

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**APRIL 24, 2013**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 24, 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.

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 granted privilege of the floor to Commissioner of Public Works Wayne Reynolds who presented Scott Lambrecht as Employee of the Month.

Mr. Lambrecht began his employment in July 2005 as a Motor Equipment Operator and in June 2007 was promoted to a Heavy Equipment Operator. In this capacity, Mr. Lambrecht operates and hauls all types of heavy equipment.

Commissioner Reynolds stated that Mr. Lambrecht is an outstanding employee who enjoys the work he does. He assumes any responsibility and regularly seeks opportunities to learn and improve his skills. Mr. Lambrecht is a valued employee who can be depended upon to handle any assignment with skill and thoroughness.

When the New York City Department of Environment Protection (NYCDEP) requested volunteers to help with the cleanup in New York City after Hurricane Sandy, Mr. Lambrecht chose to cut his vacation short and volunteered to go. He and his co-worker, Tim Cobane, performed so well they were asked to return the following week with the second round of volunteers.

Commissioner Reynolds presented Mr. Lambrecht with a \$50.00 check and thanked him for his dedication and commitment.

Chairman Eisel thanked Mr. Lambrecht for his willingness to assist the NYCDEP crews downstate with the clean up after Hurricane Sandy. He reminded the Board of how grateful the citizens of those areas were for our help and the recognition the county and its employees received from the NYCDEP. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Lambrecht thanked Commissioner Reynolds for his recognition as employee of the month and the Board of Supervisors for their continued support of the Department of Public Works.

Chairman Eisel granted privilege of the floor to Mr. Smith. Mr. Smith introduced Republican Commissioner of Elections William Campbell to provide an update on the early voting proposal.

Commissioner Campbell referenced Resolution No. 50 entitled: *Opposition to the Passage of Legislation to Allow Early Voting or to Allow Counties to Opt-In to Early Voting Opportunities and for the State to Fully Fund any Increased Costs Associated with Early Voting* passed at the March 13<sup>th</sup> Board of Supervisors meeting. He advised that the counties of Allegany, Chenango, Delaware, Genesee, Hamilton, Orleans, Sullivan, Warren and Washington have passed a similar resolution in opposition. It is expected that the counties of Jefferson, Livingston, Oswego, Otsego, Putnam, Tioga and Yates will do the same.

The legislation has become an upstate/downstate struggle. Although early voting is an expensive proposition it makes sense for largely populated areas. Rural municipalities do not have the population to make the expense of early voting worthwhile.

At this point, the legislation is not on the docket to be voted upon but it is expected to be voted on in 2013. If the legislation should pass, the county may be unable to meet the requirements set forth in the legislation. The aim of the smaller municipalities, he noted, would be to ask for an exemption; such as for counties with less than a certain number of voters or the designation of one desired polling site throughout the county. The polling sites use paper polling books to verify a voter in his/her district has cast their vote, however, each of the designated early voting sites would be required to have access to an electronic polling book as the legislation allows early voters to vote at any designated early voting site.

Commissioner Campbell answered in response to Chairman Eisel that he believes the legislation will come up in this year's session. If that is the case and the legislation were to pass the rural municipalities in opposition should band together and petition the state for an exemption.

Commissioner Campbell stated in reply to Mr. Spaccaforno, that he was not certain what penalty the county would face if it should refuse to follow the legislation. He shared that a county who steadfastly refused to change to the new voting machines was told that their election totals would not be counted by the state or federal government if they did not make the change to the new voting machines.

Ms. Miller commented that the legislation included wording to the effect of "as is practicable." It may be possible to seek an exemption that would allow the County Board of Elections Office to be the only designated early voting site based on "as is practicable".

Commissioner Campbell agreed, adding that the Board of Elections office maintains electronic polling books and has all of the ballot configurations.

Commissioner Campbell stated that part of the opposition to this legislation is that the Election Commissioners of the smaller rural counties feel that the absentee ballot serves the same purpose. The absentee ballot is a cost-effective means of meeting the needs of those that for a variety of reasons may want or need to vote early.

