

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS FEBRUARY 27, 2013

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 27, 2013 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. Rowe and Mr. McCarthy.

Mr. Marshfield offered the invocation.

Ms. Molé 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 Social Services William Moon who presented Brooke Budine as Employee of the Month.

Mrs. Budine began her employment with the Delaware County Sheriff's Office as a part-time corrections officer. In 2005, she moved to the Department of Social Services and trained as a child protective caseworker. In 2009, Mrs. Budine was promoted to her current position of Senior Caseworker I in Child Protective Services

Commissioner Moon explained that the Department's Child Protective Service workers respond to and investigate anywhere from 650 to 800 cases annually of child neglect and/or abuse referrals from the State Central Registry. A child protective caseworker is required to make contact within 24 hours of notification from the State Central Registry. If a risk factor is present, a child safety plan must be developed within seven days of the initial determination. The caseworker then has sixty days to complete an investigation and make a determination.

As a child protection service worker Mrs. Budine is called upon to respond unannounced to the homes of potential neglect and/or abuse situations. She then must explain why she has come and help the family process what is happening. It takes an individual of strong character to perform well in this type of work. In addition, the individual needs to have a personal interest in the welfare of children to remain in this field. This type of work is a perfect fit for Mrs. Budine. Sadly, neglect and/or abuse cases are on the rise. Protecting children and helping families is challenging work but can be very rewarding.

Commissioner Moon stated that he is very proud of the manner in which Mrs. Budine represents Delaware County. She is extremely effective in this position and has helped many families through a variety of complex issues.

Commissioner Moon presented Mrs. Budine with a \$50.00 check. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Chairman Eisel granted privilege of the floor to Mr. Axtell. Mr. Axtell introduced Director of Emergency Services Richard Bell to share some good news regarding grant funding for the county's public safety communication system upgrade.

Mr. Bell announced that the county's application submitted through Round Two of the Statewide Inter-Operative Communication Grant (SICG) was approved. The county has been awarded \$3.404 million in grant funding to be used for items such as: microwave interconnects, building towers, engineering, and counsel equipment for both Delhi and Sidney locations for the backup answering point. This is especially good news as there will be no local share associated with this grant. In total, the county has secured \$5.65 million in grant funding for the county's public safety communication system upgrade.

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

**RESOLUTION NO. 19**

**TITLE: 2013 BUDGET AMENDMENT  
DESIGNATION OF DELAWARE COUNTY AS LOCAL SPONSOR FOR  
SNOWMOBILE GRANT  
PLANNING DEPARTMENT**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation has made funds available to develop and/or maintain snowmobile trails in New York State; and

**WHEREAS**, applications for grants for such development and/or maintenance of snowmobile trails require a local government sponsor; and

**WHEREAS**, the Hamden Hill Ridge Riders, the Otego Snow-Goers, The Delaware Valley Ridge Riders, the Central Catskill Trail Association, Big Valley Trail Breakers and the D & D Snowdiggers have applied for said funds for the development and/or maintenance of snowmobile trails in Delaware County;

**NOW, THEREFORE, BE IT RESOLVED** that Delaware County is hereby declared as the Local Sponsor for this application under the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Grant Program;

**FURTHER, BE IT RESOLVED** that the Planning Department budget be amended to receive and dispense these moneys in compliance with the requirements of the Preservation Snowmobile Trails Grant Program as follows:

**INCREASE REVENUES:**

10-17989-43388900/7989001/908	State Otr Culture & Recreation	\$55,760.00
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**INCREASE APPROPRIATIONS:**

10-17989-54555000/7989001/908	Recreation Snowmobile Grant	\$55,760.00
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The resolution was seconded by Mr. Smith and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 20**

**TITLE: 2012 BUDGET AMENDMENT  
ACCEPTANCE OF GRANT FUNDING FOR WATER EXERCISE PROJECT  
OFFICE FOR THE AGING**

**WHEREAS**, the Office for the Aging had been granted \$6,283.00 in December 2012 from the Rural Healthcare Alliance of Delaware County to develop a Water Exercise Program for 2012 and 2013; and

**WHEREAS**, it is appropriate to revise the 2012 budget to accommodate this grant.

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

**INCREASE REVENUES:**

10-16772-41197200/6772034/977	Grant from Non-Profit	\$6,283.00
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**INCREASE APPROPRIATIONS:**

10-16772-54200000/6772034/977	General Grant Related Expenses	\$6,283.00
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The resolution was seconded by Mr. Donnelly and Mr. Triolo and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 21**

