

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MARCH 23, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 23, 2005 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. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Commissioner of Social Services William Moon who presented Tina Presley as Employee of the Month.

Commissioner Moon stated that today is about publicly thanking and recognizing Mrs. Presley for the excellent work she has been doing for the past three years.

Mrs. Presley was hired in April 2002 as a school based caseworker assigned full-time to the Sidney School District. In 2004, when staff changes became necessary she was reassigned part-time to the South Kortright School District, while still maintaining many cases from the Sidney School District. Commissioner Moon said that Mrs. Presley has a mixed case load of Preventive and Foster Care cases.

The type of work Mrs. Presley does transcends the normal 9 to 5 business day, adding the most difficult times are often on weekends and holidays when family issues are most acute. She enjoys going to meet with the families, knocking on people's doors and asking how they are doing, and is known to appear with a smile providing either a helping hand or a stern admonition if that's what the situation demands.

Mrs. Presley has perfected a skill that is difficult to train, adding you have to just see it as part of the bigger field of working in human services. The telling point, Commissioner Moon says is not what he or the staff has to say about Mrs. Presley but, what her clients the people on the receiving end of the services say. Mrs. Presley has been able to establish a relationship with

her clients in an environment where Social Services is considered a four letter word, adding that Mrs. Presley has made a big difference in the lives of many of our children and is an example to the department.

Commissioner Moon presented Mrs. Presley with a \$100.00 Savings Bond thanking her for her dedication. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Mrs. Presley expressed her appreciation for the award and stated that none of this would be possible without the support of the department and the administration. Further stating that Commissioner Moon and Deputy Commissioner Susan Aikens have been wonderful, adding they are always there to answer questions and provide support.

Chairman Eisel granted privilege of the floor to Mr. Thomas who introduced Countryside Care Center Administrator Kurt Apthorpe.

Chairman Eisel stated that he thinks things are moving along rather well and advised the Board that the Finance and Social Services Committees and staff met the day after the last Board meeting to discuss issues to be incorporated into the agreement. He noted that they met again the following Monday to refine the issues.

He advised that Finance Committee Chairman Marty Donnelly and himself met with the buyers to discuss issues such as, Delaware County residents having first priority and Delaware County Countryside Care Center keeping their name. He said there was a list of things reviewed and the buyers agreed to everything.

Chairman Eisel referenced the mission statement on each of the Supervisors' desks and pointed out that he had asked the buyers to prepare the statement suggesting that it might be a good door opener for them when they came into Countryside the following day.

Mr. Donnelly noted that the mission statement does not include all the items discussed at the two meetings but, those items have been or will be put into the actual contract. He said the buyers were receptive, very positive and said no to nothing we asked of them. He pointed out that the mission statement says that Delaware County residents will always have first priority and that Delaware County will have first right of refusal if the facility closes or is to be sold.

He said that he met a gentlemen while in Albany at Lobby Day for Small Businesses who does studies for dissolution of nursing homes and hospitals. The gentleman is familiar with Leatherstocking and confirmed that they are very responsible.

Chairman Eisel advised that the buyers agreed to his suggestion of establishing a Community Advisory Board consisting of clergy, the Commissioner of Social Services, residents and elected officials. Further stating that the buyers suggested including a representative from

Public Health.

Mr. Donnelly stated that he asked the buyers if they would allow one of our people to be on their Board of Directors. He said he did not receive a yes or a no but, they were willing to bring this request back to their Board of Directors for consideration.

Mr. Apthorpe referenced his report to the Board which indicated on Thursday, March 17th, the buyers of Countryside met with management staff, the business office staff and residents. He said the buyers toured the facility and handed out their mission statement that reinforces their commitment to continue caring for the residents of Countryside and to provide all Delaware County residents with first priority to admissions to Countryside.

Mr. Apthorpe stated that the buyer had scheduled four hours to talk with the employees noting that they actually spent over seven hours answering questions and reassuring the employees that they have the best intention with this sale. He stated that while much work and many details remain, the meeting and tour was helpful.

Chairman Eisel remarked that he noticed nods of approval from different staff members at the meeting, adding he thought that was a very positive sign. He stated that the buyer looks at employees as assets.