Chairman Eisel thanked Commissioner Campbell for his update.

Chairman Eisel granted privilege of the floor to Mr. Rowe. Mr. Rowe introduced Director of Solid Waste Management Susan McIntyre to provide a presentation entitled: *Solid Waste History 40 Years (almost) of Service* detailing the past, present and future of the Solid Waste Management Center (SWMC).

Ms. McIntyre stated that 2014 marks the 40<sup>th</sup> anniversary of the county's solid waste history. The majority of those years, she explained, were spent fulfilling the mission statement which will be introduced in Resolution No. 67 entitled: *Mission Statement Materials Recovery Facility* later in the meeting. The resolution asks the Board of Supervisors to adopt the following mission statement for the Department of Public Works Solid Waste Division: To provide locally-controlled, long-term, comprehensive, cost-competitive, and environmentally-sound solid waste disposal, recycling, composting and recovery services for all of Delaware County.

The vision of past county leaders in the early years of landfill discussions has served the county very well. Their foresight, wisdom and vision for the future set the stage for where the county is today. The presentation would not be complete without recognizing the individuals that helped lay the groundwork almost 40 years ago. The late former Town of Bovina Supervisor Charlie LaFever for his commitment to the development of the compost facility, the late former Chairman of the Board of Supervisors Howard Nichols, for retaining local control of the Solid Waste Management Center and the former late Town of Middletown Supervisor Eldred Shaver who served as Chairman of the Solid Waste Committee for the wisdom and foresight in developing the first Solid Waste Management Plan (SWMP) in 1974.

The presentation included an outline of the county's solid waste history:

- purchase of the initial property 1974
- development of the first countywide SWMP in 1974
- the Municipal Solid Waste (MSW) landfill opened in 1977
- services to town transfer stations began in the 1980
- the county's Recycling Center opened in 1990
- the construction and debris landfill in 1992
- the mixed waste compost facility in 2005
- double composite landfill liner in 1995
- pilot test in 2001 to extract landfill gas
- gas-to-energy program in 2008.

In 1974 when the land was initially purchased it was considered an ideal location however, by today's standard the location is less than ideal. An aerial photograph of the layout of the land and facility showed what is referred to as the 1977 permit limits. New York State (NYS) and New York City (NYC) were in opposition to the landfill and fought hard against the continued operation of the landfill. After many years of fighting the issue the parties involved agreed to disagree and the county was allowed to continue to operate the landfill as long it stayed within the boundary of the 1977 permit limit entitlement area. As a result the county's landfill operates as an entitlement landfill.

Moving towards the future, the department plans to seek permission from NYS and NYC to expand the boundaries of the 1977 permit limits by taking ten acres across the northern rim of

the existing property. The additional ten acres could add thirty additional years to the remaining life of the current landfill.

In answer to Chairman Eisel, Ms. McIntyre advised that the remainder of Cells six and seven are all that remain of the current landfill space. That space should provide at least thirty more years of use. The reason the county is able to achieve such a lifespan is due to the combined effects of composting, recycling, and density programs the facility has put into place. She added that with a few additional tweaks the lifespan could be extended to sixty years.

The current facility offers a wide variety of conveniences and services and in doing so has created opportunities to raise revenue. For example, the composting facility sells its finished composted product and has bales of recyclable plastic awaiting pick-up estimated at \$30,000.

In response to Mr. McCarthy, Ms. McIntyre stated that recycling is most influenced by the export market even though most of the recyclables are sold to the domestic market.

The new Materials Recovery Facility (MRF) allows the county to expand from its current focus of recycling Codes 1 and 2, to full service recycling Codes 1 through 7. This expands the county's market place by allowing for the capture of a variety of other marketing opportunities thus decreasing the amount of landfill space used.

In reply to Mr. Marshfield, Ms. McIntyre advised that the original maintenance shop was built in 1974 and will be taken down. The existing MRF building will be repurposed as the maintenance shop/garage. It is anticipated that construction of the new MRF building will begin this year and be operational in 2014.