**TITLE: 2012 BUDGET AMENDMENT  
ACCEPTANCE OF GRANT FUNDING FOR MEDICARE IMPROVEMENTS FOR  
PATIENTS AND PROVIDERS ACT (MIPPA)  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging has received \$5,063.00 to accommodate increased demand from Medicare recipients for technical assistance from the Medicare Improvements for Patients and Providers Act (MIPPA) for 2012; and

**WHEREAS**, it is appropriate to revise the 2012 budget to accommodate this grant

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

**INCREASE REVENUES:**

10-16772-43377200/6772035/977	State Programs for Aging	\$5,063.00
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**INCREASE APPROPRIATIONS:**

10-16772-54327000/6772035/977

General Grant Related Expenses \$5,063.00

The resolution was seconded by Mr. Bower and Mr. Triolo and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 22**

**TITLE: APPROVAL OF TRANSPORTATION BIDS FOR  
EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAM  
(2 - 5 YEAR OLDS)  
PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by Porter L. Kirkwood, Esq., Delaware County Attorney

**NOW, THEREFORE, BE IT RESOLVED** that the bids received for transportation of preschool children with special needs from various points around Delaware County to the 4410 programs listed below, from March 4, 2013 to August 31, 2014, be accepted as follows:

**Proposal No. 1-13: Family Enrichment Network –**  
Program site: 6678 County Highway 32, Norwich, NY 13815

**Rolling V Bus Corp:** Bid: \$107.29 per one way trip  
1<sup>st</sup> passenger, \$49.29 per additional passenger

The resolution was seconded by Mr. Donnelly.

In answer to Mr. Marshfield, Ms. Molé stated that this is a very good bid.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 23**

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

**LETTING OF JANUARY 23, 2013**

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. 1-13

Rental of Construction Equipment to: A. Montano Co., Inc., 571 Route 212, Saugerties, NY 12477; Abele Tractor & Equipment Co., Inc., 72 Everett Road, Albany, NY 12205; Admar Supply Co., Inc., 449 Commerce Road, Vestal, NY 13850; Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760; BOTHAR Construction, 170 East Service Road, Binghamton, NY 13901; Boyle Excavating, Inc., 233 Boyle Road, Harpersfield, N.Y. 13786; Clark Companies, Inc., P.O. Box 427, Delhi, N.Y. 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Delaware Bulldozing Corp., 5700 Co. Hwy. 18, Bloomville, NY 13739; Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, N.Y. 13753; Doig Excavating, Inc., PO Box 277, Downsville, NY 13755; LaFever Excavating Inc., 3135 County Highway 6, Bovina Center, NY 13740; Oneonta Equipment Rental and Sales, 532 Co. Hwy. 58, Oneonta, NY 13820; Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, N.Y. 12491; Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Sullivan County Paving & Construction, Inc., 420 Bernas Road, Cohecton, NY 12726; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, NY 13206; Vestal Asphalt, Inc., 201 Stage Road, Vestal, NY 13850.

Bid Price: See Summary Sheet

PROPOSAL NO. 4-13:

Cutting and Trimming Trees to: ASPLUNDH Tree Expert Co., 708 Blair Mill Road, Willow Grove, PA 19090-1784.

Bid Price: See Summary Sheet

Towns may participate in these bids.

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.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 24**

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

**LETTING OF JANUARY 24, 2013**

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. 5-13:**

Liquid Bituminous Concrete & Related Equipment Bid to: Gorman Asphalt DBA American Asphalt, 200 Church Street, Albany, NY 12202; Central Asphalt Division of Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Peckham Materials Corp., 2 Union Street Ext., Athens, N.Y. 12015; Vestal Asphalt Inc., 201 Stage Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

Towns may participate in these bids.

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.

The resolution was seconded by Mr. Marshfield and Mr. Bower and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 25**

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

**LETTING OF FEBRUARY 6, 2013**

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. 6-13:**

Stone & Gravel Products to: Carver Sand & Gravel LLC, 494 Western Turnpike, Altamont, NY 12009; Burton F. Clark, Inc., PO Box 427, Delhi, NY 13753; Cobleskill Stone Products, Inc., PO Box 220, Cobleskill, NY 12043; Delaware Bulldozing Corp., 5700 Co. Hwy 18, Bloomville, NY 13739; Hanson Aggregates NY LLC, PO Box 513, Jamesville, NY 13078; J&A Sand & Gravel, 8675 State Hwy 30, Shinhopple, NY 13755; Johnston & Rhodes Bluestone Co., PO Box 130, East Branch, NY 13756; LaFaver Sand & Gravel, LLC., 3135 County Highway 6, Bovina Center, NY 13740; Masonville Stone Inc., 12999 State Route 8, Masonville, NY 13804; E & R Pope's Excavating, LLC, 1073 Cty Hwy 1, Mt. Upton, NY 13809; Seward Sand & Gravel, Inc., 532 County Highway 58, Oneonta, NY 13820; Shinhopple Sand & Gravel Inc., 400 Banker Rd., Downsville, NY 13755; TriCity Highway Products Inc., PO Box 338, Binghamton, NY 13862.

