

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
JUNE 26, 2013

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 26, 2013 at 5:30 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. Donnelly.

Mr. Marshfield offered the invocation.

Ms. Miller led the Board in the Pledge of Allegiance to the Flag.

The minutes of the May 22, 2013 meeting were accepted with corrections noted by Town of Sidney Supervisor Bob McCarthy.

The minutes of the Special Meeting of June 14, 2013 were accepted with corrections noted by Town of Walton Supervisor Bruce Dolph.

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

Chairman Eisel granted privilege of the floor to Mr. Smith who introduced the 2013 Dairy Princess Miquela Hanselman.

Miss Hanselman introduced her alternates, Mackenzie Smith and Rosie Post.

Miss Hanselman grew up on the Del-Rose Farm in the Town of Bloomville and is a 2013 graduate of South Kortright Central School. Her three brothers have chosen to continue the tradition of her grandparents and parents who have lived their entire lives in Delaware County making their living as dairy farmers.

Miss Hanselman shared that milk is the leading agricultural product in New York State and that there are about 125 dairy farms in Delaware County. The sale of milk and dairy cattle amounts to around \$40 million to the economy of Delaware County.

Milk contains nine essential nutrients including calcium and has been proven to help prevent osteoporosis and lower blood pressure. In addition, chocolate milk is the ultimate refuel beverage to rehydrate and nourish the body after a workout. Three servings of dairy each day also helps to maintain a healthy weight.

Miss Hanselman thanked the Board of Supervisors for the opportunity to address them and for their continued support of the dairy industry. She invited all in attendance to enjoy the refreshments that would be served in the lobby during recess.

Chairman Eisel granted privilege of the floor to Mike Triolo. Mr. Triolo introduced Director of Economic Development Glenn Nealis to provide an update on the Constitution Pipeline Community Grant program.

Mr. Nealis shared that the Constitution Pipeline has announced the recipients of the second cycle of its Constitution Pipeline Community Grant Program. There were thirty six applications submitted from Delaware County and five were awarded. In total Delaware County received \$96,316 which was awarded to: The Delaware County Junior Holstein Club \$7,000 for the Jr. Holstein Dairy Bowl Competition/Dairy Jeopardy Contest, Delaware County Cornell Cooperative Extension \$25,000 to help purchase a 4-H Camp Shankitunk van, Sidney Area Youth Advocate Program \$25,000 to help develop a skateboard park, the Franklin Fire Department \$24,980 to purchase safety gear, and the Town of Kortright \$14,336 towards their emergency services standby generator & communication project.

In answer to Chairman Eisel, Mr. Nealis stated that the company plans to distribute grant awards two times a year. The next funding deadline is scheduled for September 30, 2013. He believed the program would continue for at least two more years

Mr. Nealis stated in answer to Mr. Valente, that the company has awarded approximately \$700,000 in Community Grant funding.

Mr. McCarthy commented that the Town of Sidney was a recipient of \$25,000 to help launch a regional ambulance service in the Village and Town of Sidney.

Mr. Valente stated that the Davenport Fire District received an award to purchase updated turnout gear. However, the Town of Davenport, he said, will not participate in the Constitution Pipeline Community Grant program until the pipeline location is decided as it would give the appearance of being bought off.

Chairman Eisel thanked Mr. Nealis for sharing this good news for Delaware County.

Chairman Eisel granted privilege of the floor to Mr. Axtell. Mr. Axtell explained that the Public Safety Committee has been discussing the decrease in E-911 revenue received from the traditional landline telephone surcharge. The Committee has asked Director of Emergency Services Richard Bell to make a presentation to the Board addressing this matter.

The purpose of this presentation, Mr. Bell, stated is to alert the Board of Supervisors of the decrease in E-911 funding and introduce the option the Public Safety Committee is recommending.

In 2004, the county initiated a .35¢ landline surcharge to fund the E-911 system in Delaware County and collected \$161,479.34. In 2012, the surcharge revenue decreased by approximately 40 percent from its inception. Other than grants, the .35¢ surcharge is the only source of revenue for operating the E-911 system.

Mr. Bell advised that the cost of outfitting, operating and maintaining the county's Public Safety Answering Point (PSAP) will continue to increase as technology and communications become more sophisticated.

Traditional landline phones are slowly phasing out as wireless devices become the preferred method of communication. Many of the E-911 technology requirements are being driven by mobile device users. As cellular service increases in the county the trend will continue away from traditional landline phones.

In 2006 the New York State County Code Article 6 §300-309 established the Enhanced Emergency Telephone System Surcharge. New York State County Code Article 6 §303 says in part "any municipality of this state, acting through its Board, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge in the amount not to exceed thirty-five cents per access line per month..."

The Counties of Broome, Chenango, Greene, Otsego, Sullivan and Ulster are among the forty-nine out of the sixty-two New York counties that have adopted a wireless surcharge option to address the decreasing income from the landline phones.

Mr. Bell explained in answer to Mr. Bracci, that New York State collects \$1.20 on every cell phone account. The Attorney General is currently investigating the misuse of the funds collected. Although some of the \$200 million collected has been distributed in grants there is concern that the money is being put into the general fund and used to offset expenses. Delaware County is fortunate that the E-911 personnel located in Sidney are paid by New York State. No other county receives that benefit.

If Delaware County should decide to implement a cell phone surcharge, the charge would be in addition to the \$1.20 collected by New York State.

In reply to Ms. Miller, Mr. Bell stated that Herkimer County is most similar to Delaware County when projecting the amount of surcharge revenue Delaware County may see. He felt it fair to say that, if enacted, Delaware County could anticipate as high as \$80,000 in surcharge revenue yearly.

In answer to Mr. Spaccaforo, Mr. Bell estimated that the maintenance cost for the new public safety communication system could be as much as three times the current cost of roughly \$100,000 per year.

Mr. Bell stated in answer to Mr. Bower, that Next Generation E-911 is even more technology driven. The county has no choice other than to grow with technology. In addition, Mr. Bell stated that the county is now being required to migrate off the county's two existing micro-wave links because of interference by December 2013.

In reply to Mr. McCarthy, Mr. Bell stated that it is expected that cell phone coverage throughout the county will increase. Cell phone companies are very interested in expanding to

areas that meet their business model. Mr. Bell pointed out that there are two new towers in Margaretville and interest by providers in utilizing the county's tower.

In answer to Chairman Eisel, Mr. Axtell stated that the Public Safety Committee is moving toward a resolution that will be brought before the Board introducing a cellular surcharge.

Chairman Eisel thanked Mr. Bell for his presentation.

Chairman Eisel granted privilege of the floor to Mr. Bracci. Mr. Bracci introduced Director of Social Services William Moon and Deputy Commissioner of Social Services Susan Aikens to provide a presentation on the challenges faced by the Department of Social Services.

Commissioner Moon stated that he believes that drugs and the drug culture are now at a level that is seriously taxing the Department of Social Services and the county's other human service departments along with law enforcement and the court system.

The number of children in foster care reached over 100 in May of this year and that number continues to grow Commissioner Moon said. The cases as a result of the growing drug problem are becoming more complex and requiring a greater amount of paperwork and follow-up. He noted that Mrs. Aikens' presentation is graphic and addresses issues that are not usually discussed publically around the county's Foster Care Program. The number of children in foster care and the continuing trend indicate to him that the county is in a crisis phase and it is time to share the information with the Board.

Commissioner Moon advised that Resolution No. 95 entitled *Reinstatement of Case Workers Positions* will be introduced later in the meeting. He asked that the members of the Board consider it favorably.