Ms. McIntyre addressed a question raised by Jeffrey Taggart, a farmer in the Town of Franklin, on the recycling of agricultural baling plastic. Delaware County will be pursuing agricultural baling plastic recovery without the use of a baler. Ms. McIntyre explained that farmers would be provided with nylon totes which would prevent the complications and logistical challenges that moving the baler from location to location would create.

In conclusion, Ms. McIntyre stated that the Department of Public Works Solid Waste Division keeps money and jobs locally based and provides opportunity for revenue and long-term reliability. The department credits past and present members of the Board of Supervisors for their wisdom in recognizing the value of local control, their vision to see beyond the present day and their commitment and strength through opposition to succeed.

Chairman Eisel thanked Ms. McIntyre for a very informative presentation.

For standing committee reports Chairman of the Public Works Committee Samuel Rowe advised that the county has received notification of award from its second application to the New York State Department of Environmental Conservation (NYSDEC) in the amount of \$500,000. The first award from the NYSDEC was in the amount of \$600,000 bringing the total received to \$1.1 million in grants towards the building construction of the county's new MRF.

For standing committee reports Chairman of the Community Services Board (CSB) Martin Donnelly advised that the CSB has completed their review of the Del-Met and the Treadwell School, the two possible sites for the relocation of the Mental Health Department. At

their Thursday, April 18<sup>th</sup> meeting after much discussion the CSB moved to approve the Treadwell School as the future site to meet the growing needs of the Mental Health Department.

Mr. Donnelly explained that the CSB is made up of nine members who by law govern the affairs of mental health pursuant to the State Mental Hygiene Law. The consolidation plan is critical as our current Mental Health Department is located in three separate buildings. In accordance with General Provisions of the Mental Hygiene Law, it is the role of the CSB to make this decision affecting the Mental Health Department.

Mr. Donnelly stated that any questions or concerns related to this matter should be addressed directly to the CSB.

Chairman Eisel granted privilege of the floor to Mr. Bracci. Mr. Bracci stated that he would like to address several issues. The relocation of the Mental Health Department to the Treadwell School located in the Town of Franklin, county government and organization and the duties of the Chairman of the Board.

Mr. Bracci called upon the Commissioner of Social Services William Moon to offer his concerns regarding the relocation of the county's Department of Mental Health from the Town of Walton, NY to the Treadwell School building.

Commissioner Moon stated that he supports the recommendation of the CSB with regard to consolidation of services and recognizes the mental health crisis the country is experiencing. However, he believes moving from the Town of Walton to the Treadwell School building is moving away from forty-five percent of the population that the county has served in the Walton area for the past fifty years. The new location is less than ideal for the clients currently using the services and has no other health care provider within ten miles of its location.

He encouraged a move toward a shared vision partnering with other entities providing primary care in the county rather than attempting to consolidate in an area that creates a stand-alone facility.

This is a matter of great magnitude, Commissioner Moon said, requiring significant knowledge of the mental health field. He suggested the county hire a Health Administrator to review the county's needs and offer expert advice moving forward.

Mr. Bracci referenced the 2013 committee appointments and stated that he was in disagreement with Chairman Eisel to appoint the same two supervisors to the Mental Health Committee and the CSB as he viewed it as a conflict of interest.

While he served as the Chairman of the Human Services Committee, of which the Mental Health Department was under, the issues raised by the CSB were extensively researched and the committee concluded that a move to the Treadwell School building would not be in the best interest of the county.

He expressed concern that the decision to relocate the Department of Mental Health to the Treadwell School building is a complete reversal of the previous committee's work. His efforts to gather information and add insight to the discussion appear to him to have been hindered by a seemly closed-door approach and a limited view of the consequences of the relocation.

He opined that if the CSB had made more of an effort to reach out to a wider base of resources their decision may have been different. His interest in the relocation is based on what is best for the county and the integral connection between the Social Services Committee, which he chairs, and the mental health issues brought forward during his time as Chairman of the combined Human Services Committee.