Bid Price: See Summary Sheet

**PROPOSAL NO. 7-13:**

Gravel Processing to: Carver Sand & Gravel LLC, 494 Western Turnpike, Altamont, NY 12009; Burton F. Clark, Inc., PO Box 427, Delhi, NY 13753; Seward Sand & Gravel, Inc., 532 County Highway 58, Oneonta, NY 13820

Bid Price: See Summary Sheet

Towns may participate in these bids.

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.

The resolution was seconded by Mr. Marshfield and Mr. Spaccaferno and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 26**

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

**LETTING OF FEBRUARY 7, 2013**

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. 8-13** Transit Mixed Concrete to: Otsego Ready Mix, Inc., 2 Wells Avenue, Oneonta, NY 13820; Saunders Concrete Co., Inc., 5126 S. Onondaga Road, Nedrow, NY 13120; Wadler Bros Inc., PO Box 550, Fleischmanns, NY 12430

Bid Price: See Summary Sheet

**PROPOSAL NO. 10-13** Steel Structural Shapes, Misc. to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902; Steel Sales Inc., PO Box 539, Sherburne, NY 13460; Weitsman Recycling, LLC, 15 West Main St., Owego, NY 13827

Bid Price: See Summary Sheet

**PROPOSAL NO. 11-13** Used Steel Pipe & New Steel Pipe End Sections to: Allegany Pipe & Tubular, 2954 County Road 22, Andover, NY 14806-9616; Chemung Supply Corp., PO Box 527, Elmira, NY 14902.

Bid Price: See Summary Sheet

PROPOSAL NO. 12-13 Interlocking Steel Sheet Piling to: Allegany Pipe & Tubular, 2954 County Road 22, Andover, NY 14806-9616

PROPOSAL NO. 13-13 Steel Reinforcing Bars to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902.

Bid Price: See Summary Sheet

PROPOSAL NO. 14-13 Epoxy Coated Steel Reinforcing Bars to: Weitsman Recycling, LLC, 15 West Main St., Owego, NY 13827

Bid Price: See Summary Sheet

PROPOSAL NO. 15-13 Guiderail Components to: Cardona & Sons Inc., 397 Anthony Street, Schenectady, NY 12308; Chemung Supply Corp., PO Box 527, Elmira, NY 14902

PROPOSAL NO. 16-13 Gabions to: Expanded Supply Products Inc., 3330 Route 9, Cold Spring NY, 10516

Bid Price: See Summary Sheet

PROPOSAL NO. 17-13 Pressure Treated Timbers to: Pickett Building Materials, 6459 State Highway 23, Oneonta, NY 13820

Bid Price: See Summary Sheet

PROPOSAL NO. 18-13 Plain Elastomeric Bridge Bearing Material to: Allied Building Products, 24 Rail Road Avenue, Albany, NY 12205

Bid Price: See Summary Sheet

PROPOSAL NO. 19-13 Bridge Deck Membrane to: Allied Building Products, 24 Rail Road Avenue, Albany, NY 12205

Bid Price: See Summary Sheet

PROPOSAL NO. 20-13 Steel Sign Posts to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 22-13 Portland Cement to: Oneonta Block Co., 6459 State Highway 23, Oneonta, NY 13820

Bid Price: See Summary Sheet



Towns may participate in these bids.

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.

The resolution was seconded by Mr. Spaccaforno and Mr. Valente and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 27**

**TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO. 26-12  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 63 of 2012 authorized the award of Proposal No. 26-12, “Replacement of BR 37-1, BIN 3352990, County Route 37 over Vly Creek, Town of Middletown” to New Century Construction LLC, 11 Arch Street, Watervliet, NY 12189 for the bid amount of \$1,278,800; and

**WHEREAS**, the project is completed and the final quantities have been measured and computed; and

**WHEREAS**, there were twenty three items with decreased quantities and six items with increased quantities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Department of Public Works is herewith authorized to execute Change Order No. 1 (Final) in the amount of (\$126,377.30) lowering the total project cost to \$1,152,422.70.