Mrs. Aikens provided a powerpoint presentation entitled: *What will be "found" behind that door?* The presentation included photographs of appalling living conditions, abuse and neglect as well as reports and statistics involving the use of illicit drugs and the Foster Care Program in Delaware County.

She pointed out that seventy-five percent of the children in foster care are between the ages of zero through thirteen, one hundred percent of the foster care children have some mental health need and ninety-four percent of the children are classified by the Committee of Special Education.

Mrs. Aikens stated that as child protection cases increase so does the amount of required reporting. Based on the current trend it is estimated that the county could possibly respond to over one thousand child protection calls in 2013.

Each case requires an Initial Service Plan that is due thirty days from the date the case is open and contains forty-seven pages. A comprehensive Service Plan is due ninety days from the initial date and contains forty-five pages. A reassessment Service Plan is due six months from the

initial date and every six months thereafter and contains 48 pages. If a case is missing any regulatory requirements the case could lose any state or federal funding for the life of the case. If that were to occur, the cost of the case would be all local dollars.

The department is struggling to meet the reporting demand. Caseworkers are incurring between two to four hours of over-time three to four days a week and the department is failing to meet the present demand.

Mrs. Aikens provided information sheets to the Supervisors.

In conclusion, Commissioner Moon encouraged the Board of Supervisors to create a task force including the county's human service departments and law enforcement specifically to address the drug problems in the county. He believes if significant action is not taken relatively soon the trend will continue to get worse. Adoption Day in Delaware County will be at the end of July at which time three children removed from drug related environments will be adopted.

Commissioner Moon stated in answer to Mr. McCarthy, that once an individual is addicted to opiates it is extremely difficult for them to break free of the addiction. Delaware and other counties now have to deal with the growing number of individuals living a lifestyle of addiction which is not conducive to raising children responsibly.

Mr. Bower replied in answer to Mr. McCarthy, that there is a market for these drugs and the addicted population is willing to pay for them. It's a growing problem.

Chairman Eisel thanked Commissioner Moon and Mrs. Aikens for the information and the update.

For standing committee reports Mr. Dolph shared two letters of appreciation from District Manager Mark W. Watts on behalf of the Board of Directors and staff of the Chemung County Soil and Water Conservation District.

Mr. Watts writes that their District was in Delaware County for training from the Delaware County Soil & Water Conservation District on Emergency Stream Intervention and for a tour of the Delaware County Composting facility by Director of Solid Waste Management Susan McIntyre. The letters recognize the abundance of knowledge these individuals have on the subjects they shared and the passion for the work they are doing. Mr. Watts praised the Board of Supervisors for a job well done writing "as it is evident that things are moving forward in many positive ways".

Chairman Eisel thanked Mr. Dolph for sharing the letters. The Emergency Stream Intervention Program is a worthwhile effort and the Delaware County Compost Facility is an educational and efficient operation.

For standing committee reports Chairman of the Public Works Committee Sam Rowe provided an update on Resolution No. 75-13 appropriating capital funds for the County Route 17 Emergency Watershed Protection Slope Repair Project and County Bridge 26-3 reconstruction

project which passed at the May 22, 2013 Board of Supervisors Meeting. The department opened the bids on June 5, 2013. There were three bidders with the award going to the lowest bidder New Century Construction. The contractor anticipates starting the work the week of July 8, 2013.

For standing committee reports, Chairman Eisel stated that he would like to offer his comments to the Board regarding the Special Meeting held on June 14th at 1:15 p.m. in the Supervisors' room.

Chairman Eisel stated that he was advised by County Attorney Porter Kirkwood that based on correspondence and dialogue the Special Meeting held on June 14, 2013 was illegal and could constitute an E-felony and class A misdemeanor.

Chairman Eisel said that he had spoken with Ms. Miller regarding the Special Meeting and was assured that she had the proper amount of votes to go forward with the meeting. He advised her that he did not like the idea of having a Special Meeting for one resolution and would be out of town on June 14th. Ms. Miller assured him that if she did not have the proper amount of votes she would let Clerk of the Board Christa Schafer know and the meeting would be cancelled. An e-mail was received from Ms. Miller stating that "As of this time, we are going forward with the special meeting. Pls inform Jim that I have a 2/3rds majority – and if I don't in the room tomorrow, politics being what they are, so be it."

Chairman Eisel asked Mr. Kirkwood to comment on this extremely important matter.

Mr. Kirkwood stated that shortly after the Special Meeting he reviewed the records of the Clerk of the Board and discovered that this Special Meeting should not have occurred because there were not enough votes to call the meeting. After listening to the recording of the meeting and comparing it with the Clerk's notes it appears there were several misrepresentations.

Once he was aware of the misrepresentation it was incumbent upon him to turn the information over to Vice Chairman Tina Molè and to speak with Chairman Eisel upon his return.

Ms. Molè, as Vice Chairman of the Board and presiding officer over the illegal meeting, shared that the meeting was an inconvenience for many who attended and she believed a misuse of power by one Board member who was determined to have this meeting regardless of the outcome.

The decision as to whether to continue with an Office of the Medical Examiner or go to an Office of the Coroner was not of an urgent nature and could have waited until the next legislative session. Instead, Ms. Molè stated, the meeting turned into an unprofessional opportunity for certain supervisors to disrespect Chairman Eisel in his absence.

Ms. Molé stated that Delaware County is run by a committee system. Ms. Miller did not have the majority vote of the Legislative Committee to support calling this Special Meeting. In addition, at least two Supervisors were misled by Ms. Miller into agreeing to attend the meeting.

The Office of the Clerk of the Board relied on Ms. Miller and took her word that she had enough weighted votes to call this meeting. Ms. Miller's actions may constitute a crime that could be prosecuted by the District Attorney or by any Board member or resident of this county.

Ms. Molè expressed concern that Supervisors were fueling their own agendas and this could have serious consequences to the taxpayers. She encouraged the Board to regroup and get back to working towards what is in the best interest of the county.

Ms. Miller responded to these accusations stating that she had what she saw as a clear weighted majority of the vote to call the meeting. Her position has never been political rather an effort to save the county money.

She pointed out that Mr. Marshfield and Mr. Dolph had supported the original resolution. She further indicated that she was dismayed that the Chairman did not support the resolution or the calling of the Special Meeting.

She further explained that waiting for the next Board meeting would have prevented the opportunity to put this resolution before the 2013 legislative session. She believed calling the meeting was of an urgent nature because if the resolution passed this meeting she could get the resolution to Albany by June 20th and the county could begin to explore its options in 2013 rather than have to wait until 2014.

If it is determined that there were not enough votes to call the Special Meeting, Ms. Miller said, it was an error on her part and not a deliberate attempt to go beyond the scope of this Board.

Mrs. Donofrio pointed out that Mr. Kirkwood gave his consent to move ahead with the meeting based on the support that was expressed at the beginning of that meeting. In reply to Mrs. Donofrio, Mr. Kirkwood offered to meet and discuss the subject after the meeting.

Mr. McCarthy stated that he supports Ms. Miller in this and believes this to be a contrived situation.

Mr. Valente stated that he would also like to meet with Mr. Kirkwood and review the documents that have created this situation.

Mr. McCarthy remarked that if the Board is trying to do everything right it should address the fact that the minutes of the meeting by law are due in two weeks. The Clerk of the Board's office has not been following that law.

Chairman Eisel stated that historically the minutes have gone out with the packet prior to the upcoming Board meeting. He noted that he would look into the law.

Mr. Bracci commented that this is all very disturbing. In his opinion, Ms. Miller is simply trying to do what she believed is best for this county. He added that he looks forward to a change on this Board.

Chairman Eisel stated in reply to Mr. Bracci, that this is a democratic process and change can be made at the end of the year.