In reply to Mr. Marshfield, Mr. Apthorpe said the buyers assured the residents that they would be back in a couple of months to attend a Resident Council meeting to discuss their plans in more detail and to answer any questions.

Mr. Apthorpe said that the buyers are very interested in having employees stay on, adding this is an important message to the employees. He noted that Countryside is in a transition period while negotiations between the county and union take place to arrive at an agreement to the terms ending their employment with the county. He expressed concern that the employees may try to use benefit time earned which may effect the care of the residents. Mr. Apthorpe said the buyers said they want good employees and if they do a good job they can stay.

For Standing Committee Reports, Mr. Thomas referenced Resolution No. 262 of 2004 requesting the change in hours beer and wine products may be sold at retail stores in Delaware County. He advised the Board a letter was received from the New York State Liquor Authority officially authorizing extending the hours of sale effective February 20, 2005.

Chairman Eisel remarked that the decision was in the paper the next day but we just received the notice.

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

RESOLUTION NO. 72

**TITLE: DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE
CELEBRATES NATIONAL PUBLIC HEALTH WEEK
APRIL 3 - APRIL 9, 2005**

WHEREAS, Public Health advancements and new treatment options are enabling Americans to live longer; and

WHEREAS, National Public Health Week 2005 will focus on empowering Americans to “live stronger, longer” by promoting the three P’s in adding more healthy years to life: Prevent, Protect and Plan; and

WHEREAS, taking preventive action and adopting a healthier lifestyle can empower our residents to stay healthy; and

WHEREAS, early detection and screening protect health; and

WHEREAS, Americans can live longer, healthier lives by developing a plan to manage their health; and

WHEREAS, Delaware County Public Health is committed to working with local partners to stage health fairs, community walking programs, free health screenings and health risk assessments and urges citizens of all ages to become partners in learning how to improve their health and well being,

NOW, THEREFORE, BE IT RESOLVED that Delaware County recognizes April 3 - April 9, 2005, as Public Health Week.

The resolution was seconded by Mr. Thomas.

Mr. Donnelly referenced his term on the Public Health Committee as a great honor and complimented the outstanding care and dedication of Public Health. He attributed a great deal of the credit to Director of Public Health Bonnie Hamilton.

The resolution was unanimously adopted.

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

RESOLUTION NO. 73

**TITLE: 2005 GRANT FOR BULLETPROOF VEST
SHERIFF’S DEPARTMENT**

WHEREAS, the Sheriff's Department desires to purchase eight bulletproof vests to be used by full-time Deputy Sheriffs; and

WHEREAS, a grant to cover one-half of the cost of purchasing bulletproof vests has been awarded by the Bulletproof Vest Partnership Grant Program in the amount of \$3,408.00; and

THEREFORE, BE IT RESOLVED that the 2005 budget be amended as follows:

ESTIMATED REVENUE:

10-13110-44432000/3110018/907	Federal Crime Control	\$3,408.00
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APPROPRIATIONS:

10-13110-52200001/3110018/907	Equipment - Bulletproof Vests	\$3,408.00
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The resolution was seconded by Mr. Utter.

In response to Mr. Thomas and Mr. Marshfield, Sheriff Mills stated that they are purchasing eight vests and explained that the manufacturers indicated that vests have only a five year life due to the fact that the material, known as zylon, deteriorates over time.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 74

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

LETTING OF March 8, 2005

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. 27-05 Tandem Axle Plow/Dump Truck to:
Tracey Road Equipment
6803 Manlius Center Road

East Syracuse, NY 13057

Bid Price: \$149,977.00

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. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rider.

Mr. Utter commented that the truck is a budgeted item.

In reply to Mr. Marshfield, Mr. Utter said the dump truck is a Western Star. He explained that since we have tried to set our specifications so that our trucks are highway legal it has narrowed the playing field down to only two or three companies that can meet the specifications, adding basically it is the capacity of the front axle. He further stated that the State owned trucks do not meet their own laws.

Mr. Bachler replied in response to Mr. Marshfield that the change in specifications has increased the purchase price of a dump truck by \$8,000 to \$9,000. Mr. Bachler commented that the town of Meredith purchased an International dump truck last year at \$138,000 but, it did not meet these specifications.

