

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

April 13, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 13, 2005 at 7:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Vice Chairman Tina Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Rowe and Chairman Eisel.

Mr. Donnelly offered the invocation.

Mr. Bracci 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.

Vice Chairman Molé granted privilege of the floor to Director of Public Health Bonnie Hamilton to speak about the upcoming rabies vaccination clinics.

Mrs. Hamilton referenced the handout on each Supervisors' desk and stated it is again time to think about rabies vaccination clinics that will be held in the towns throughout the county. She commented on a few of the difficulties the staff members encountered at previous clinics; such as facilities without a phone or tables to write on. In order to improve the efficiency of the clinics she suggested that each town desiring to have a rabies vaccination clinic provide a staff member or volunteer to assist with paperwork, make sure the facility being used for the clinic is unlocked and has appropriate lighting, two tables, four chairs, a garbage can, and access to a telephone for emergency use.

Mrs. Hamilton advised that Public Health will provide a staff member to oversee the clinic and assist with vaccination certificate completion, the rabies vaccine, administration supplies, sharps disposal containers, vaccine certificate books, vaccination tags, clerical supplies, a first aid kit and public education posters and flyers.

In conclusion, she stated that if the Supervisors felt these requests were reasonable a letter will be sent to each town.

In reply to Mr. Thomas, Mrs. Hamilton said that the Masonville Fire Department has been very cooperative but, people forget that the clinic has been scheduled and the staff arrive at the facility to find it locked. A great deal of time is spent trying to find someone with a key to

unlock the facility.

In answer to Mr. Marshfield, Mrs. Hamilton explained that the clinic dates are set up with the town clerk to coordinate the availability of a veterinarian and a facility. She noted that evenings seem most appropriate, adding that a clinic could take from one to three hours depending on the size of the town. She noted that towns are not required to hold a clinic but, that Public Health tries to offer one in every town.

Mrs. Hamilton stated in response to Mr. Bachler that it is difficult to work outside.

In answer to Mr. Thomas, Mrs. Hamilton confirmed that it is a free rabies clinic, adding attempts are made to vaccinate as many cats, dogs and ferrets as possible to reduce rabies exposure.

Mr. Marshfield remarked that he felt the requests were very reasonable.

Mr. Donnelly asked if the fire pavilion in the Town of Andes would be a suitable facility. Mrs. Hamilton answered if the facility had a phone it would be considered, otherwise no.

Vice Chairman Molé granted privilege of the floor to President of the Humane Society of Central Delaware County Inc., Anne Lukin and Director of Shelter Operations Deb Crute. They gave a power point presentation explaining the function of the Humane Society and its importance to the county.

Ms. Lukin referenced the folder on each of the Supervisors' desk containing a copy of the Humane Society of Central Delaware County, Inc. newsletter entitled, "the Shelter Scoop". The folder also provided information regarding the organization structure, membership statistics adoption policies and programs available to the public.

The last time Ms. Lukin was before this board she said they were practically closing their doors. Since then they have been working hard to improve their financial condition with direct mailings, referring to the Shelter Scoop, windfalls, and bequests. She advised that 78 percent of their support is from funding received from the county and thanked the Board for their financial support.

Ms. Crute explained that the Shelter was started and incorporated in 1969 when a group of Delhi citizens found a litter of six puppies and the closest shelter was located in Sidney. They took the puppies to the Sidney Shelter but, the Shelter was full so they gave them \$100.00 to start their own shelter in their community. The Delaware County Historical Association donated an acre of land behind their facility and the Humane Society was then started. She said that the Shelter is responsible for 1200 cats and dogs a year. Of that figure 65% are cats and 35% are dogs. The facility operates with a paid full-time staff of six people, a part-timer and an on-call staff of ten.

The presentation detailed the national recognition the Shelter has received, Shelter

animal care, community partnerships, fund-raising and the daily operations at the Shelter.

The accomplishments made by donations include the drainage around the existing shelter building, an addition of a new large exercise dog play yard, an outdoor cat gazebo, adoption room, cat cages, computers, printers, digital camera, an air conditioner, a commercial washing machine, a new telephone system and new office furniture. Plans for the future include renovation to the existing medical exam room, the dog control officer area, and the addition of a new modern dog kennel.