Upon a motion the meeting adjourned for a short recess. Chairman Eisel invited everyone in attendance to enjoy refreshments in the lobby served by the Delaware County Dairy Princess and her alternates.

The meeting reconvened in regular session with all Supervisors present except Mr. Donnelly.

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

RESOLUTION NO. 88

**TITLE: 2013 BUDGET AMENDMENT
ESCROW DEPOSIT
DEPARTMENT OF INFORMATION TECHNOLOGY**

WHEREAS, a prior multi-year Information Technology purchase term ended; and

WHEREAS, at the end of said contract term, the escrow balance was returned to Information Technology; and

WHEREAS, Information Technology is entering into another multi-year contract purchase requiring a similar escrow deposit; and

WHEREAS, said escrow funds must be appropriated to initiate the next multi-year purchase contract; and

WHEREAS, the expenditure for the escrow deposit is not included in the 2013 adopted budget

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

INCREASE REVENUES:

10-11680-42270100	Refund of Prior Years	\$7,895.59
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INCREASE APPROPRIATIONS:

10-11680-54420100	Refund of Prior Year Escrow Deposit	\$7,895.59
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

WHEREAS, engaging a K-9 unit will lessen our liability by introducing a less lethal/physical use of force and minimizing the amount of private property subject to being disturbed during search incidents.

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

ESTIMATED REVENUE:

10-13110-42270550/3110111/907	Gifts and Donations-Canine	\$12,000.00
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ESTIMATED EXPENSES:

10-13110-52228001/3110111/907	Equipment - Canine Law Enforcement	\$10,000.00
10-13110-54143050/3110111/907	Canine – Contractual	2,000.00

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

Mr. Bracci thanked the Sheriff’s Office and the committee for implementing the K-9 Program. He felt this was a good tool to help get a handle on the drug problem.

Undersheriff Craig DuMond stated in answer to Mr. Marshfield, that the county is purchasing one narcotics enforcement dog at this time and hopes to purchase an explosive protection dog next year.

In answer to Chairman Eisel, Undersheriff DuMond explained that the handler will own the dog and it will live full-time with the handler’s family.

In response to Mr. Marshfield, Undersheriff DuMond said the owner will be one of the county’s existing deputies.

The resolution was adopted by the following vote: Ayes: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 92

**TITLE: 2013 BUDGET AMENDMENT
O’CONNOR FOUNDATION
SHERIFF’S OFFICE**

WHEREAS, the Lindsay and Olive B. O’Connor Foundation, Inc. has awarded the Sheriff’s Office a matching grant in the amount of five thousand (\$5,000.00) dollars with which to purchase Automated External Defibrillators (AED); and

WHEREAS, the Sheriff’s Office realizes that the availability of an 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 to raise matching funds; and

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

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

ESTIMATED REVENUE:

10-13110-42270604/3110040/907	Grant from O'Conner	\$5,000.00
10-13110-42270500/3110040/907	Gifts and Donations	\$5,000.00

ESTIMATED EXPENSES:

10-13110-52200001/3110040/907	Equipment Grant	\$10,000.00
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The resolution was seconded by Mr. Spaccaforno.

Sheriff Mills stated in answer to Chairman Eisel, that these AED units will be placed in the patrol cars. As funding allows, his intention is to have additional units to place in county buildings.

In answer to Mr. Hynes, Sheriff Mills stated that there should be enough funding to purchase twenty AED units.

The resolution was adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 93

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

WHEREAS, the Sheriff's Office realizes that the availability an Automated 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 following transfer be authorized:

FROM:

10-13110-54327595/3110039/907 Gifts and Donations \$25,000.00

TO:

10-13110-52200001/3110039/907 Equipment Grant \$25,000.00

The resolution was seconded by Mr. Bower and adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 94

**TITLE: 2013 BUDGET AMENDMENT
TRANSPORTATION INITIATIVE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Transportation Initiative Program; and

WHEREAS, the expenditures will be used to meet the transportation needs of individuals eligible under the Temporary Assistance for Needy Families (TANF) program who are employed or participating in other allowable work activities; and

WHEREAS, the expenditures will be 100% reimbursed.

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

INCREASE REVENUES:

10-16010-44461000 Federal Social Services Administration \$65,338.00

INCREASE APPROPRIATIONS:

10-16010-54427013 Transportation Initiative/Solutions \$65,338.00

The resolution was seconded by Mr. Hynes.

Commissioner Moon explained that the proposal for this initiative was written by Delaware Opportunities Executive Director John Eberhard and was written so well that the amount received is greater than the proposed amount. The Transportation Initiative Program is a follow-up to the now defunct Wheels to Work Program. Similar to the Wheels to Work

Program, the Transportation Initiative Program is part of the exit program for an individual who has found employment and is coming off public assistance.

In answer to Mr. McCarthy, Commissioner Moon stated that a lack of funding was the significant reason the Wheels to Work Program was unsuccessful. The goal of the program is to provide a vehicle to an employed individual exiting the public assistance system that would last long enough for the individual to save up enough money to purchase their next vehicle when it was needed. The problem was that the cars being supplied were not lasting long enough to meet the goal.

Chairman Eisel and Mr. Marshfield shared how the program worked successfully for individuals they knew personally. Mr. McCarthy shared how the program was abused by an individual.

The resolution was adopted by the following vote: 4092, Noes 577 (Sidney), Absent 130 (Donnelly).

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

RESOLUTION NO. 95

**TITLE: 2013 BUDGET AMENDMENT
REINSTATEMENT OF CASEWORKER POSITIONS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services has seen its foster care caseload expand to over 100 foster children for the first time in history, which exceeds the past ten year average by 20 to 40 percent and is still increasing; and

WHEREAS, the Department of Social Services has seen an increase in the number of child protective cases coupled with a corresponding expansion in the complexity of these cases resulting in a doubling of the number of Family Court petitions filed in 2013; and

WHEREAS, these conditions have led the Department of Social Services to be unable to meet all its regulatory requirements to investigate Child Protective cases and to manage its foster care cases

NOW, THEREFORE, BE IT RESOLVED that the Board approves the reinstatement of four caseworker positions for the balance of this fiscal year, eliminated from the Department over the course of the past five years, to be filled on a full time basis as Caseworker trainees effective immediately; and

BE IT FURTHER RESOLVED that the 2013 budget be amended as follows:

INCREASE REVENUES:

10-16010-44461000	Federal Social Services Administration	\$77,355.00
10-16102-43361000	State Social Services Administration	\$41,652.00

INCREASE APPROPRIATIONS:

10-16010-51000000	Personal Services	\$62,698.00
10-16010-58100000	State Retirement System	13,982.00
10-16010-58300000	Social Security Employer Contribution	3,888.00
10-16010-58550000	Disability Insurance	131.00
10-16010-58600000	Hospital & Medical Insurance	37,399.00
10-16010-58900000	Medicare Employer Contribution	909.00

The resolution was seconded by Mr. Marshfield.

In answer to Chairman Eisel, Commissioner Moon stated that this resolution is to hire four employees. He explained that the new hires would come in as trainees and begin working immediately on the electronic backlog for approximately six months. Then would be moved to the caseworker position and begin the ten week state mandated training program that takes between four and eight months to complete.

Mr. Marshfield explained that this resolution covers the funded 80 percent of the cost of the four new hires. The remaining 20 percent will be funded by the county.

The resolution was adopted by the following vote: 4092, Noes 577 (Sidney), Absent 130 (Donnelly).