Chairman Eisel commented that last year only Peter-Bilt met the specifications, adding we now have a few companies to choose from making it more competitive.

In answer to Mr. Marshfield, Mr. Utter said that they standardized on the plows, and also on the components but, had to deviate on account of this change in specifications.

Mr. Utter stated in response to Mr. Marshfield, that Wayne's Welding bid was on a Western Star.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 75

**TITLE: AUTHORIZATION FOR AWARD
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Bridge #130 (BIN 1004470), Main Street over the Susquehanna River, Town of Sidney is in need of some remedial repair to ensure the long term durability of the

Bridge; and

WHEREAS, the Bridge is jointly owned by the Counties of Delaware and Otsego; and

WHEREAS, the County of Otsego has agreed to pay for half of the cost of retaining a Consulting Engineering Firm to perform professional services associated with developing rehabilitation alternatives and preparing contract plans for the selected alternative; and

WHEREAS, the Department of Public Works has undertaken the consultant selection process and completed negotiations with the selected consulting firm.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is authorized to make award to Modjeski and Masters, 301 Manchester Road, Suite 102, Poughkeepsie, NY 12603

Proposed Fee: Maximum Amount \$48,000.00

The resolution was seconded by Mr. Bachler.

In reply to Chairman Eisel, Mr. Utter confirmed that Delaware County will front the money and Otsego County will reimburse us.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 76

TITLE: AGREEMENT WITH THE CORPS OF ENGINEERS FOR ROADWAY RECONSTRUCTION - CR 6, BOVINA CENTER

WHEREAS, Resolution No. 156 of 2004 authorized the Chairman of the Board of Supervisors to execute a Project Cooperative Agreement (PCA) with the Corps of Engineers for partial reimbursement of the design costs for the stormwater portion of the project; and

WHEREAS, the project is now into the construction phase; and

WHEREAS, the Corps of Engineers is prepared to enter into another PCA with Delaware County to share in the expense of the reconstruction of the road; and

WHEREAS, the Corps of Engineers commits to paying \$549,863 of construction costs as a match of funds provided by the Catskill Watershed Corporation and Delaware County.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of

Supervisors is authorized to execute a PCA with the Corps of Engineers for partial reimbursement of construction costs.

The resolution was seconded by Ms. Molé.

Mr. Marshfield asked if there is a problem with the Army Corps payments for this project. Mr. Utter stated that a promise has been made for the money. This resolution allows the Chairman of the Board to process the PCA when received from the Corps of Engineers.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 77

**TITLE: AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS
TO ENTER INTO AGREEMENTS WITH MUNICIPALITIES
WITHIN DELAWARE COUNTY FOR THE PURPOSE OF SAFETY TRAINING**

WHEREAS, the New York State Department of Labor requires employee training on specific safety issues; and

WHEREAS, the County has a safety instruction course in place, and a Safety Officer trained to administer training; and

WHEREAS, towns and villages within Delaware County have asked for assistance in training their employees on required items.

THEREFORE BE IT RESOLVED, that the Delaware County Department of Public Works be authorized to enter into an agreement, with other municipalities within Delaware County for the purpose of training employees on New York State Department of Labor required safety issues for the year 2005.

The resolution was seconded by Mr. Bracci.

Mr. Utter stated that this is a yearly resolution, adding the county has a Safety Officer trained to administer training which is available to the towns.

The resolution was unanimously adopted.

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

RESOLUTION NO. 78

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945
CROSS-FARM, TIME-SERIES ASSESSMENT DATABASE FOR PHOSPHORUS
MANAGEMENT EVALUATION - PART I
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, Delaware County has been awarded funding under the 2000 Safe Drinking Water Act for Cross-Farm, Time-Series Assessment Database for Phosphorus Management Evaluation - Part I; and

WHEREAS, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

WHEREAS, said contract permits amendments without the development of a new prime agreement with New York State Department of Environmental Conservation for new funding awards from the Safe Drinking Water Act; and

WHEREAS, the Delaware County Soil and Water Conservation District and the NYS Water Resources Institute at Cornell University holds the requisite expertise to conduct this work; and

WHEREAS, New York State Department of Environmental Conservation has amended our contract to accept this funding identified as Project "Cross-Farm, Time-Series Assessment Database for Phosphorus Management Evaluation – Part I".