Mr. Bracci concluded stating that the move affects our county employees and significantly changes the communities in the Towns of Walton and Franklin. In his opinion, the CSB has not been diligent in its efforts to gather information pertinent to the relocation and he believes the decision to move to the Treadwell School building is not a viable option and should not happen.

Responding to Mr. Bracci's comments, Mr. Donnelly stated that the CSB is an individual government unit operating under the General Provisions of the Mental Hygiene Law. The CSB has the authority under the General Provisions of the Mental Hygiene Law to make this decision.

Chairman Eisel pointed out that there are limited locations in the county that can offer the space needed. The Treadwell School building is complete and has a tremendous amount of room. As telepsychiatry continues to evolve it may be possible that certain clients may not have to come to the facility for services but could be observed right from their location. Mental health is a growing concern and remaining as it is is not the answer. He opined that consolidating and moving makes the most sense.

In answer to Ms. Miller, Chairman Eisel noted that it his understanding that the CSB does not need the approval of the Board of Supervisors to make this move.

Mr. McCarthy commented on the lack of information provided to the Board of Supervisors on this issue and stated his concern that an outside board had the power to direct county spending. He felt that the county should look at getting out of the health care business altogether and save the taxpayers' money.

Chairman Eisel commented that he has been in contact with representatives from the Bassett system and understands that Bassett is in the process of evaluating but they have brought no models forward for consideration.

Mr. Bracci felt that Chairman Eisel's involvement in the matter was outside of the duties of the Chairman of the Board. The county has a committee system, contacting Bassett, he opined, should have been the work of the committee. Chairman Eisel explained that Rule 9 of the *Rules of the Delaware County Board of Supervisors* confirms that the Chairman of the Board is an ex-officio member of every committee; in addition, the Chairman has the power to designate committees and make appointments.

Mr. Marshfield shared that he is not fond of the move from the Town of Walton to the Town of Franklin, but he believes the members of the CSB are professional people. There needs to be a consolidation of services into one location and the Treadwell School building provides that opportunity.

Chairman Eisel stated that the 2013 County Budget appropriates \$585,000 to the Mental Health Department. It is his understanding that there will not be a request for additional funds and that the amount should be sufficient to cover rent and remodeling.

Mr. Valente stated that other outside Boards come before the Board of Supervisors sharing their vision for the future and provide a forum for questions and answers. To his knowledge this issue has not been brought before the Board of Supervisors for consideration.

Ms. Miller commented that the Board as a whole needs to be better informed pointing out that without facts the rumor mill runs wild. She noted that she has made several requests for copies of committee minutes and has yet to receive any.

In answer to Mr. Hynes and Mr. Valente, Chairman Eisel explained that at the time the Office for the Aging considered moving to the Treadwell School it was too costly to bring the necessary computer connectivity to that location and therefore the county passed on the opportunity to rent the building. At this time, only the Department of Mental Health is moving into about 10,000 square feet of the building. Mental Health does not have the same connectivity needs.

Mrs. Capouya commented that town supervisors are elected by the people whom they have an obligation to serve. The issues that the CSB are dealing with are vital and might benefit from the insight of others. She expressed concern over the way in which this process occurred and asked that in the future the Board be made aware and kept abreast of issues affecting the county and its employees.

Mrs. Capouya pointed out that the parking lot was limited in the amount of spaces it offered. Chairman Eisel noted that there is space for additional parking if expansion is needed.

Mr. Bracci provided a copy of a booklet entitled: *County Government Organization in New York State* and a copy of Resolution No. 259-1979 with the ensuing discussion attached and asked that the Supervisors read it. He addressed a motion to the legislative committee, seconded by Mr. McCarthy to review the duties of the Chairman of the Board of Supervisors.

The matter was referred to the Chairman of the Legislative Committee Donald Smith.