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

RESOLUTION NO. 96

**TITLE: 2013 BUDGET AMENDMENT
TRANSFER OF FUNDS
NEW YORK MAIN STREET GRANT
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, Delaware County was awarded a New York Main Street Grant in the amount of \$373,750 from the NYS Office of Community Renewal for the purpose of providing local commercial building owners with grant funds to aid in the ongoing recovery from the flooding events of 2011; and

WHEREAS, the County of Delaware entered into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC, on behalf of the County will assume responsibility for the delivery and administration of the CDBG funds; and

WHEREAS, the DCLDC is supported by the Delaware County Department of Economic Development staff; and

WHEREAS, the DCLDC will reimburse the Department of Economic Development for expenditures relating to the administration and delivery of the grant; and

WHEREAS, the Department of Economic Development has deemed it necessary to amend the appropriations originally presented

NOW THEREFORE BE IT RESOLVED that the following transfer be made:

FROM:

10-16326-51000000	Personal Services Exp-EcoDev	\$6,476.00
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TO:

10-16326-54308000	Future Development	\$6,476.00
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The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4699, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 97

**TITLE: 2013 BUDGET AMENDMENT
CONTRACT WITH OCFS/SCHOOLS
YOUTH BUREAU**

WHEREAS, the designated agency to provide programming for youth is the Delaware County Youth Bureau; and

WHEREAS, the Delaware County Youth Bureau has entered into a contract with OCFS to provide programming for youth, that the Court System has sent to the Youth Leadership Academy, and with local school districts; and

WHEREAS, Delaware County will be 100% reimbursed by OCFS and local school districts for this programming

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

INCREASE REVENUE:

10-17310-42238901/7310007/987	Misc Rev Otr Govt Schl	\$1,600.00
10-17310-43382000/7310007/987	State Youth Programs	11,600.00

INCREASE APPROPRIATION:

10-17310-54327200/7310007/987	Grant Contractual Services	\$13,200.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 98

**TITLE: 2013 BUDGET AMENDMENT
STATEWIDE INTEROPERABLE COMMUNICATION GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County applied for and has been awarded grant funding under the Statewide Interoperable Communication Grant (SICG) from the Division of Homeland Security and Emergency Services and the Office of Interoperable and Emergency Communications; and

WHEREAS, this grant was awarded in the amount of \$3,404,000.00 to Delaware County for the purposes of facilitating the development, consolidation and/or improved operation of public safety communications to support and enhance statewide interoperable communications for first responders throughout New York State; and

NOW, THEREFORE, BE IT RESOLVED that the Emergency Services Office be authorized to accept this grant funding as described above and that the 2013 budget be amended as follows:

INCREASE REVENUE:

38-13640-43338900	State Interoper Emrg Comm Grant	\$3,404,000.00
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INCREASE APPROPRIATION:

38-13640-52200001/3640386/911	Equipment Grant	\$2,907,000.00
38-13640-54327000/3640386/911	General Grant Related Expenses	497,000.00

The resolution was seconded by Mr. Spaccaforno.

Chairman Eisel stated that this award is significant and a real break for the county.

Mr. Bell noted that the award is in addition to the \$3.7 million the county already has been awarded.

In answer to Chairman Eisel, Mr. Bell stated that there will be more grants available from this division.

Mr. Bell explained in reply to Mr. Marshfield, that the General Grant Related Expenses line is used to pay for expenses other than the actual equipment as the Equipment Grant line can only be used to pay for equipment.

The resolution was adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 99

**TITLE: AUTHORIZATION FOR AWARD
DELAWARE COUNTY EMERGENCY SERVICES**

LETTING OF JUNE 12, 2013

WHEREAS, notice to bidders has been made, and proposals received, having been filed and the bidding procedures and documents have been approved by the County Attorney.

NOW, THEREFORE, BE IT RESOLVED that Delaware County Department of Emergency Services is authorized to make award to the bidder meeting the specifications for Radio Communications Towers for the radio communications system project.

PROPOSAL: Radio Communications Towers: Valmont Industries, Inc.
1200 N. Oak Road
Plymouth, IN 46563

Bid Price: \$710,905.00

The resolution was seconded by Mr. Spaccaforno.

In answer to Mr. Marshfield, Mr. Bell stated that this is a comprehensive bid for steel for all thirteen towers with the requirement that the county purchase at least one or up to thirteen over the life of the bid.

The resolution was adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 100

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

LETTING OF JUNE 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. SW5-15 Tandem Axle Tractor to: Tracey Road Equipment
1523 Route 11N
Kirkwood, NY 13795

Bid Price with trade option 1: \$98,582.00

Bid Price w/out trade: \$110,582.00

Towns may participate in this bid.

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.

Mr. Rowe stated that this is for the purchase of a cab and chassis for Solid Waste.

The resolution was adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 101

TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, a Project for County Route 21 Corridor Study in the Towns of Franklin and Walton, Delaware County, P.I.N. 9752.90 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the increase in cost of the Preliminary Engineering work; and

WHEREAS, the County of Delaware has previously executed Supplemental Agreement #1 and #2 and Master Federal Aid and Marchiselli Aid Project Agreement (D022081) for the Preliminary Engineering work and appropriated \$475,000.00.

NOW, THEREFORE, the Delaware County Board, duly convened, does hereby

RESOLVE, that the Delaware County Board hereby approves the above subject project;
and

IT IS FURTHER RESOLVED that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal and non-Federal share of the Locally Administered costs of Preliminary Engineering work for the Project or portions thereof;
and

IT IS FURTHER RESOLVED that the sum of \$3,497.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost increase of participation in the above phase of the Project; and

IT IS FURTHER RESOLVED that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Delaware County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

IT IS FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

IT IS FURTHER RESOLVED this Resolution shall take effect immediately.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 102

**TITLE: IN THE MATTER OF THE REHABILITATION, REPLACEMENT,
MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY
EMERGENCY RADIO COMMUNICATIONS SYSTEM
SEQRA DETERMINATION FOR THE DAVENPORT SITE
(PARKER SCHOOL HOUSE ROAD EXTENSION)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, on September 26, 2012, the Board of Supervisors adopted a resolution to proceed with the Rehabilitation, Replacement, Modification and Expansion of the Delaware County Emergency Radio Communications System Overall Project (Resolution No. 136); and

WHEREAS, the Board of Supervisors resolved to utilize real property located in the Town of Davenport (Parker School House Road Extension) as one of the seven Replacement System Expansion Sites; and

WHEREAS, the Board of Supervisors seeks to comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) related to the Davenport site; and

WHEREAS, by Resolution No. 73, dated April 25, 2012, the Board of Supervisors declared its intention to be the Lead Agency under SEQRA for purposes of the overall Project; and

WHEREAS, by letter dated June 6, 2012, the Board of Supervisors commenced a coordinated review with the other potentially involved and interested agencies; and

WHEREAS, by Resolution dated September 26, 2012, (Resolution No. 136), the Board of Supervisors declared that it would serve as Lead Agency; and

WHEREAS, the Department of Emergency Services’ environmental consultant has prepared a Long Environmental Assessment Form for this Site; and

WHEREAS, the Department of Emergency Services’ environmental consultant has completed a Phase I Environmental Site Assessment of the property and this assessment has not revealed evidence of any recognized environmental conditions on the property; and

WHEREAS, the Department of Emergency Services’ environmental consultant has completed a Wildlife and Vegetation Assessment and this assessment has revealed that there will be no impact to federally or state listed endangered or threatened species. Further, the consultant opined that no potentially suitable or critical habitat was observed at the property; and

WHEREAS, the Department of Emergency Services’ environmental consultant has completed a Visual Impact Assessment Report for the property. The report indicates that the proposed tower will be visible from certain locations in the surrounding area. The environmental consultant indicates that the proposed tower will not adversely affect the overall visual/aesthetic character or quality of the surrounding landscape within a 5 mile radius; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form including parts 1 and 2 thereto and has considered the overall Project under SEQRA, which included the purchase and construction of a facility at this location; and

WHEREAS, the Board of Supervisors issued a Negative Declaration as its SEQRA determination for the Overall Project. In the reasoned elaboration adopted in support of the

Negative Declaration, the Board of Supervisors identified and evaluated the potential environmental impacts associated with the Overall Project. At that time the Board of Supervisors also determined to conduct a review to determine whether a specific site development fits within the scope/guidelines of the Negative Declaration and, if not, determined to conduct a site-specific SEQRA review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Delaware County hereby determines that the erection of a new communications structure on the Davenport Site is considered a Type I action (or in any event will be treated as a Type I action); and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby determines that the Davenport Site fits within the scope and guidelines of the initial Negative Declaration for the overall Project and to the extent that it does not;

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the attached Negative Declaration as its SEQRA determination for the Davenport Site. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors has identified and evaluated the potential environmental impacts associated with the Davenport Site.