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors accept this funding and that the Chairman of the Board of Supervisors be authorized to enter into contract with the Delaware County Soil and Water Conservation District and Cornell University to conduct this work: and

BE IT FURTHER RESOLVED, that the 2005 budget be amended as follows:

ESTIMATED REVENUE

10-8741-44498900 / 8740012 / 900 NYS Dept. of Environmental Conservation \$55,000.00

APPROPRIATIONS

10-18741-54327200 / 8740012 / 900 Contractual Services \$55,000.00

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes

4806, Noes 0, Absent 0.

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

RESOLUTION NO. 79

TITLE: PUBLIC HEARING FOR THE INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING THE DESIGNATED THIRTY- DAY PERIOD FOR ANNUAL DISTRICT REVIEW

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period starting on January 31, 2005 and closing March 1, 2005 in which landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has verified that each parcel proposed is “viable agricultural land” and meet the eligibility requirements for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors must hold a Public Hearing to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural Districts Nos. 6, 8, 9 & 12.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday April 13, 2005 at 6:45 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi New York.

The resolution was seconded by Mr. Smith.

Mr. Bachler stated the 30 day review period has been set and noted that several new landowners will be included in the various districts.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule 10 to permit the introduction of the following resolutions which were not pre-filed.

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

RESOLUTION NO: 80

**TITLE: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM
SHERIFF'S DEPARTMENT**

WHEREAS, the Delaware County Sheriff's Department agrees to participate in the New York State Governor's Traffic Safety Committee's Selective Traffic Enforcement Program (STEP); and

WHEREAS, a large percentage of motor vehicle crashes can be directly attributed to speeding and other aggressive behaviors; and

WHEREAS, our involvement in this program will include enforcement targeting speeding and/or aggressive driving, including red-light running, where aggressive driving within the scope of this project refers to failure to yield right of way, following too closely, unsafe passing or lane usage and disregarding traffic controls, including red-light running; and

WHEREAS, participation in this program will result in an award of \$10,000.00 in enhanced funding, used primarily to support overtime in selective enforcement patrols for the following enforcement agencies:

Colchester Police Department	\$ 500.00
Delaware County Sheriff's Department	3,500.00
Delhi Police Department	1,000.00
Sidney Police Department	3,000.00
Walton police Department	2,000.00
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TOTAL	\$10,000.00

THEREFORE BE IT RESOLVED, that the Sheriff's Department be given permission to accept the funding as described and that the following budget modifications be made:

INCREASE REVENUE:

10-13110-44448800/3110019/907 Other Public Safety Grants – STEP \$10,000.00

INCREASE APPROPRIATION:

10-13110-51327000/3110019/907	Personal Services-Grants	\$ 2,975.00
10-13110-54327494/3110019/907	Patrols-Grants	6,500.00
10-13310-58132700/3110019/907	State Retirement System-Grants	298.00
10-13110-58332700/3110019/907	Social Security-Grants	184.00
10-13110-58932700/3110019/907	Medicare-Grants	43.00
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	TOTAL	\$10,000.00

The resolution was seconded by Mr. Bracci.

In reply to Mr. Rowe, Mr. Maddalone said this is not a yearly resolution but, it has been done before. Sheriff Mills remarked it is an annual program through the Governor's Traffic Safety Enforcement Program.

In reply to Mr. Marshfield, Sheriff Mills stated that this grant will support some of the department's overtime.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO: 81

**TITLE: ACCEPTANCE OF GRANT MONEY FROM THE NEW YORK STATE
EMERGENCY MANAGEMENT OFFICE AND ADDITIONAL FUNDING TO
PRODUCE A MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN
PLANNING DEPARTMENT**

WHEREAS, the Delaware County Board of Supervisors passed Resolution No. 107 on April 9, 2003 to apply for funds from SEMO to produce a multi-jurisdictional All-Hazard Mitigation Plan; and

WHEREAS, the Delaware County Board of Supervisors has received notice that they have been awarded a reimbursable grant from the New York State Emergency Management Office in the amount of \$47,314.00, which represents 75% of an approved plan totaling \$63,085.00; and