The resolution was seconded by Mr. Valente.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds stated that the project was funded through FEMA.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

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

**RESOLUTION NO. 28**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
COUNTY INSURANCE**

**WHEREAS**, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2013 incidental liability claims, administrative costs and continued funding of the insurance reserve account

**NOW, THEREFORE, BE IT RESOLVED** that the following expenditures are authorized:

**FROM:**

10-11325-54630000	County Treasurer	\$800.00
10-11410-54350200	County Clerk	5,800.00
10-11450-54350200	Board of Elections	400.00
10-11620-54350200	Buildings	7,200.00
10-13110-54350200	Sheriff	34,810.00
10-13140-54350200	Probation	22,000.00
10-13144-54350200	Probation CSS	900.00
10-13150-54350200	Jail	40,000.00
10-13315-54350100	Stop DWI	400.00
10-13640-54350200	Emergency Service	1,700.00
10-14012-54350200	Public Health	25,000.00
10-14310-54350200	Mental Health Clinic	10,000.00
10-14317-54350200	Alcoholism	4,500.00
10-14321-54350200	Expanded Mental Health Programs	500.00
10-16010-54350200	Social Services	40,000.00
10-16326-54350200	Economic Development	550.00
10-16510-54350200	Veteran's Service Agency	1,180.00
10-16610-54350200	Sealer of Weights & Measures	390.00
10-16772-54350200	Office for Aging	2,600.00
10-18020-54350200	Planning Department	1,010.00
10-18740-54350200	Watershed Affairs	400.00
26-15130-54350200	Highway Department	98,800.00
22-18160-54350200	Solid Waste	<u>26,000.00</u>
	Total:	\$324,940.00

**INCREASE REVENUE:**

10-19000-42280100	Interfund Revenue Insurance	\$324,940.00
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**INCREASE APPROPRIATION:**

10-11910-54350200	Unallocated County Insurance	\$324,940.00
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**BE IT FURTHER RESOLVED**, that any unexpended year-end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating Transfer (out) for transfer to the Insurance Reserve Fund.

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

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

**RESOLUTION NO. 29**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
UNEMPLOYMENT BENEFITS**

**WHEREAS**, the 2013 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

**WHEREAS**, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this modification has been part of the past practice of the county; and

**WHEREAS**, the remaining balance in the appropriation will be rolled into the Employee Benefit Reserve at the end of the year

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

**FROM:**

10-11040-58500000	Clerk Board	\$815.00
10-11165-58500000	District Attorney	1,958.00
10-11325-58500000	Treasurer	1,354.00
10-11327-58500000	Fiscal Affairs	1,146.00
10-11340-58500000	Budget Office	79.00
10-11355-58500000	Real Property Tax	1,542.00
10-11364-58500000	Tax Acquired Prop	222.00
10-11410-58500000	County Clerk	4,090.00
10-11412-58500000	Records Management	180.00
10-11420-58500000	County Attorney	3,199.00
10-11430-58500000	Personnel	1,377.00
10-11450-58500000	Elections	1,085.00
10-11620-58500000	Buildings	4,121.00
10-11680-58500000	Information Technology	3,518.00
10-13020-58500000	Public Safety - 911	237.00
10-13110-58500000	Sheriff -Law Enforcement	7,369.00
10-13140-58500000	Probation	3,176.00
10-13144-58500000	Probation CSS	0.00
10-13150-58500000	Sheriff Jail	14,390.00
10-13315-58500000	Stop DWI	215.00
10-13620-58500000	Safety Inspections	293.00
10-13640-58500000	Emergency Services	804.00
10-14010-58500000	Public Health	0.00
10-14012-58500000	Public Health	6,391.00
10-14013-58500000	Immunization	328.00
10-14035-58500000	Children Spec Health Care	327.00
10-14050-58500000	Lead	309.00
10-14059-58500000	Early Intervention	3,573.00
10-14060-58500000	Edu Physically Handicapped	1,520.00
10-14310-58500000	Mental Health Clinic	6,624.00
10-14311-58500000	Community Support	388.00
10-14312-58500000	MH Crisis Serv Prog	320.00
10-14315-58500000	Enh Childrens Serv	313.00
10-14317-58500000	Alcoholism Clinic	2,741.00
10-14321-58500000	Exp Mental Health	728.00
10-16010-58500000	Social Services	23,642.00

10-16141-58500000	Home Energy Assistance	0.00
10-16326-58500000	Economic Development	1,127.00
10-16510-58500000	Veterans' Service Agency	458.00
10-16610-58500000	Sealer of Weights and Measures	234.00
10-16772-58500000	Office for the Aging	2,217.00
10-17310-58500000	Youth	2,531.00
10-18020-58500000	Planning	3,397.00
10-18740-58500000	Watershed Affairs	1,168.00
22-18160-58500000	Landfill Solid Waste	7,300.00
24-19050-58500000	Public Works	29,979.00
62-11710-58500000	Workers Compensation	503.00
	Total:	\$147,288.00
<b><u>TO:</u></b>		
10-19050-58-500000	Unemployment Insurance	\$147,288.00

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

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

**RESOLUTION NO. 30**

**TITLE: AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE. DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the State of New York provides financial aid for household hazardous waste programs; and

**WHEREAS**, Delaware County, herein referred to as the "County", has examined and duly considered the applicable laws of the State of New York and the County deems it to be in the public interest and benefit to file an application under these laws; and

**WHEREAS**, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the County be executed for such STATE Aid;

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That the Board Chair or his designee is directed and authorized as the official representative of the County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;

3. That the County agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs

4. That four (4) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.

5. That this resolution shall take effect immediately.

The resolution was seconded by Mr. Valente.