BE IT FURTHER RESOLVED that the Board of Supervisors of Delaware County directs the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained to circulate a copy of this resolution and the attached Negative Declaration and such other information as required under SEQRA.

BE IT FURTHER RESOLVED that the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained are directed to take any such other actions as are necessary and appropriate in this matter to give effect to this resolution.

**Rehabilitation, Replacement, Modification and Expansion of the Delaware County
Emergency Radio Communications System – Davenport Site
Parker School House Road Extension**

Addendum to Negative Declaration

Description of Action and Project Description (Overall Project):

The Description of the Action and Project Description contained in the Negative Declaration for the Overall Project is incorporated herein by reference.

Description of Action and Project Description (Davenport Site – Parker School House Road Extension):

Delaware County proposes a “Project” consisting of the construction, operation and maintenance of a new 180± ft. self-supporting communications tower (199± ft. when including the County’s antennas, microwave dishes and/or lightning rod) and ground installations and

improvements including a 12± ft. x 32± ft. (384± sq. ft.) equipment shelter, emergency backup generator and fuel source, fencing, grading, a driveway and connection to existing utilities.

The premises is located off of Parker School House Road, in the Town of Davenport, Delaware County, New York (Tax Map Parcel No. 10.-3-26.3). The property is owned by the Estate of Edward J. Radwinsky (by Edward V. Radwinsky as Executor) and Janet Schilling. The parcel is currently vacant land.

NEGATIVE DECLARATION – FEAF PART 2 - DISCUSSION AND ELABORATION

Impact on Land

The overall project will not result in any significant impact on land. There is already an existing access road and grading or other land disturbance at the project site is limited to that necessary to construct the tower and access road (inclusive of utilities and improvements to the existing site access), and involves a minimal disturbance of existing land conditions. The site plan minimizes removal of existing vegetation, and thereby maximizes the ability of said vegetation to naturally screen portions of the installation proposed. Other impact(s) on land are primarily confined to the construction phase, and will not be continuous in their nature and scope. Standard sedimentation and erosion control techniques will be implemented during construction and will mitigate any potential impact.

Impact on Water

There is no impact upon (a) any water body, protected or non-protected, (b) surface or groundwater quality or quantity, or (c) drainage flow or patterns, inclusive of surface water runoff.

As previously stated, construction of the site concerns a minimal amount of physical land disturbance and standard sedimentation and erosion control techniques will be implemented. The tower yard will be improved with gravel and crushed stone to facilitate on-site handling of storm water and drainage. To enhance road stability, the access drive will be constructed with gravel and crushed stone. As the installation will be unmanned, and visited for routine maintenance purposes approximately three times per month, no water supply or sewage disposal issues exist. There are no stream crossings or wetlands impacts.

The foundation size is consistent with that of a single family residence and such an installation will not impact groundwater or groundwater supply.

Impact on Air

The Davenport Site will not result in any significant impact on air quality. The Site does not involve or concern any air quality issues or require a permit. As previously mentioned, the site will be unmanned, and visited for routine maintenance purposes approximately three times per month. Therefore, no significant traffic-based impact(s) exist. The site will have a propane fueled backup generator (typically located outside of the shelter) which is exercised automatically approximately once per week and which otherwise only runs during a power outage to keep the emergency communications network in operation. The generator will comply with all existing emissions regulations. As such, impact(s) on air quality, if any, will be confined

to the operation of standard construction equipment during construction phase and/or negligible in scope and effect.

Impact on Plants and Animals

The proposed Action will not result in any significant impact on threatened/non-threatened or endangered/non-endangered species of plants or animals. As previously stated, this Site concerns the disturbance of a relatively small amount of land. Delaware County has consulting with the appropriate federal and state agencies and has conducted a site visit that confirmed the absence of threatened/non-threatened or endangered/non-endangered species of plants or animals.

Finally, due to the height, lack of obstruction lighting, location and type of tower, the Davenport Site is in compliance with the United States Fish & Wildlife Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers for minimizing potential impact on migratory birds.

Impact on Agricultural Land Resources

The proposed site will not result in any significant impact on agricultural land resources. Given the small amount of development associated with the site, the fact that it is unmanned and the typical distance to any farming operation, there are no identified impacts to off-site farming operations.

Impact on Aesthetic Resources

In general, the Davenport Site will not result in any significant impact on aesthetic resources.

A. Technological Factors: Generally speaking, the Project is a “line-of-sight” technology to allow for the microwave transmission between the sites. In addition, to allow for the radio communications to reach users in the County, the sites must be, by necessity, topographically elevated and thus visible. These requirements translate, in turn, to a certain degree of visual impact, which in each case is anticipated to be negligible and/or insignificant.

B. Comprehensive Viewshed Analysis: The County has completed a comprehensive visual impact assessment (the “Visual Assessment Study”) for the Site which will includes, without limitation, the following:

1. Visual Resource Assessment;
2. View Shed Analysis Map; and
3. “Balloon Test” or field verification Photographic Log and Photo Simulations.

This comprehensive Visual Study demonstrates that the installation of the proposed telecommunications tower is not anticipated to have a significant visual impact on the view shed and surrounding community.

C. Tower Lighting/Marking: As a general matter, the Federal Aviation Administration (FAA) does not require towers of less than two hundred (200) feet to be painted and/or lighted. In this

case, the County has undertaken an analysis to confirm that a “FAA Determination of No Hazard to Air Navigation,” which indicates that the project will not require tower marking and/or lighting, would be issued for this site.

D. Minimal Disturbance of Existing Vegetative Conditions: Due to the design of the site compound which will maintain as small of a footprint as possible, construction of this project will not result in the removal of significant existing vegetation, thus maximizing the ability of the vegetation to naturally screen portions of each site from view.

E. Tower Type and Location: The County has determined to utilize a self-supporting tower. This type of tower has the benefit of being of a lattice structure which permits light to go through it and provides a sense of openness rather than a solid mass which may be perceived as more visible.

F. Conclusion: Local and regional topography, technological limitations to radio communications and the system requirements of the County will require that the Site be partially visible. However, based upon a review of the available information, it is suggested that the proposed site will have at most, a minor visual impact which will be mitigated to the maximum extent practicable by the location of the site, the type of the tower and the lack of need for obstruction lighting and marking. Moreover, with the proposed tower providing a co-location opportunity, the County has also mitigated the need for additional facilities. Residual visual impact(s), if any, may properly be viewed as insignificant.