WHEREAS, the Delaware County Planning Department estimates that the total cost of the plan will run approximately \$80,000.00; and

WHEREAS, both the Public Safety and Finance Committees agree that the plan is of vital interest to all villages, town and the county as a whole; and

WHEREAS, the need for additional funding by the county is certainly justified

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors accept the grant on behalf of the Planning Department and allocate \$32,686.00 of the Contingency Fund to provide the needed revenue to prepare the plan; and

BE IT FURTHER RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

10-18020-43398900/8020007/908 Other Home and Community Service \$47,314.00

DECREASE CONTINGENCY:

10-11990-54900000 Contingency 32,686.00
TOTAL \$80,000.00

INCREASE APPROPRIATION:

10-18020-54327200/8020007/908 Grant Contractual Services \$80,000.00

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO: 82
TITLE: HOME ENERGY ASSISTANCE PROGRAM (HEAP)
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 2004 – 2005, said monies to be used to reimburse the county 100% of its expenditures

NOW, THEREFORE, BE IT RESOLVED, that the Social Services budget be amended and the following budget transfers be made

DECREASE APPROPRIATIONS:

10-16010-51000000 Personal Services \$31,500.00
10-16010-58100000 State Retirement System 3,150.00
10-16010-58300000 Social Security 1,953.00
10-16010-58900000 Medicare 457.00
TOTAL \$37,060.00

INCREASE APPROPRIATION:

10-16141-51000000/6141005/971 Personal Services \$31,500.00
10-16141-58100000/6141005/971 State Retirement System 3,150.00
10-16141-58300000/6141005/971 Social Security 1,953.00
10-16141-58900000/6141005/971 Medicare 457.00

TOTAL \$37,060.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4806, Noes 0, Absent 0).

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

RESOLUTION NO: 83

**TITLE: ALLOCATION OF SALES TAX CAPITAL RESERVE FOR COURTHOUSE
ROOF AND TOWER PROJECT
SHARED SERVICES DEPARTMENT**

WHEREAS, the Delaware County Board of Supervisors collected additional sales tax in the year 2002 and set aside a portion for capital projects; and

WHEREAS, the Shared Services Committee has agreed that the Courthouse is in need of the roof replacement and repairs to the tower; and

WHEREAS, Capital Projects and Finance Committees agree that the funding of these repairs is necessary to maintain the integrity of the historic nature of the courthouse;

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors appropriates \$500,000.00 of the Sales Tax Capital Reserve account to fund the project;

BE IT FURTHER RESOLVED, that the following budget modifications be made:

INCREASE FUND BALANCE:

30-00000-34911000 Fund Balance Other Unreserved \$500,000.00

INCREASE APPROPRIATION:

30-11620-52000000/1620002/975 Equipment & Capital Outlay \$500,000.00

The resolution was seconded by Mr. Marshfield.

Mr. Donnelly stated that the Finance Committee is aware this is not a tower but, the copula on top of the courthouse.

In reply to Mr. Bachler, Chairman Eisel stated that the Committee had received an estimate for the roof replacement and repairs to the copula. Mr. Hanley explained that the

funding is part of the reserve monies and the project when complete would maintain the historical integrity of the courthouse.

Mr. Thomas questioned if future money coming in from sales tax would flow into the Capital Reserve Fund. In reply, Chairman Eisel said that Resolution No. 307 of 2001 clearly states that funding to the Capital Reserve Fund was for the year 2002 only. Mr. Thomas stated that he did not understand it that way, adding he believed it was to keep funding itself.

Mr. Hanley stated that is not what the resolution stated, to which Mr. Thomas replied, that is the way it was presented.

County Attorney Richard Spinney stated that is what the resolution says, adding that we were taking a specific amount of money for the year 2002 only. He further stated that there has never been another resolution passed that allocated sales tax money any differently.

In reply to Mr. Thomas, Mr. Spinney stated that unless something different is done, the 1% sales tax will go to the General Fund.

Mr. Hanley said that \$4.4 million is in the budget to pay for the different capital projects. Mr. Thomas stated that he still contends when this was put in place it was to allow us to have money on hand to fund a project that was not budgeted for. Mr. Hanley replied that might have been the inference some people had, but is not the case.

