. After meeting with landowners to discuss routing on their property, it sometimes becomes necessary to adjust the projected route. As the routes and facilities become finalized, detailed mapping can be developed. Mapping provided at the town level is updated as details become more specific.

Chairman Eisel, speaking for the Town of Harpersfield, said that his town already has two pipelines running through it and if the TGP goes through his town will have three. This is upsetting to many of his constituents. His fear is that there will be another demand in New England and a need for another pipeline. It was explained by Kinder Morgan representatives that

building this pipeline using 30-inch pipe with expandable capacity would accommodate the short-and long-term natural gas needs. Additionally, as part of the Certificate Application the company has to demonstrate that there is a public need for the project.

In response to why the NED pipeline could not co-locate with the Constitution Pipeline to minimize and reduce impact it was explained by Kinder Morgan representatives that NED will run alongside the Constitution Pipeline as far as possible and will be about 90 percent co-located. Safety issues are the main reason why pipeline companies do not share easements or right-of-ways. By locating a pipeline in a separate corridor, there is much less likelihood that damage will occur to the existing infrastructure during construction, or that the new pipeline will be damaged by a third party construction or maintenance activity.

In new areas, the permanent easement or right-of-way would be 50 feet wide, 25 feet on either side of the pipeline. A temporary workspace of 50 to 75 feet would be needed for use during construction. There may be site-specific areas, like road crossings, that would require additional temporary workspace to allow for specialized construction techniques.

Concerning issues related to wetlands, public lands and areas with conservation easements or ecological concerns, Kinder Morgan representatives explained that civil, cultural and environmental surveys are done as part of the evaluation of the routing and location of the NED Project. Individual permits are obtained and every effort is made to avoid or minimize impact to critical and sensitive habitats and land.

Mr. Pigford questioned how Kinder Morgan checks the integrity of their pipelines after installation. Kinder Morgan representatives explained that the design of TGP includes safety features that increase with population density and land usage along the pipeline, i.e. extra wall thickness where needed, additional depth of cover in agricultural areas and corrosion protective coatings. TGP x-rays all of the pipeline welds and pressure tests the complete pipeline with water at a pressure much higher than it will operate to ensure it is properly built. A permit is required every time water is drawn or discharged and the exact amount of water taken in must be discharged. The discharged water has to meet established guidelines for quality control. Additionally, the pipeline is checked internally to ensure any problems are identified and repaired before the pipeline is put into service.

Mr. Taggart said that he would like to get a feel for the sound of a similar compressor to the one proposed for the Town of Franklin. He inquired if there was a compressor station with a 30,000 single station horsepower compressor located close enough to the Town of Franklin to make a day trip. Kinder Morgan representatives noted that a similar compression station is located in Wellsboro, PA. There are very strict decibel requirements set by the federal government. Those decibel requirements are stricter than most of the state and local requirements. Companies face penalties if the decibel requirements are not adhered to.

Mr. Taggart said that his town recently passed a resolution opposing the pressure stations until environmental concerns are addressed. He noted that he makes the comparison to the Constitution Pipeline because there is more information available. Kinder Morgan representatives noted that the pressure station process is regulated by federal and state agencies and an explanation of the process was given.

Mr. Valente addressed the impact increased use of town infrastructure would cause the affected towns. It was explained by Kinder Morgan representative that Kinder Morgan enters

into written road usage agreements and follows the rules and regulations set forth by FERC and the municipality. Additionally, it is their commitment to restore the infrastructure to pre-pipeline conditions if impacted negatively.

Mr. Ellis noted that the possibility of impact to infrastructure exists for the neighboring towns as well as the affected towns. He suggested that Kinder Morgan include the neighboring towns in the information mailings.

In conclusion, Mr. Fore encouraged residents to attend the ongoing public outreach meetings and visit Kinder Morgan's website for further information.

Chairman Eisel shared additional concerns from the perspective of the Town of Harpersfield and the County noting that the Board would outline their concerns and take the necessary actions to let FERC know of the County's position and desire for a national comprehensive plan showing the need of more pipelines that may come through Delaware County.

For standing committee reports, Chairman of the Public Works Committee Samuel Rowe advised that 2015-16 New York State budget included an extreme weather recovery fund for \$50 million for work beginning after April 1st. Delaware County will receive \$762,171.57 apportioned between the county, towns and villages. The extreme weather recovery money is in addition to the regular CHIPS funding. New York State Department of Transportation will be forwarding letters to the county, towns and villages advising them of the amount they will receive. Mr. Rowe provided Chairman Eisel with a full breakout of the funding.

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 64

**TITLE: APPOINTMENT OF PUBLIC HEALTH DIRECTOR
DEPARTMENT OF PUBLIC HEALTH**

BE IT RESOLVED that because Bonnie Hamilton retired from the position of Public Health Director before her term would have expired on December 31, 2016, Amanda C. Walsh is hereby appointed as Public Health Director for a term beginning April 20, 2015 through December 31, 2016 at the base salary for the position.

The resolution was seconded by Mr. Donnelly and Mr. Merrill and unanimously adopted.

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

RESOLUTION NO. 65

**TITLE: 2015 BUDGET AMENDMENT
TRANSFER OF FUNDS
BOARD OF SUPERVISORS**

WHEREAS, the amount budgeted for the annual membership dues for the New York State Association of Counties is in need of funding.

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

FROM:

10-11010-54245000	Board of Supervisors Dues & Membership	\$225.00
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TO:

10-11920-54245000	Municipal Assoc. Dues & Membership	\$225.00
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The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 3991, Noes 0, Absent 808 (Haynes, Dolph).