Impact on Historic and Archeological Resources

Given the placement of the facility, it is not expected that the proposed tower will result in any significant impact on site(s) or structure(s) of historic, prehistoric or paleontological importance. A field investigation did not identify any resources. Moreover, Delaware County has received a concurrence from the NYS Historic Preservation Officer that this site will have “No Effect” on these resources.

Impact on Open Space and Recreation

The proposed site will not result in any significant impact on the quantity or quality of existing or future open spaces or recreational opportunities. The land for the site will be owned by the County and the amount of land to be utilized is small in comparison to the general lot sizes in the surrounding area. Large areas of land will not be fenced nor will the use of the residual areas be impacted.

Impact on Critical Environmental Areas

This Project will not impact any Critical Environmental Area(s) as none exist in proximity to the Site

Impact on Transportation

This Project will not result in any significant impact on existing transportation systems. The proposed tower will be unmanned and visited approximately 1-3 times every month for maintenance and inspection purposes. Impacts on transportation, if any, will be temporary in

nature and confined to the construction phase only. Standard traffic control techniques will be implemented during construction to mitigate any such impact to the maximum extent practicable.

Impacts on Energy

The Project will not result in any significant impact on the community's sources of fuel or energy supply. First, an adequate source of power exists at the existing service lines along the road frontage or in general proximity thereto. Second, it is estimated that the site will require approximately the same number of KW hours of power as a 3-4 bedroom house per year to operate, an impact which is not considered to be significant.

Noise and Odor Impact

This Project will not result in any significant environmental impact due to objectionable odors, noise or vibration. Any such impact(s) will be temporary in nature and confined to the construction phase. All construction equipment will be equipped to properly mitigate noise and dust, properly muffled and otherwise in compliance with OSHA standards. The propane backup generator is properly muffled and is used infrequently – once a week for a brief test run during daytime hours and at other times only in the event of a power outage to keep the communications system operational. The site is generally well removed from any significant concentration of homes or businesses and the generator will typically only operate when other residential and commercial users are utilizing their generators.

Impact on Public Health

The Communications Facility proposed will not result in any significant impact on the public health and safety. The facility will be licensed with the Federal Communications Commission and will comply with all requirements for radio and microwave transmissions. As noted above, during operation no significant quantities of petroleum products or other chemicals are stored on-site. The emergency generator is powered by propane. In the event of a leak from that system, the liquid propane turns to a gas (vapor) and will not impact the soils or groundwater.

Impact on Growth and Character of Community or Neighborhood

This Project will not result in any significant impact on the character of the existing community. Although given the location of the tower, agricultural and residential land uses exist in the vicinity, the impact on such uses (if any) is primarily visual in nature. As previously stated, the proposed action will have, at most, a minor visual impact on the community or neighborhood.

NEGATIVE DECLARATION

After reviewing the Full EAF submitted herewith, together with the documentation provided, the Board of Supervisors of Delaware County, hereby concludes that an Environmental Impact Statement (EIS) will not be required for the proposed Project because (a) this Action will result in no adverse environmental impacts, or (b) that the identified adverse environmental impacts will not be significant (*see* 6 NYCRR § 617.7 (a) (2))

The resolution was seconded by Mr. Spaccaforno.

In response to Mr. Marshfield, Mr. Bell advised that the power requirement for this site would be single phase.

The resolution was unanimously adopted.

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

RESOLUTION NO. 103

**TITLE: AUTHORIZATION TO ACQUIRE PROPERTY FOR THE
REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF
THE DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM -
PURCHASE OF THE DAVENPORT SITE
(PARKER SCHOOL HOUSE ROAD EXTENSION)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Delaware County Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized, and

WHEREAS, a site in the Town of Davenport has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012); and

WHEREAS, the Department of Emergency Services has followed all appropriate requirements for acquisition of property for public agencies, and has negotiated with the owners, the Estate of Edward J. Radwinsky (by Edward V. Radwinsky as Executor) and Janet Schilling, for the purchase of a 2.32 acre parcel of land off Parker School House Road in the Town of Davenport on which to erect a communications tower and related appurtenances; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a Negative Declaration as its SEQRA determination for the Overall Project and for this particular Site.

NOW, THEREFORE BE IT RESOLVED, that the County Department of Emergency Services is herewith authorized to enter into a contract for and to purchase, in the name of the County of Delaware, Tax Map Parcel Number 10.-3-26.3 in the Town of Davenport for the sum of Ten Thousand Five Hundred Dollars (\$10,500) plus the amount of 2013 Town, County and School taxes on said parcel prorated for the date of sale and to pay any usual and customary closing costs associated with the transaction.

The resolution was seconded by Mr. Spaccaforo.

In answer to Mrs. Capouya, Mr. Bell stated that this tower will be less than 200 feet.

The resolution was adopted by the following vote: 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 104

**TITLE: AUTHORIZATION TO ENTER INTO A CONTRACT TO ACQUIRE
PROPERTY FOR THE REHABILITATION, REPLACEMENT, MODIFICATION AND
EXPANSION OF THE DELAWARE COUNTY EMERGENCY RADIO
COMMUNICATIONS SYSTEM
MARGARETVILLE SITE (ROUTE 28, TOWN OF MIDDLETOWN)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Delaware County Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized, and

WHEREAS, a site in the Town of Middletown has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012), and

WHEREAS, the Department of Emergency Services is following the appropriate requirements for acquisition of property for public agencies, and is negotiating with the owners, Barbara A. Hoffman and Henry C. Farrar, for the purchase of a 4.73 +/- acre parcel of land off Route 28 in the Town of Middletown (a portion of tax map number 305.-1-12.11) on which to erect a communications tower and related appurtenances, and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a Negative Declaration as its SEQRA determination for the Overall Project.

WHEREAS, the Department of Emergency Services seeks authorization to enter into a contract for the purchase of the property, subject to the completion of all necessary environmental reviews and due diligence, with the construction of the tower to be the subject of a future request to the Board of Supervisors for authorization based upon the completion of the due diligence and environmental review. The timing of this purchase is being driven by and must comport with the timing of a pre-existing purchase agreement between the owners and the NYCDEP.

NOW, THEREFORE, BE IT RESOLVED that the County Department of Emergency Services is herewith authorized to enter into a contract for and to purchase, in the name of the County of Delaware the following parcel in the Town of Middletown for amount listed including damages.

Map No. 1, Parcel No. 1	4.73 acres	Fee
Barbara A. Hoffman and Henry C. Farrar		\$12,227.05

BE IT FURTHER RESOLVED that the Department of Emergency Services is herewith authorized to pay closing costs including the amount of the 2013 Town, County and School taxes on said parcel prorated for the date of sale, other usual and customary closing costs associated with the transaction, and also including the attorney's fees incurred by the Seller.

The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4669, Noes 0, Absent 130.

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

RESOLUTION NO. 105

TITLE: PUBLIC HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 1

WHEREAS the Delaware County Agricultural and Farmland Protection Board and the Delaware County Planning Board have presented recommendations for the modification of Agricultural District 1 located in the Towns of Harpersfield, Kortright, Roxbury & Stamford during the scheduled 8-year review period;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by the Delaware County Board of Supervisors on the proposed modifications to Agricultural District 1 on Wednesday, July 24th 2013 at 5:15 PM in the Board of Supervisors' Room of the County Office Building located at 111 Main Street, Village of Delhi, at which time all interested parties will be given an opportunity to be heard.

Town of Harpersfield

Removed	1,435.55
New Additions	246.55
District 1 after modifications	15,121.94

Town of Kortright

Removed	87.89
New Additions	779.38
District 1 after modifications	4547.11

Town of Roxbury

Removed	1699.95
New Additions	669.83
District 1 after modifications	20,465.14

Town of Stamford

Removed	867.74
New Additions	1009.09
District 1 after modifications	18229.82

The resolution was seconded by Ms. Molé.