Mr. Bachler commented that before all the money is spent consideration should be given to purchasing a small bus for the Office of the Aging (OFA). He explained the old bus is beyond repair and that OFA is saving for a new bus by fund-raising, adding we need to take care of our elderly people.

Mr. Marshfield noted that establishing a Capital Reserve Account for special Capital Projects should be revisited. Chairman Eisel noted we have \$2.3 million in the Reserve Fund at this time, but that this could be discussed further in Finance.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 84

TITLE: SENATE AND ASSEMBLY TO ENACT APPROPRIATE LEGISLATION TO ESTABLISH A SECOND COUNTY JUDGE IN DELAWARE COUNTY JUDICIAL/LEGISLATIVE COMMITTEES

WHEREAS, the Delaware County Board of Supervisors has long recognized the need

for a second County Judge for Delaware County resulting from increased Family Court caseloads and additional administrative and judicial responsibilities; and

WHEREAS, the Chief Judge of the New York State Court of Appeals in her 2005 State of Judiciary address has urged the New York State Legislature to create additional Judges for the Family Court; and

WHEREAS, the creation of a second County Court Judgeship to serve the increased needs of the people of Delaware County is in the best interests of Delaware County.

THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors requests the Senate and Assembly to enact appropriate legislation to establish a second County Judge in Delaware County.

The resolution was seconded by Ms. Molé.

Mr. Bracci stated that he can see a real need for a second judge.

Chairman Eisel replied that we have adopted similar resolutions in the past to get a second judge, adding that our workload is comparable to counties with a second judge.

In reply to Mr. Thomas, Chairman Eisel stated that the second judge will be housed at the courthouse.

Mr. Spinney explained that the Unified Court System pays the salary and the county provides the space, adding that even gets a little tricky. He explained that the county is required to provide the space and the Unified Court System will pick up all the expenses of the second judge. It costs approximately half a million dollars a year for a judge and his staff.

Mr. Bachler stated that when the District Attorney became full time the State funded the position. Mr. Spinney remarked that the State picked up the difference between the District Attorney's part-time salary and his full-time salary, further stating the District Attorney and the Judge's salary is the same. Mr. Hanley commented that the reimbursement the State provides towards the District Attorney's salary has decreased a little.

In reply to Mr. Thomas, Chairman Eisel stated that Judge Becker feels the County is in a good position to get a second judge.

The resolution was unanimously.

Mr. Maddalone offered the following resolution and moved its adopted:

RESOLUTION NO. 85

**TITLE: ELIGIBILITY FOR OFFICERS ENGAGED IN DUAL EMPLOYMENT
SHERIFF'S DEPARTMENT**

WHEREAS, the Board of Supervisors adopted Resolution No. 269 on September 26, 1990 which prohibits dual employment for individuals working in more than one County department; and

WHEREAS, routinely Correction Officers wishing to pursue other career options in the law enforcement profession are considered as worthy candidates for the position of Deputy Sheriff because of the similarity of duties; and

WHEREAS, Federal laws require that hours worked in excess of 40 hours per week are subject to payment at an overtime rate

THEREFORE, BE IT RESOLVED that officers working for the Corrections Division of the Sheriff's Department may work as part-time Deputy Sheriffs as duly qualified and shall be paid in accordance with Federal Fair Labor Standards Act as amended from time to time.

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

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

RESOLUTION NO. 86

**TITLE: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE
GOVERNOR'S OFFICE FOR SMALL CITIES FOR FISCAL YEAR 2005 - 2006
ECONOMIC DEVELOPMENT**

WHEREAS, the Governor's Office for Small Cities is accepting applications from eligible communities to compete for funds available through the Community Development Block Grant Program; and

WHEREAS, Delaware County has reviewed its community development problems and needs, and has determined that the continuation of its program designed to revitalize the main street of the villages and hamlets throughout Delaware County is essential to the County's future economic vitality; and

WHEREAS, the Small Cities application process requires that the governing body of the applicant authorize the submission of the application and related actions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County

of Delaware hereby authorizes and directs the Chairman of the Board of Supervisors and the Director of Economic Development to submit an application to the Governor's Office for Small Cities and to act in connection with the submission of the application, including the execution of all required certifications and forms and to provide such additional information as may be required.