Director of Solid Waste Susan McIntyre advised that the dates for the 2013 hazardous waste program are Friday, September 20<sup>th</sup> and Saturday September 21<sup>st</sup>.

The resolution was unanimously adopted.

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

### **RESOLUTION NO. 31**

#### **TITLE: RESOLUTION TO AUTHORIZE THE OFFICE OF THE COUNTY ATTORNEY TO ACT AS SPECIAL PROSECUTORS OFFICE OF THE COUNTY ATTORNEY**

**WHEREAS**, each year there are occasions when the District Attorney's Office cannot prosecute particular matters due to an actual or potential conflict; and

**WHEREAS**, on these occasions the court is empowered to appoint a special prosecutor to act in the place and stead of the District Attorney's Office; and

**WHEREAS**, the Office of the County Attorney has the expertise to prosecute these matters as duly appointed special prosecutors; and

**WHEREAS**, it is economically advantageous to the taxpayers of Delaware County to have the Office of the County Attorney accept appointments to prosecute such matters;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors hereby authorizes the Delaware County Office of the County Attorney generally and its County Attorney and Assistant County Attorneys specifically, to accept appointments as special prosecutors in matters where the Delaware County District Attorney's Office requests the appointment of a special prosecutor and to engage in all of the ordinary and customary functions attendant with such prosecutions, including but not limited to the utilization of support staff, facilities, and supplies; and

**BE IT FURTHER RESOLVED**, that the Delaware County Office of the County Attorney generally and its County Attorney and Assistant County Attorneys specifically, shall only prosecute such matters in accordance with a system established by the Delaware County District Attorney's Office; and

**BE IT FURTHER RESOLVED**, that the Delaware County Office of the County Attorney generally and its County Attorney and Assistant County Attorneys specifically,

shall not accept any appointment as a special prosecutor where such appointment would create an actual conflict for the Office of the County Attorney.

The resolution was seconded by Mr. Marshfield.

Ms. Miller made a motion to table this resolution based on Rule 10 of the Rules of the Delaware County Board of Supervisors noting that the resolution has not been considered by the full committee. The motion was seconded by Mr. Valente and unanimously adopted.

(Note: Resolution No. 31 was recalled later in the meeting after consultation with the Legislative Committee.)

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

### **RESOLUTION NO. 32**

#### **TITLE: LEGISLATIVE REQUEST FOR CONTINUATION OF SALES TAX LEVY**

**WHEREAS**, the Delaware County Board of Supervisors requested the New York State Legislature to approve and increase in sales tax levy in May of 2003; and

**WHEREAS**, the New York State Legislature amended the law to allow for the collection of the 4<sup>th</sup> 1% sales tax; and

**WHEREAS**, the Delaware County Board of Supervisors formally adopted the increase on the 9<sup>th</sup> day of October 2003, allowing for the additional 1% to be collected on sales after December 1, 2003; and

**WHEREAS**, the law calls for the Board of Supervisors to formally request from the New York State Legislature approval to continue with the additional tax every two years; and

**WHEREAS**, a continuation of the additional 1% sales tax levy was requested and approved in 2005 and 2007, 2009 and 2011; and

**WHEREAS**, it has been decided to continue to use the sales tax as a means to help keep the property tax levy at a reasonable level

**NOW, THEREFORE BE IT RESOLVED** that the Delaware County Board of Supervisors formally request that the New York State Legislature amend Section 1210 of the Tax Law to allow the county to continue the collection of the additional 1% sales tax.

The resolution was seconded by Ms. Miller and adopted by the unanimously adopted.