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

RESOLUTION NO. 66

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use;

BE IT RESOLVED, that the Department of Public Works is authorized to sell by trade-in or on-line auction the following items:

<u>Dept/Vehicle No.</u>	<u>Description</u>	<u>SN/VIN</u>
DPW 882	1995 Case 721B Loader	JEE0042276

The resolution was seconded by Mr. Haynes and Mr. Spaccaforo.

Mr. Rowe advised that the department has a reserved bid of \$20,000 for the machine on trade. This resolution declares the machine surplus in order for it to be listed on the online auction service with a minimum bid of \$20,000. If the auction site brings in a higher value, the machine will be sold through auction, if the minimum bid is not reached, the machine will be traded.

The resolution was unanimously adopted.

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

RESOLUTION NO. 67

**TITLE: RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF
SUPERVISORS TO ENTER INTO AGREEMENTS WITH DELAWARE COUNTY
SCHOOL DISTRICTS FOR THE USE OF COUNTY VOTING MACHINES
DELAWARE COUNTY BOARD OF ELECTIONS**

WHEREAS, Delaware County School Districts have for many years used the

mechanical lever voting machines formerly used throughout New York State and has now been rendered unusable by New York State; and

WHEREAS, the Walton Central School District now requests the use of the modern electronic voting machines maintained by the Delaware County Board of Elections; and

WHEREAS, the Legislative Committee has reviewed the request of the Walton Central School District and is in favor of entering into an agreement with the District in accordance with the fee schedule developed by the Delaware County Board of Elections; and

WHEREAS, other Delaware County School Districts may request to enter into similar agreements and should be offered a similar opportunity; and

WHEREAS, the Delaware County Board of Elections has been tasked with developing a fee schedule so that any Delaware County School District may enter into a similar agreement with the County for the use of the modern electronic voting machines maintained by the Delaware County Board of Elections.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to enter into agreements with Delaware County School Districts for the purpose of allowing the District to use the modern electronic voting machines maintained by the Delaware County Board of Elections, provided the agreement is in compliance with the fee schedule developed by the Delaware County Board of Elections.

The resolution was seconded by Ms. Miller.

Republican Commissioner of Elections William Campbell stated that the Walton Central School (WCS) has asked to use the County's ImageCast voting machines. He explained that federal law no longer allows the lever voting machines to be used as they are not compliant with the Americans with Disabilities Act. It is anticipated that the Governor will no longer provide an extension to the schools and villages to use the lever voting machine. Many of the schools and villages make their own paper ballots and hand count them. He pointed out that throughout the state many of the county election boards are loaning the machines and some actually conduct the elections for the villages and schools. While the county is not mandated to let the schools or villages use their ImageCast voting machines, the Board of Elections (BOE) believes it is in the best interest of the communities.

Republican Deputy Commissioner of Elections Robin Alger stated in reply to Mr. Valente and Ms. Miller that the BOE cannot charge "rent" or "wear and tear" of the use of the machines. The BOE may charge for the time it takes for the office to program and test the machines before going out and for the delivery of the machines to and from the polling site. WCS is a large school district with a heavy voter turnout. Using paper ballots is not feasible for them.

In answer to Mr. Taggart and Mr. Marshfield, Mrs. Alger further explained that Education Law regulates schools and with very few exceptions, they are to conduct their own elections throughout the state. WCS would like to use two voting machines due to their large turnout. The school would use the same two machines earmarked for the Town of Walton elections. The school will pay for their ballots and the inspectors trained to use the County's ImageCast voting machines. The agreement with the school contains a clause that the school is

responsible for any damage to the voting machines.

The resolution was unanimously adopted.

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 68

**TITLE: DELAWARE COUNTY PUBLIC HEALTH SERVICES CELEBRATES
NATIONAL PUBLIC HEALTH WEEK
APRIL 6 – APRIL 12, 2015**

WHEREAS, the week of April 6-12, 2015, is National Public Health Week with a theme of “U.S. the Healthiest Nation in One Generation - by 2030”; and

WHEREAS, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public’s health; and

WHEREAS, the U.S. trails other countries in life expectancy and other measures of good health, and this holds true across all ages and income levels. We have good doctors, state-of-the-art hospitals and are leaders in advanced procedures and pharmaceuticals - yet the health of the U.S. ranks poorly when compared to other countries; and

WHEREAS, in the work to become the healthiest nation we cannot do it all on our own. We must expand our partnerships to collaborate with planners, education officials, public, private and for-profit organizations, everyone who has an impact on our health; and

WHEREAS, 2015 marks the 20th anniversary of the American Public Health Association coordinating National Public Health Week, and the accomplishments of the public health community over the last two decades are significant, including a 25-year improvement in the average lifespan for Americans and a 70 percent reduction in HIV/AIDS-related deaths; and

WHEREAS, during National Public Health Week the public health community comes together to celebrate accomplishments and bring a renewed focus to the work ahead - and what it will take to become the Healthiest Nation in One Generation; and

WHEREAS, strong public health systems are critical for sustaining and improving community health.

NOW, THEREFORE, BE IT RESOLVED that Delaware County recognizes April 6-12, 2015 as Public Health Week.

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

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

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 69

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$930,617.23 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	\$716,513.93
OET	\$11,275.05
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$508.47
Landfill	\$22,474.46
Road	\$102,769.16
Machinery	\$52,943.71
Capital Road & Bridge	\$24,132.45
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3991, Noes 0, Absent 808 (Haynes, Dolph).

Mr. Marshfield referenced the Summer Youth Employment form placed on each Supervisor's desk and noted that the completed form needed to be returned to the Department of Social Services by Friday, April 17th.

Upon a motion, the meeting adjourned at 3:40 p.m.