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

**RESOLUTION NO. 60**

**TITLE: 2013 BUDGET AMENDMENT  
RECEIPT OF GRANT  
DEPARTMENT OF PUBLIC HEALTH SERVICES**

**WHEREAS**, the O'Connor Office of Rural Health Studies at SUNY Binghamton University has been awarded a grant to support health care initiatives, and

**WHEREAS**, the O'Connor Office of Rural Health Studies at SUNY Binghamton University will award grant monies in the amount of \$1,000 to support focus groups and printing of the Community Health Assessment; and

**WHEREAS**, Delaware County Public Health Services is required by New York State Department of Health to work with local hospitals and community partners to conduct focus groups to assess the health status and needs for Delaware County; and

**WHEREAS**, Delaware County Public Health Services recognizes that it is important to determine the health needs of Delaware County

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

**INCREASE REVENUE:**

10-14012-42270602/4012011/906	Grants from Non Profit	\$1,000.00
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**INCREASE APPROPRIATION:**

10-14012-54327000/4012011/906	General Grant Related Expense	\$1,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 61**

**TITLE: 2013 BUDGET AMENDMENT  
RECEIPT OF GRANT  
BASSETT HEALTHCARE NETWORK, RESEARCH INSTITUTE  
DEPARTMENT OF PUBLIC HEALTH SERVICES**

**WHEREAS**, the Bassett Healthcare Network, Research Institute has been awarded a grant to support efforts to develop, implement or enhance projects designed to support childrens' efforts to achieve the 5210 goals; and

**WHEREAS**, the Bassett Healthcare Network, Research Institute will award grant monies in the amount of \$1,946.80 to support the establishment of walking routes in the Village and Town of Delhi by affixing markers and creating and printing walking route booklets or brochures; and

**WHEREAS**, Delaware County Public Health Services recognizes that it is important to implement projects for children to achieve the 5210 goals

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

**INCREASE REVENUE:**

10-14012-42270602/4012012/906	Grants from Non Profit	\$1,946.80
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**INCREASE APPROPRIATION:**

10-14012-54327000/4012012/906	General Grant Related Expense	\$1,946.80
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

### **RESOLUTION NO. 62**

#### **TITLE: 2013 BUDGET AMENDMENT HOME ENERGY ASSISTANCE PROGRAM COOLING ASSISTANCE COMPONENT ADMIN DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the County's Home Energy Assistance Program (HEAP) for 2012-2013; and

**WHEREAS**, said monies are to be utilized to reimburse the County at 100% of its expenditures.

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

**INCREASE REVENUES:**

10-16141-44464100	Federal Aid- HEAP	\$1,623.00
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**INCREASE APPROPRIATIONS:**

10-16141-54200012	Contracted Services-DELOPP Contract	\$1,623.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

### **RESOLUTION NO. 63**

#### **TITLE: APPROVAL OF TRANSPORTATION BIDS FOR EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAM (2 - 5 year olds) DEPARTMENT OF PUBLIC HEALTH SERVICE**

**WHEREAS**, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by the 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 May 1, 2013 to August 31, 2014, be accepted as follows:

**Proposal No. 2-13: Institute for Child Development – Children's Unit for Treatment & Evaluation (CUTE)**

Program site: Binghamton University, 4400 Vestal Parkway East, Vestal, NY 13902-6000

- **Rolling V Bus Corp** - Bid: \$ 206.76 per one way trip, 1<sup>st</sup> passenger  
\$ 15.00 per additional passenger

**Proposal No. 3-13: Center for Spectrum Services**

Program site: 70 Kukruk Lane, Kingston, NY 12401

- **Rolling V Bus Corp** - Bid: \$ 205.85 per one way trip, 1<sup>st</sup> passenger  
\$ 15.00 per additional passenger

**Proposal No. 4-13: Center for Spectrum Services**

Program site: 4 Yankee Place, Ellenville, NY 12428

- **Rolling V Bus Corp** - Bid: \$ 194.25 per one way trip, 1<sup>st</sup> passenger  
\$ 15.00 per additional passenger

The resolution was seconded by Mr. Donnelly.

In answer to Mr. Spaccaforno, Ms. Molé stated that the bidding process attempts to reach as many transporters as possible. All previous bidders or transportation companies who have expressed an interest are sent the bid notice which also appears in two newspapers.