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

### **RESOLUTION NO. 33**

#### **TITLE: DEPLOYED MILITARY EXTENSION REAL PROPERTY TAX SERVICES**

**WHEREAS**, the New York State Real Property Tax Law §925-d allows for a person who has been deployed by the military or a spouse or domestic partner of such person so deployed, an interest/penalty free period to make payment upon outstanding property tax bills incurred during their absence. This interest/penalty free period extends for ninety (90) days after the end of such deployment; and

**WHEREAS**, to benefit from this extension, the local municipality must adopt a resolution authorizing the extension; and

**WHEREAS**, such an extension will not create an unreasonable financial burden to the County as the total tax levy amount will remain unchanged and the original tax bill due upon return from deployment shall be collected; and

**WHEREAS**, these deployed men and women have been called upon by the United States Government to serve our Country and to protect each and every one of us so that we may continue to enjoy our freedoms; and

**WHEREAS**, Delaware County believes it is our patriotic duty to extend such an interest/penalty free period to these brave service men and women who risk their lives for our benefit;

**NOW, THEREFORE, BE IT RESOLVED** that the County of Delaware hereby authorizes the 90-day interest/penalty free period for deployed military in accordance with the provisions of New York State Real Property Tax Law §925-d; and

**BE IT FURTHER RESOLVED** that an application along with proper documentation, as required by the Delaware County Treasurer, shall be filed in that Office for consideration of an extension pursuant to this resolution.

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

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

#### **RESOLUTION NO. 34**

##### **TITLE: OPPOSITION TO THE NY SAFE ACT OF 2013**

**WHEREAS**, the Second Amendment to the Constitution of the United States states:

*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed; and*

**WHEREAS**, the lawful ownership of firearms is, and has been, a valued tradition in Delaware County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

**WHEREAS**, gun bans, registration, and licensing of firearms and their owners has had little or no effect in such urban areas such as New York City, California, Chicago and

Washington, D.C. and has not prevented violent criminals from obtaining firearms illegally and committing crimes; and

**WHEREAS**, the restriction of firearms purchases by law-abiding citizens will create a black market in illegal firearms and incur further governmental costs to enforce such restriction; and

**WHEREAS**, the people of Delaware County derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

**WHEREAS**, members of the Delaware County Board of Supervisors, being elected to represent the people of Delaware County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

**WHEREAS**, it is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

**WHEREAS**, having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

**WHEREAS**, our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

**WHEREAS**, seeking and considering such public input is a standard to which we hold ourselves in the Delaware County Board of Supervisors; and

**WHEREAS**, this legislation has 60 sections, of which only three take effect immediately; and

**WHEREAS**, in our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three-day maturing process for all legislation; and

**WHEREAS**, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and



**WHEREAS**, law-abiding gun owners are required to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

**WHEREAS**, there will be a significant negative financial impact due to the approximately 14,000 Delaware County permits that will have to be renewed requiring additional manpower and computer systems and is another un-funded mandate; and

**WHEREAS**, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

**WHEREAS**, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally-owned personal property with no provision for compensation; and

**WHEREAS**, few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

**WHEREAS**, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

**WHEREAS**, Delaware County Sheriff Thomas E. Mills has said that he “fully understands his constitutional obligations and the concerns of his citizens” and further states “under this new legislation, if called upon to go door to door to confiscate newly classified assault weapons, will not do so”; and

**WHEREAS**, Delaware County Sheriff Thomas E. Mills along with Undersheriff Craig DuMond are asking for the Delaware County Board of Supervisors to support them as well as the NYS Sheriffs’ Association in opposition to Governor Cuomo’s NY SAFE Act; and

**WHEREAS**, while there are some areas of the legislation that the Delaware County Board of Supervisors finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra’s Law and Mark’s Law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership as well as creates unfunded mandates particularly for County Mental Health Directors; and

**WHEREAS**, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

**WHEREAS**, this legislation effectively turns countless New York State law-abiding gun owners into criminals; and

**WHEREAS**, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Delaware County Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and

**BE IT FURTHER RESOLVED** that the Delaware County Board of Supervisors considers such laws to be unconstitutional and beyond lawful legislative authority granted to our State representatives; and

**BE IT FURTHER RESOLVED** that the Delaware County Board of Supervisors strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and

**BE IT FURTHER RESOLVED** that the Delaware County Board of Supervisors requests the members of the New York State Senate and Assembly who represent all, or part of, Delaware County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to President Barack Obama, Vice President Joe Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Gibson, New York State Majority Coalition President and Leader Dean Skelos, IDC Coalition Leader Jeffrey Klein, New York State Senators John J. Bonacic, James Seward, and Thomas W. Libous, Assembly Speaker Sheldon Silver, New York State Assembly Minority Leader Brian Kolb, New York State Assemblymembers Clifford Crouch, Claudia Tenney, and Peter Lopez.

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

Ms. Miller stated that she felt the resolution as presented was very lengthy and may contain some inaccuracies as the NY SAFE Act of 2013 continues to evolve. In addition, she felt the language could be tighter and more specific to the values of Delaware County. She suggested the resolution be tabled at this time to present a resolution she could support at the next Board of Supervisors' meeting.