Chairman Eisel stated that a public hearing for Agricultural District No. 1 will be held prior to the Board of Supervisors meeting on July 24, 2013 at 5:15 p.m. in the Board of Supervisors' room.

The resolution was unanimously adopted.

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

RESOLUTION NO. 106

**TITLE: SALUTING THE TOWN OF MIDDLETOWN'S
250th ANNIVERSARY OF SETTLEMENT**

WHEREAS, the Town of Middletown, Delaware County, was settled by the Hendricks, Dumond and Von Waggoner families in 1763; and

WHEREAS, Delaware County is proud of its rich history, of its original settlers and their descendants; descendants who continue to live in and serve our communities, county and state to the present day; and

WHEREAS, the Town of Middletown will host a commemoration of this momentous anniversary on July 12th at 4:00 p.m. at the Middletown Town Hall; and

WHEREAS, the Board of Supervisors of Delaware County wish to recognize and mark this historical milestone anniversary; and

WHEREAS, in honor of this important occasion, the Delaware County Board of Supervisors do hereby commemorate and salute the residents of Middletown, past and present.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby recognize the 250th Anniversary of the Town of Middletown.

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

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

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

RESOLUTION NO. 107

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

LETTING OF JUNE 26, 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. 30-13	Supply of Hot Mixed Asphalt – FOB Supplier’s Plant
	Broome Bituminous Products, Inc., PO Box 354, Vestal, NY 13850;
	Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043;
	TriCity Highway Products Inc., PO Box 338, Binghamton, NY 13902
	Bid Price: See Summary Sheet

Towns may participate in this bid.

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. Spaccaforo.

Mr. Rowe explained that New York State changed their black top specifications and is no longer using type 6 and 7 black top which works very well for the county’s needs. As a result, the department went out to bid for the black top specifications used by the county. The bid is open to any New York State municipality desiring to participate.

The resolution was adopted by the following vote: Ayes 4669, Noes 0, Absent 130.

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

RESOLUTION NO. 108

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: AND11TX.012
TAX MAP NO: **HARRY KRAMER**
SCHOOL DISTRICT: 122000:ANDES
ACREAGE: 304.-1-6.23
CONVEYED TO: 124601:MARGARETVILLE
2.00A ACRES
HARRY KRAMER
95 TREE ROAD
CENTEREACH NY 11720
CASH CONSIDERATION: \$8,713.09
TAX DEFICIT: \$7,291.88

ASSESSED TO:

TOWN OF: AND11TX.023
TAX MAP NO: **CHRISTOFORUS RAYMUNDUS AND ALBERTUS**
SCHOOL DISTRICT: **SWAAK**
ACREAGE: 122000:ANDES
CONVEYED TO: 484402:LIVINGSTON MANNOR
98.50A ACRES
CHRISTOFORUS RAYMUNDUS ALBERTUS SWAAK
C/O MANHEIM FAMILY ADMINISTRATIVE,
SERVICES LLC
204 COLUMBIA HEIGHTS
BROOKLYN NY 11201
CASH CONSIDERATION: \$58,042.79
TAX DEFICIT: \$48,337.78

ASSESSED TO:

TOWN OF: BOV11TX.011
TAX MAP NO: **SEVEN HUNTERS INC**
SCHOOL DISTRICT: 122200:BOVINA
ACREAGE: 176.-1-29.3
CONVEYED TO: 122801:DELAWARE ACADEMY
25.00A ACRES
SEVEN HUNTERS INC
ATTN: JOHN FIORARANCIO
48 COLUMBUS AVENUE
TOTOWA NJ 07512
CASH CONSIDERATION: \$24,001.50
TAX DEFICIT: \$20,365.61

ASSESSED TO:

TOWN OF: BOV11TX.012
TAX MAP NO: **SEVEN HUNTERS INC**
SCHOOL DISTRICT: 122200:BOVINA
ACREAGE: 176.-1-29.42
CONVEYED TO: 122801:DELAWARE ACADEMY
121.39A ACRES
SEVEN HUNTERS INC

ATTN: JOHN FIORARANCIO
48 COLUMBUS AVENUE
TOTOWA NJ 07512

CASH CONSIDERATION: \$13,662.28
TAX DEFICIT: \$11,522.59

DAV11TX.022

ASSESSED TO:

DONALD HICKEY

TOWN OF: 122600:DAVENPORT
TAX MAP NO: 24.-1-50
SCHOOL DISTRICT: 122601:CHARLOTTE VALLEY
ACREAGE: 7.53A ACRES
CONVEYED TO: DONALD HICKEY

306 PHOEBE LANE
DELHI NY 13753

CASH CONSIDERATION: \$1,136.93
TAX DEFICIT: \$828.42

FRA11TX.021

ASSESSED TO:

MARGARET C LOGUERCIO

TOWN OF: 123289:FRANKLIN
TAX MAP NO: 122.-2-5
SCHOOL DISTRICT: 123201:FRANKLIN
ACREAGE: 7.00A ACRES
CONVEYED TO: MARGARET C LOGUERCIO

1013 CAMPBELL RD
FRANKLIN NY 13775

CASH CONSIDERATION: \$2,044.59
TAX DEFICIT: \$1,595.16

FRA11TX.022

ASSESSED TO:

MARGARET C LOGUERCIO

TOWN OF: 123289:FRANKLIN
TAX MAP NO: 122.-2-6
SCHOOL DISTRICT: 123201:FRANKLIN
ACREAGE: 5.33A ACRES
CONVEYED TO: MARGARET C LOGUERCIO

1013 CAMPBELL RD
FRANKLIN NY 13775

CASH CONSIDERATION: \$1,715.53
TAX DEFICIT: \$1,313.73

FRA11TX.023

ASSESSED TO:

**DOMINICK LOGUERCIO, MARGARET MURRAY AND
ROCCO A LOGUERCIO**

TOWN OF: 123289:FRANKLIN

TAX MAP NO:	122.-2-7
SCHOOL DISTRICT:	123201:FRANKLIN
ACREAGE:	5.36A ACRES
CONVEYED TO:	DOMINICK LOGUERCIO, MARGARET MURRAY AND ROCCO A LOGUERCIO 1013 CAMPBELL RD FRANKLIN NY 13775
CASH CONSIDERATION:	\$1,792.19
TAX DEFICIT:	\$1,376.16

	HAN11TX.009
<u>ASSESSED TO:</u>	<u>LEROY BECKLES</u>
TOWN OF:	123689:HANCOCK
TAX MAP NO:	388.-3-8
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	5.62A ACRES
CONVEYED TO:	JEAN BECKLES 225 WHEELER AVE STATEN ISLAND NY 10314
CASH CONSIDERATION:	\$2,334.54
TAX DEFICIT:	\$1,836.38

	HAN11TX.074
<u>ASSESSED TO:</u>	<u>PATRICK MUZIO</u>
TOWN OF:	123689:HANCOCK
TAX MAP NO:	463.-2-77
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	5.15A ACRES
CONVEYED TO:	PATRICK MUZIO 123 SOUTHERN BLVD HAUPPAUGE NY 11788
CASH CONSIDERATION:	\$912.76
TAX DEFICIT:	\$575.78

	HAN11TX.104
<u>ASSESSED TO:</u>	<u>RICHARD SCOTT SMITH</u>
TOWN OF:	123689:HANCOCK
TAX MAP NO:	433.-1-48
SCHOOL DISTRICT:	484401:ROSCOE
ACREAGE:	2.20A ACRES
CONVEYED TO:	RICHARD SCOTT SMITH C/O GARY GRAYSON, ATTORNEY 91 TOWNSEND STREET WALTON NY 13856
CASH CONSIDERATION:	\$1,177.74
TAX DEFICIT:	\$847.83