Director of Public Health Services Bonnie Hamilton stated in reply to Mr. Marshfield, that the transportation schedule follows the regular school year of 180 days plus a 6-week summer service if indicated.

In answer to Mr. Marshfield, Mrs. Hamilton stated that the pricing for 2013 is quite a bit higher than it was in 2012.

Mrs. Hamilton explained in response to Mr. Spaccaforno, that providing transportation is a mandated service that the county is obligated to provide. The county can choose to go into the transportation business if it is determined to be less expensive. However, the county would have to meet all of the Department of Transportation regulations and the special needs of each child.

Mrs. Hamilton noted that autism classifications are increasing and school districts are looking at how to handle the increase of autistic children in their classes. New York State recognizes that this is a huge problem and is working with schools on solutions.

Mrs. Hamilton replied in answer to Mr. Marshfield, that Medicaid reimburses approximately \$33.00 one way if the transport is considered “special transport”. The reimbursement cap on state aid is 59.5 percent.

In response to Mr. Triolo, Mrs. Hamilton stated that most centers can service a variety of children. She pointed out that the decision as to where a child goes is made by the Committee on Preschool Special Education (CPSE) at the school district in which the child resides.

In answer to Mr. Marshfield, Mrs. Hamilton advised that the parents are always given the first option to transport and are reimbursed for the transportation. When contracted

transportation is used and only one child is riding in the van it is more expensive to the county than when there are several children in the same van. There are parents that do transport their children; however, many parents are employed and unable to provide the transportation.

Mrs. Hamilton explained in answer to Chairman Eisel, that the Carousel Children's Services Program serves twenty-four children and there is a waiting list. If all center-based programs including Carousel Children's Services and programs in adjacent counties are filled, the CPSE Committee reviews the needs of the child and where they live to find a suitable option, if possible within the county, or bring the necessary services to where the child is located. Children whose first recommendation is a center-based program are put on a waiting list.

Mr. Spaccaforno questioned if the research into providing county-operated transportation could be done prior to voting on the resolution.

Ms. Miller commented that this is a matter that can be reviewed further but the services are necessary and must be provided.

Mrs. Hamilton stated that she would be happy to discuss the matter further on an individual basis if there are any questions or concerns.

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

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

**RESOLUTION NO. 64**

**TITLE: REAPPOINTMENT PERSONNEL OFFICER  
PERSONNEL OFFICE**

**BE IT RESOLVED**, that pursuant to Article 2, Section 15 of the Civil Service Law, Leonarda T. Storey is hereby reappointed as Delaware County Personnel Officer for a six-year term effective April 28, 2013 and ending April 27, 2019 at the salary contained in the budget.

The resolution was seconded by Mr. Axtell and Mrs. Capouya.

Mr. Dolph stated that as Chairman of the Human Resources committee he works closely with Mrs. Storey and fully supports her reappointment. Mrs. Storey has done a wonderful job for the county handling a variety of personnel issues.

Chairman Eisel concurred stating that Mrs. Story has done an outstanding job for the county. He is appreciative of her commitment to the county and supports her reappointment.

The resolution was unanimously adopted.

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

## **RESOLUTION NO. 65**

**TITLE: REQUESTING THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION TO RELEASE ITS MAINTENANCE JURISDICTION OVER A  
PORTION OF HIGHWAY RIGHT OF WAY ALONG ROUTE 30 IN THE TOWN OF  
HANCOCK AND FURTHER AUTHORIZING THE CONVEYANCE OF DELAWARE  
COUNTY'S INTEREST IN SAID PORTION OF RIGHT OF WAY TO  
ROGER G. KING AND MARIE T. KING  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Roger G. King and Marie T. King have expressed a desire to acquire property formerly being a portion of State Route 30 in the Town of Hancock, being currently unused property due to a realignment of State Route 30, said property being between the lands of Roger G. King and Marie T. King and the current alignment of State Route 30; and

**WHEREAS**, the County of Delaware originally purchased the highway right of way for State Route 30; and

**WHEREAS**, the New York State Department of Transportation has indicated a willingness to release its maintenance jurisdiction over that portion of property requested by Roger G. King and Marie T. King; and