Mr. Bracci agreed the resolution should be condensed adding that the Town of Delhi recently adopted a much shorter resolution on this issue.

Chairman Eisel stated that the resolution attempts to address several issues. The resolution was developed in consultation with the Delaware County Sheriff, and with consideration of similar resolutions received from other counties.

Mr. Bracci referenced a county resolution approved in 2003 that speaks to the possession of firearms on county property. In light of the NY SAFE Act, he feels that the resolution should be reviewed for possible rewording. He noted that he will follow up with the Legislative Committee on the matter.

Ms. Miller felt supporting the New York State Sheriffs' Association may send a conflicting message based on the points they are in agreement with and those they are not. She

further stated that the Board needs to take its time and get the resolution accurate so as not to make the same mistake Albany did by moving too hastily.

Mrs. Capouya stated that she does not like the NY SAFE Act nor does she like the way it was passed. She also felt the resolution was too lengthy and pointed out the language in the resolution referencing the Second Amendment was not accurate. She would like the first paragraph of the resolution to quote the Second Amendment to the Constitution of the United States.

Mrs. Donofrio suggested that if the resolution is too lengthy as presented, consideration should be given to simply stating that the Delaware County Board of Supervisors are opposed to the NY SAFE Act of 2013 in a resolution.

Mr. Bracci noted that the resolution ignores the dimension of mental health. He called upon Director of Mental Health Cindy Heaney to discuss consequences in the area of mental health that will amount to unfunded mandates as the county attempts to meet the reporting requirements created by the NY SAFE Act.

Chairman Eisel stated that he would like to move forward with the resolution in order to be heard along with the other counties weighing in on this issue. He felt that although there may be inaccuracies in the resolution the Governor would get the gist of what was being said.

Mr. Hynes suggested that if the Board is in opposition to the way in which the NY SAFE Act of 2013 was passed in Albany why not oppose that rather than attempt to address the NY SAFE Act specifically.

Ms. Miller suggested that rather than conform the resolution to other submissions she would like to see Delaware County stand behind its belief in home rule and write a resolution that speaks to Delaware County's values and way of life.

Mr. Triolo stated that opposing the NY SAFE Act in its entirety may be unrealistic as the majority of citizens would agree that violence in our society is increasing and there is a need to have a change in our laws. He opined the resolution should acknowledge that Delaware County realizes and understands the need for legislation and offer constructive alternatives.

Chairman Eisel expressed concern that the resolution could not be rewritten to satisfy everyone.

Mr. Axtell noted that the Assembly and Senate members who voted against the NY SAFE Act will see that we are in opposition to the Act through this resolution. He believes that they will address the shortcoming being discussed here.

Mr. Donnelly expressed concern over the haste in which the NY SAFE Act was passed and the unfunded mandates it will create. Unfortunately, in this economically unstable time, mental health issues are becoming more prevalent but there will be other areas of county government that will also be affected by this. He did not feel the the NY SAFE Act of 2013 offers any meaningfully solutions to the problem of gun violence in our society.

Mr. Bracci noted that he has heard talk that relates the NY SAFE Act to a form of racial profiling. The Act is written in such a way that it does not address mental health concerns, but

may unintentionally create situations for people who are in the mental health system. He advised that the Community Services Board has passed a resolution addressing this concern.

Chairman Eisel stated that he would like to vote on this resolution today as a quick response to the Governor is imperative. He suggested a recess to address the concerns raised in the resolution. He hoped that the the Legislative and Public Safety Committees could meet and agree to a rewrite that could be voted upon when the meeting reconvened. He invited Sheriff Mills and Ms. Heaney to participate in the discussion. All were in agreement.

The resolution was tabled until after recess.

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

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

**RESOLUTION NO. 35**

**TITLE: 2013 BUDGET AMENDMENT  
SHERIFF'S SAFETY PROGRAM  
(AED CONTRIBUTION SOLICITATION)  
SHERIFF'S OFFICE**

**WHEREAS**, the Sheriff's Office realizes that the availability of an Automatic External Defibrillator (AED) unit can save a life and enhances the chances of survival for a person suffering from a sudden cardiac arrest episode; and

**WHEREAS**, the Sheriff's Office has solicited funding for the purchase of AEDs from public donations; and

**WHEREAS**, the Sheriff's Office intends to use said funding to purchase new AED units to replace older models that have surpassed their usefulness

**NOW, THEREFORE, BE IT RESOLVED** that the 2013 budget be amended as follows:

**ESTIMATED REVENUES:**

10-13110-42270500/311009/907	Gifts and Donations	\$25,000.00
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**ESTIMATED EXPENSES:**

10-13110-54327595/3110039/907	Grant Supplies	\$25,000.00
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The resolution was seconded by Mr. Bower and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

Mr. Smith withdrew Resolution No. 36 which was recalled later in the meeting after consultation with the Legislative Committee.