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

CASH CONSIDERATION:
TAX DEFICIT:

HAR11TX.014
THENCETA R DENNIS
123889:HARPERSFIELD
28.-2-62
125201:STAMFORD
14.72A ACRES
THENCETA R DENNIS
110 VILLA STREET
MOUNT VERNON NY 10552
\$2,022.36
\$1,591.19

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

CASH CONSIDERATION:
TAX DEFICIT:

HAR11TX.031
ROBERT J TRECO AND JEAN CELIA TRECO
123889:HARPERSFIELD
18.-1-19
433601:JEFFERSON
150.00'F x 150.00'D ACRES
ROBERT J TRECO AND JEAN CELIA TRECO
166 MAYFAIR ROAD
YONKERS NY 10710
\$808.15
\$529.78

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

CASH CONSIDERATION:
TAX DEFICIT:

KOR11TX.024
PETER MAUER
124000:KORTRIGHT
84.-1-35
125202:SOUTH KORTRIGHT
96.61A ACRES
PETER MAUER
3196 SCOTCH HILL ROAD
BLOOMVILLE NY 13739
\$21,779.35
\$18,615.70

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

OR11TX.034
ROBERT J WALSH JR AND LISA CASKO
124000:KORTRIGHT
27.-3-9
433601:JEFFERSON
5.01A ACRES
ROBERT J WALSH JR AND LISA CASKO
152 RIDGE DRIVE
MT HOPE NY 10940

CASH CONSIDERATION: \$2,031.06
TAX DEFICIT: \$1,577.80

MID11TX.035

ASSESSED TO:

REINHOLD E ELTER AND ROSE M ELTER

TOWN OF: 124689:MIDDLETOWN
TAX MAP NO: 307.1-1-11
SCHOOL DISTRICT: 124601:MARGARETVILLE
ACREAGE: 1.00A ACRES
CONVEYED TO: ESTATE OF ROSE ELTER
C/O ROSEANN ELTER SHAHIN, EXECUTRIX
10 BURBANK STREET
YONKERS NY 10710

CASH CONSIDERATION: \$4,376.57
TAX DEFICIT: \$3,260.91

ROX11TX.051

ASSESSED TO:

SCOTT SIMONELLI

TOWN OF: 124800:ROXBURY
TAX MAP NO: 180.-1-39
SCHOOL DISTRICT: 124802:ROXBURY
ACREAGE: 6.20A ACRES
CONVEYED TO: ELIZEBETH SIMONELLI
C/O RICHARD BOYLE
1197 TRACY DRIVE
PORT ORANGE FL 32129

CASH CONSIDERATION: \$10,636.48
TAX DEFICIT: \$8,924.33

SID11TX.031

ASSESSED TO:

HANS M HASS

TOWN OF: 125001:SIDNEY
TAX MAP NO: 115.12-6-34
SCHOOL DISTRICT: 125001:SIDNEY
ACREAGE: 66.00'F x 136.00'D: 0.25A ACRES
CONVEYED TO: HANS M HASS
PO Box 397
UNADILLA NY 13849-0397

CASH CONSIDERATION: \$6,624.52
TAX DEFICIT: \$5,389.76

STA11TX.013

ASSESSED TO:

JOHN FASSLER

TOWN OF: 25289:STAMFORD
TAX MAP NO: 108.-3-36
SCHOOL DISTRICT: 125202:SOUTH KORTRIGHT

ACREAGE:	5.02A ACRES
CONVEYED TO:	JOHN FASSLER 28 EMERALD TRL MONROE NY 10950-6817
CASH CONSIDERATION:	\$1,146.71
TAX DEFICIT:	\$757.14

The resolution was seconded by Mr. Triolo and unanimously adopted

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

RESOLUTION NO. 109

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.

	MAS11TX.024
<u>ASSESSED TO:</u>	<u>JONATHAN R SEELEY AND JUDITH E SEELEY</u>
TOWN OF:	124200:MASONVILLE
TAX MAP NO:	205.-1-4.12
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	0.72A ACRES
CONVEYED TO:	JONATHAN R SEELEY AND JUDITH E SEELEY 5167 STATE HWY 206 SIDNEY CENTER NY 13839
CASH CONSIDERATION:	\$892.16
TAX DEFICIT:	\$570.76

	MER11TX.028
<u>ASSESSED TO:</u>	<u>JAMES VALENTI AND JOHN VALENTI</u>
TOWN OF:	124400:MEREDITH
TAX MAP NO:	62.-1-19.2
SCHOOL DISTRICT:	122801:DELAWARE ACADEMY
ACREAGE:	8.90A ACRES
CONVEYED TO:	JAMES VALENTI AND JOHN VALENTI 22 BRIAN DRIVE EAST ISLIP NY 11730
CASH CONSIDERATION:	\$13,180.66
TAX DEFICIT:	\$11,122.90

The resolution was seconded by Mr. Triolo and unanimously adopted

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

RESOLUTION NO. 110

**TITLE: STANDARD WORK DAY AND REPORTING RESOLUTION
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

BE IT RESOLVED, that the County of Delaware hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (hrs/day)</u>	<u>Term Begins-Ends</u>	<u>Employer Rec. of Time Worked (Y/N)</u>	<u>Days Per Month Based on Record of Activities</u>
<u>ELECTED OFFICIALS:</u>					
Supervisor-Colchester	Cindy L. Donofrio	6	1/1/2013-12/31/2013	N	1
District Attorney	Richard Northrup	7	1/1/2013-12/31/2016	Y	N/A
<u>APPOINTED OFFICIALS:</u>					
Clerk of the Board	Christa M. Schafer	7	1/1/2013-12/31/2013	Y	N/A
County Attorney	Porter L. Kirkwood	7	1/1/2013-12/31/2013	Y	N/A
Director Office for the Aging	Wayne Shepard	7	1/1/2013-12/31/2014	Y	N/A
Personnel Officer	Leonarda T. Storey	7	4/28/2013-4/27/2019	Y	N/A

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

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

RESOLUTION NO. 111

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$ 1,092,110.57 were hereby presented to the Budget Oversight Committee for approval for payment on June 21, 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	\$957,998.74
OET	\$58,880.63
Public Safety Comm System	\$9,084.05

Highway Audits, as Follows:

Weights & Measures	\$0.00
Road	\$299.04
Machinery	\$39,964.62
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$25,883.49

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,587,544.82 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	\$442,803.96
OET	\$61,594.30
Public Safety Comm System	\$18,460.30
Highway Audits, as Follows:	
Weights and Measures	\$201.12
Road	\$335,794.35
Machinery	\$122,252.60
Capital Road & Bridge	\$447,923.52
Capital Solid Waste	\$45,365.39
Solid Waste/Landfill	\$113,149.28

The resolution was seconded by Mr. Dolph and Mr. Rowe and adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

In response to the Chairman’s request for any other business to be brought before the Board, Ms. Miller, asked to address the Board in response to the legality of the Special Meeting called on June 14, 2013.

Ms. Miller read Rule 3 of the *Rules of the Delaware County Board of Supervisors* noting that she believed she had a right to call the Special Meeting and had a majority of the weighted votes after contacting the Supervisors. She thanked the County Attorney for meeting with her during break and clarifying the matter for her. Calling the meeting, she opined, was never a political move for her but a belief that looking into changing from an Office of the Medical Examiner to Office of the Coroner had the potential of saving the taxpayers of this county money.

Upon a motion, the meeting adjourned at 7:45 p.m.