The resolution was seconded by Mr. Hynes.

Mr. Marshfield, asked how much money was involved in this to which Mr. Shelton replied \$165,000.

The resolution was unanimously adopted.

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

RESOLUTION NO. 87

**TITLE: NOMINATION OF BERTHA ROGERS
AS POET LAUREATE FOR DELAWARE COUNTY**

WHEREAS, Bertha Rogers is renown for her published poems and critical reviews; and

WHEREAS, she has received many grants and been nominated three times for a Pushcart Prize for her literary and artistic talents; and

WHEREAS, among her many accomplishments Bertha Rogers served as a poet and visual artist in residence for arts in education programs in schools, colleges, and workshops throughout New York State and the nation; and

WHEREAS, Bertha Rogers founded and directs, since 1992, Bright Hill Press, a not-for-profit literary organization located in Treadwell, New York

THEREFORE, BE IT RESOLVED that Bertha Rogers be named the first Poet Laureate of Delaware County for a period of 3 years.

BE IT FURTHER RESOLVED THAT, her duties will include writing occasional poems and involving other poets and County residents of all ages in reading and writing poetry through readings and workshops and other public events and presenting awards to County Public School teachers for the innovative use of poetry in their classes.

The resolution was seconded by Mr. Maddalone.

Mr. Hynes introduced Ron Guichard who thanked the Board of Supervisors, Andes Town

Supervisor Marty Donnelly and Roxbury Town Supervisor Mr. Hynes for their help in putting this resolution forth to honor Bertha Rogers.

Mr. Guichard said that Bertha Rogers came to the area in 1989 when she was looking to leave the New York City area. He said she came with her printing press and a great determination to put her mark on Delaware County. Ms. Rogers bought a farm in Delaware County and soon started Word Thursdays in her home. In 1992, she purchased a home in Treadwell and started Bright Hill Press, adding that she is currently finishing up a literary library.

In conclusion he said this nomination is one way to recognize Ms. Rogers for her endeavors and for what she has done in Delaware County. He further stated that today is his birthday and this resolution is a wonderful gift to him as well.

In response to Chairman Eisel, Mr. Guichard said that Ms. Rogers had a previous commitment and could not be here today. Chairman Eisel thanked Mr. Guichard for his presentation and wished him a happy birthday.

The resolution was unanimously adapted.

Mr. Utter offered the following resolution and moved for its adoption:

RESOLUTION NO. 88

TITLE: OPPOSITION TO NEW YORK STATE LEGISLATION THAT ULTIMATELY SEEKS AMENDMENT OF PUBLIC HEALTH LAW IN RELATION TO THE REGULATION OF RESIDENTIAL SEPTIC SYSTEMS WATERSHED AFFAIRS

WHEREAS, the following bills: New York State Assembly (A3575) and New York State Senate (S2356) are now pending and if enacted would have a devastating economic effect on most rural areas of New York state; and

WHEREAS, the legislation calls for a study by the Departments of Environmental Conservation and Health to determine the impact of residential septic systems on water quality and their potential threat to public health to be completed two years after the passage of this legislation while arbitrarily proposing new regulations prior to the completion of that study; and

WHEREAS, the plain language of the legislation would restrict the construction of residential septic systems on any site where:

1. There is not at least five feet of useable soil above impermeable deposits, bedrock or clay and five feet above high seasonal groundwater,
2. Within 200 feet of any stream, river, lake or wetland,

WHEREAS, these components and others of the legislation are impractical, unreasonable, unduly restrictive resulting in prohibitive costs to currents and future homeowners and severely limiting future growth, thereby devastating the economies of rural areas of New York State such as Delaware County

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors staunchly opposes passage of the Assembly Bill (A3575) and Senate Bill (S2356) in their entirety, or in any form and;

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded immediately to Governor George Pataki, Senators John J. Bonacic and Carl Marcellino, Assemblymen Clifford Crouch, Daniel Hooker and Thomas DeNapoli.

The resolution was seconded by Ms. Molé.

Mr. Donnelly expressed the urgency of passing this resolution and encouraged the Supervisors to talk to their Senators and Assemblymen. He stated that construction in Delaware County would be drastically effected if the 5 feet of soil requirement is allowed to pass.