**WHEREAS**, with the abandonment by the New York State Department of Transportation, the County can proceed to convey its interest in that portion of land to Roger G. King and Marie T. King.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors hereby requests the New York State Department of Transportation to release its maintenance jurisdiction over that portion of highway right of way along State Route 30 in the Town of Hancock as determined by NYSDOT to be surplus property; and

**BE IT FURTHER RESOLVED** that the Chairman of the Board is herewith authorized to take any action and execute any documents that may be necessary to convey the County's interest in said parcel of land to Roger G. King and Marie T. King at a cost consideration to be determined by the Department of Public Works.

The resolution was seconded by Mr. Bower.

Mr. Rowe explained that this piece of property is currently unused due to the realignment of State Route 30 and has become a spot for less than desirable activities. He feels the conveyance of the county's interest in this right of way is a good thing. There is another piece of land further up the road that has fishing access that has replaced the need for this piece which had provided river access.

The resolution was unanimously adopted.

Mr. Rowe offered the following resolution and moved its adoption

## **RESOLUTION NO. 66**

### **TITLE: ENDORSING THE REDISTRICTING OF DELAWARE COUNTY IN REGARDS TO PUBLIC WORKS PREVAILING WAGES DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Delaware County is in the Southern Tier Economic Region as designated by New York State and

**WHEREAS**, Delaware County 2010 census data clearly shows by review of every indicator (per capita annual income, median value owner-occupied units, population, population density and etc.) that we are closely aligned with our western neighbors and fellow Southern Tier Counties of Broome and Chenango; and

**WHEREAS**, union and all comparable wages in Delaware County are and continue to be in close equivalency to wages in those counties also designated as being in the Southern Tier; and

**WHEREAS**, arbitrary prevailing wage district designations of the past no longer apply to present day actualities in Delaware County's rural economy; and

**WHEREAS**, public works projects in all Delaware County Towns and as undertaken by the Department of Public Works on behalf of Delaware County must and should be able to be bid and constructed within realistic financial outlay expectations as set forth in those wage districts and mandated by the NYS Department of Labor.

**NOW, THEREFORE, BE IT RESOLVED** that we, the Delaware County Board of Supervisors do fully support the redistricting and consolidation of the entirety of Delaware County into one district being consistent with Broome and Chenango counties for the following categories of worker: Asbestos Abatement, Electrician, Laborer (Building), Laborer (Heavy & Highway including as well Laborer – Tunnel), Operating Engineer (Building/Heavy & Highway), Plumber and Steamfitter, Plumber HVAC, Electrician (Residential), Plumber (Residential), Laborer (Residential).

**BE IT FURTHER RESOLVED**, that the Clerk of the Board shall forward copies of this resolution to the Honorable Governor Andrew M. Cuomo, New York Senators John Bonacic, James Seward and Tom Libous, New York State Assemblypersons Pete Lopez, Claudia Tenney and Clifford Crouch, NYS Department of Labor Commissioner Peter Rivera, Broome County Executive Debra Preston and Chenango County Board of Supervisors Chairman Lawrence N. Wilcox.

The resolution was seconded by Ms. Miller.

Mr. Rowe reminded the Board that a sub-committee consisting of Supervisors Marjorie Miller and Dennis Valente was formed from within the Public Works Committee to address the unfunded mandate of prevailing wage. He called upon Ms. Miller and Mr. Valente to speak to the resolution.

Ms. Miller explained that prevailing wage has been talked about in the past but never brought forward by elected officials. The sub-committee is seeking the support of all elected

officials throughout the county and has reached out to school superintendents and other elected officials requesting they bring forth a similar resolution. Ms. Miller pointed out that the 2010 census data was a very good indicator in support of this request as it clearly showed that the prevailing wage district designations of the past no longer apply to the present day reality.

Mr. Valente shared that he and Ms. Miller attended a meeting with the Department of Labor and state representatives and learned that no one in attendance understood how the formulas were vetted. There is interest and strong support for this issue, in part, because the resolution seeks not to remove prevailing wage but to make it equitable for all regions.