**RESOLUTION NO. 36**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DISTRICT ATTORNEY'S OFFICE**

**WHEREAS**, the sum of \$11,486.53 has been made available to the District Attorney's Office by way of felony drug prosecutions, which is currently in the Forfeiture of Crime Proceeds for the District Attorney; and

**WHEREAS**, software is needed to enable the Delaware County Information Technology Department to examine cell phones and computers for law enforcement investigative purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the 2013 budget be amended as follows:

**FROM:**

10-11165-42262500	Forfeiture of Crime Proceeds	\$ 1,606.73
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**TO:**

10-11165-52200000	Equipment	\$ 1,606.73
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Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 37**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,037,217.85 were hereby presented to the Finance Committee for approval for payment on February 22, 2013 prior to presentation to the Board of Supervisors;

**THEREFORE**, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$1,801,733.48
OET	\$57,042.44
Public Safety Comm System	\$39,500.91
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Road	\$258.37
Machinery	\$95,734.22
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$42,948.43

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,563,096.71 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	\$698,260.92
OET	\$7,259.64
Highway Audits, as Follows:	
Weights & Measures	\$373.67
Road	\$245,863.92
Machinery	\$127,539.39
Capital Road & Bridge	\$333,317.43
Capital Solid Waste	\$31,875.70
Solid Waste/Landfill	\$118,606.04

The resolution was seconded by Mr. Triolo and Mr. Dolph and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, McCarthy).

Upon a motion the meeting adjourned for recess.

The meeting reconvened in regular session with all Supervisors present except Mr. Rowe and Mr. McCarthy.

Mr. Valente recalled Resolution No. 31 entitled: *Resolution to Authorize the Office of the County Attorney to Act as Special Prosecutors*. The resolution was seconded by Ms. Miller and unanimously adopted.

Mr. Axtell recalled Resolution No. 34 entitled: *Opposition to the NY SAFE Act of 2013*. The resolution was seconded by Mr. Bower and Mr. Spaccaforo.

Ms. Capouya stated that she is not against some regulation but felt this is a bad law which was badly passed. She further stated that the resolution, in her opinion, was still too long.

Mr. Valente felt the NY SAFE Act sets a bad precedent as the government is now renegeing on a contract it entered into with law abiding citizens applying for weapon permits. This serves only to remove trust by the people for government.

Mr. Spaccaforo stated that in his opinion the NY SAFE Act is an infringement on the rights of the people. He did not believe the Act could be effectively enforced and that attempting to do so would create unfunded mandates for many areas of county government.

He shared that gun manufacturers and ammunition suppliers, he believed sixty-eight different companies, were refusing to do business in New York as a result of this Act.

Ms. Miller advised that of the 19.5 million people that live in New York State 500,000 live in rural counties. This legislation is written for the safety and protection of the majority. Legislation cannot address the balance between understanding and respecting the rural lifestyle and the need to protect those living in densely populated areas. Her personal view is that homes and communities are safer with fewer guns in them; however Delaware County is a rural community that understands and has a deep appreciation for its weapons.

The resolution was adopted by the following vote: Ayes 3525, Noes 375 (Miller), Absent 899 (Rowe, McCarthy).

Mr. Valente recalled Resolution No. 36 entitled: *2013 Budget Amendment Transfer of Funds*. The resolution was seconded by Ms. Miller and unanimously adopted.

Chairman Eisel made the following appointments:

Soil and Water Conservation Board:

Supervisor Bruce Dolph

Supervisor Don Smith

Frank Bachler

Community Services Board

Rina Reba

Chairman Eisel stated that Governor Cuomo recently outlined his 2013 Executive Budget and initiatives. He reminded the Supervisors that Commissioner of New York State Department of Motor Vehicles Barbara Fiala will deliver an Executive Budget presentation on behalf of Governor Cuomo on Friday, March 1, 2013 at 11:00 a.m. in the Supervisors Room of the Delaware County Office Building.

Chairman Eisel also noted that an exhibit entitled: *The Lives They Left Behind* will be on display at the Resnick Library on the SUNY Delhi Campus from March 1<sup>st</sup> through April 6<sup>th</sup> 2013. The exhibit is funded through the Rural Healthcare Alliance and honors the memory of people who were removed from their communities and institutionalized at Willard Psychiatric Center in the New York Finger Lakes region. Supervisors are invited to view the exhibit and attend a reception of the opening on March 13, 2013 at 4:00 p.m. at the Resnick Library on the SUNY Delhi Campus.

Upon a motion, the meeting adjourned at 2:35 p.m.