In response to Mr. Marshfield, Chairman Eisel stated that the bill had to go to the Codes Committee, adding he can't believe it will pass but, it has to go through the process.

Chairman Eisel explained that this bill has come up for two years in a row and has never made it out of Assembly. He said that we want to let the Senators and Assemblymen know that we are looking over these bills, adding he has asked Commissioner of Watershed Affairs Dean Frazier to search their website for bills that would apply to Delaware County so that we can let legislatures know we are not in support of some of these bills.

Mr. Utter remarked that in the watershed area of Delaware County a septic system could cost an average of \$10 to \$20 thousand, and could be as high as \$40 thousand, adding that a septic system could cost as much as a moderately priced double wide. He noted that the bill is being sponsored by downstate politicians.

Mr. Marshfield noted that the sponsors of this bill are Senator Carl Marcellino and Assemblyman Thomas DeNapoli. We must make sure they receive a copy of this resolution.

Chairman Eisel commented that there are environmentalists out there that believe in an environmentally perfect world, adding that no one can afford that. Their thinking is if you can't afford the system, you can't live here.

Mr. Utter remarked that he has heard environmentalists referred to as environmental terrorists.

The resolution was unanimously adopted.

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

RESOLUTION NO. 89

TITLE: OPPOSITION TO NEW YORK STATE LEGISLATION THAT WOULD ESTABLISH A NEW ARTICLE OF THE PENAL LAW TO CREATE A NEW CRIME OF UNLAWFUL DEFILEMENT OF A WATER SUPPLY WATERSHED AFFAIRS

WHEREAS, Delaware County is clearly supportive of prudent and reasonable legislation to prevent terrorism; and

WHEREAS, Delaware County recognizes the intent of New York State Assembly bills A6322 and A1466 is to create a new crime for the defilement of a water supply in an attempt to thwart terrorism which under this new law would be classified as a Class B felony; and

WHEREAS, under these pieces of legislation, "a person would be guilty of this new crime if he intentionally introduces, places, or causes to be introduced or placed, into a water supply, a defiling agent with the intent to cause sickness, physical injury, severe disfigurement or death of another human being, or with the reckless disregard of causing the sickness, physical injury severe disfigurement, or death of another human being, or with the intent to cause irreparable harm to such water supply, or to disturb the public peace."

WHEREAS, a "defiling agent" is to mean any chemical, biological or radioactive agent or substance, which capable of causing the aforementioned affects; and

WHEREAS, Delaware County views the language of the aforementioned bills as ambiguous and could be used by an aggressive law enforcement agency to hinder almost anyone.

NOW, THEREFORE, BE IT RESOLVED, the Delaware County Board of Supervisors opposes A6322 and A1466 as currently written.

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded immediately to Governor George Pataki, Senators John J. Bonacic, Assemblymen Daniel J. Burling, John J. McEneny, Clifford Crouch and Daniel Hooker.

The resolution was seconded by Mr. Thomas.

Commissioner Frazier stated that this bill does not have a corresponding Senate bill but, this is the fourth year in a row it has come up. The purpose of the resolution is to let the Assembly know we are paying attention and we do not like the proposal.

Mr. Marshfield referenced Resolution No. 88 and suggested that the towns adopt a similar resolution.

Mr. Rowe remarked he could not believe that the Association of Towns and Counties has not put together a resolution on this issue.

Chairman Eisel remarked that he can't believe the bill will go anywhere but, it is a good idea to let them hear from everyone.

Mr. Donnelly suggested that the towns also adopt a similar resolution to Resolution No. 89, referencing the definition of a "defiling agent" and suggesting that an over zealous law enforcement agency could really ride roughshod over you.

The resolution was unanimously adopted.

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

RESOLUTION NO. 90

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,608,128.99 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	\$711,120.12
Countryside Care Center	\$41,912.95
OET	\$259.20

Highway Audits, as Follows:

Road	\$142,321.60
Machinery	\$89,525.34
Capital Road & Bridge	\$42,094.96
Capital Solid Waste	\$528,532.28
Solid Waste/Landfill	\$52,362.54

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4806, Noes 0, Absent 0).

Upon a motion the meeting was adjourned at 2:25 p.m.