In reply to Mr. Marshfield, Ms. Miller shared that a Broome County bid has increased from \$9,700 to \$27,000 when figured with the current prevailing wage district designations.

Ms. Miller answered in response to Chairman Eisel, that a change in prevailing wage district designations could save the county approximately two-thirds in the total cost of certain contracted jobs. She felt that aligning with District 2 would be very advantageous for the county.

Chairman Eisel thanked Ms. Miller and Mr. Valente for their work on this issue.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 67**

**TITLE: MISSION STATEMENT  
MATERIALS RECOVERY FACILITY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Solid Waste Management Plan was originally developed in 1974 as a site for solid waste services to all residents of Delaware County; and

**WHEREAS**, the Delaware County Department of Public Works – Solid Waste Division has developed capacity and services at the Solid Waste Management Center for a broad range of solid waste services managed by, for and largely within Delaware County borders; and

**WHEREAS**, a recognition of the Board of Supervisors' long-standing position that County residents are best served by the locally available and locally managed solid waste services; and

**WHEREAS**, a clearly defined and stated Mission Statement will assist in long-term guidance necessary to insure the continued provision of services to area residents.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors, adopt the following Mission Statement as guiding principles for the Delaware County Department of Public Works Solid Waste Division in the operation and planning for the Delaware County Solid Waste Management Center

**MISSION STATEMENT:** To provide locally-controlled, long-term, comprehensive, cost-competitive, and environmentally-sound solid waste disposal, recycling, composting and recovery services for all of Delaware County.

The resolution was seconded by Mr. Valente.

Mr. Rowe stated that Delaware County has emerged as leader in this field and is an example for other counties. The foresight, wisdom and vision of our predecessors to develop a compost facility and retain local control of the Solid Waste Management Center cannot be overstated. Commissioner of Public Works Wayne Reynolds and Director of Solid Waste Management Susan McIntyre continue to do an outstanding job. He recognized them for their accomplishments, commitment and dedication to the county adding the facility would not be where it is today without their management.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 68**

**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.

**ASSESSED TO:**

TOWN OF:	COL09TX.049
TAX MAP NO:	JOSEPH JEZSIK
SCHOOL DISTRICT:	122400:COLCHESTER
ACREAGE:	358.-1-16.442
CONVEYED TO:	122401:DOWNSVILLE
CASH CONSIDERATION:	5.29A ACRES
TAX DEFICIT:	JOSEPH JEZSIK 102 WASHINGTON DR MASTIC BEACH NY 11951
	\$3,922.82
	\$3,138.39

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

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

**RESOLUTION NO. 69**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following described parcels of tax acquired property be sold to the parties 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.

SID10TX.019

**Assessed To:**

Town of:	125089:Sidney
Tax Map No:	140.-1-34
School District:	125001:Sidney
Acreage:	34.00A Acres
Conveyed To:	Niki Frantzis 147-27 21st Avenue Whitestone NY 11357
Cash Consideration:	\$32,621.82
Tax Deficit:	\$25,363.02

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

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

**RESOLUTION NO. 70**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,452,229.91 were hereby presented to the Budget Oversight Committee for approval for payment on April 19, 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	\$1,170,307.35
OET	\$31,446.98
Public Safety Comm System	\$10,064.95
Highway Audits, as Follows:	
Weights & Measures	\$154.09
Road	\$44,223.24
Machinery	\$97,451.25
Capital Road & Bridge	\$13,688.51
Capital Solid Waste	\$42,814.76
Solid Waste/Landfill	\$42,078.78

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,285,595.90 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	\$821,845.13
OET	\$2,750.00
Public Safety Comm System	\$20,488.19

Highway Audits, as Follows:

Weights and Measures	\$477.77
Road	\$91,174.17
Machinery	\$99,457.84
Capital Road & Bridge	\$16,131.40
Capital Solid Waste	\$156,927.14
Solid Waste/Landfill	\$76,344.26

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

Upon a motion, the meeting adjourned at 3:00 p.m.