In conclusion, Ms. Lukin thanked the Supervisors for their support and attendance at the fund-raising events. She then introduced Lexi, a rottweiler puppy who was turned into the Humane Society because she was too active. Mrs. Lukin advised that Lexi had received her second booster and was now ready for adoption.

Mr. Marshfield commented that he can attest to the dedication of all the staff. The old facility was a tough thing to manage, adding this new one looks a lot better. He said he has been known to walk through the facility and come home with a four legged animal.

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

RESOLUTION NO. 91

**TITLE: ROXBURY ARTS GROUP VIRTUAL VISITS ORAL HISTORY PROJECT
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has applied for and received funding from the Roxbury Arts Group to sponsor an Oral History Project in Delaware county; and

WHEREAS, the Office for the Aging will be contracting with Virtual Visits to run the series

THEREFORE, BE IT RESOLVED, the estimated revenues and appropriation for the year 2005 will be increased as follows:

ESTIMATED REVENUES

Grants from Non-Profit	10-16772-42270602/6772022/977	\$1,520.00
------------------------	-------------------------------	------------

APPROPRIATIONS

General Grant Related Expenses	10-16772-54370000/6772022/977	\$1,520.00
--------------------------------	-------------------------------	------------

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 92

**TITLE: JUVENILE ACCOUNTABILITY INCENTIVE BLOCK PROGRAM
DELAWARE COUNTY YOUTH BUREAU**

WHEREAS, the Delaware County Youth Bureau has received a federal grant from the Juvenile Accountability Incentive Block Grant Program in the amount of \$11,438.00; and

WHEREAS, the County Youth Board prepared a grant application for said funds which will allow the County to study the extent and nature of juvenile delinquency in Delaware County and formulate a plan to better coordinate existing services to treat delinquency problems

NOW, THEREFORE BE IT RESOLVED that the following accounts be increased in the 2005 budget:

REVENUE ACCOUNT

10-17310-44482000/7310004/987 Federal Youth Programs \$11,438.00

APPROPRIATION ACCOUNT

10-17310-54327200/7310004/987 Grant Contracted Services \$11,438.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 93

**TITLE: ARREST DATA IMPROVEMENT PROGRAM
EDWARD BYRNE MEMORIAL GRANT
SHERIFF'S DEPARTMENT**

WHEREAS, New York State Division of Criminal Justice Services (ADCJS) and has invited us to accept the award of grant funds with which to provide the computer software necessary for improving the quality and timeliness of arrest data; and

WHEREAS, the Sheriff has been offered a grant in the amount of \$3,144.00 with which to purchase and install the computer equipment and software required to operate the DCJS Spectrum Justice System and provide subsequent use of this product; and

WHEREAS, the matching funds required of us, amounting to \$1,048.00, will not result

in a request for budget modification.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Sheriff's Office be given permission to accept the funding being offered by the Edward Byrne Memorial State and Local Law Enforcement Assistance Program funds and that the following budget modifications be made:

INCREASE REVENUES:

10-13110-43308900/3110105/907	OTR General Government	\$3,144.00
-------------------------------	------------------------	------------

INCREASE APPROPRIATIONS:

10-13110-54327580/3110105/907	Grant Software	\$3,144.00
-------------------------------	----------------	------------

NOW, THEREFORE, BE IT FURTHER RESOLVED that the matching amount of \$1,048.00 be transferred as follows:

FROM ACCOUNT:

10-13110-54415010	Maintenance & Repair Computers	\$1,048.00
-------------------	--------------------------------	------------

TO ACCOUNT:

10-13110-54580000/3110105/907	Software	\$1,048.00
-------------------------------	----------	------------

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 94

**TITLE: BUDGET MODIFICATION SOLID WASTE CAPITAL
DEPARTMENT OF SOLID WASTE**

WHEREAS, the 2005 budget indicates an interest payment in the amount of \$347,838.00 which includes an administration fee for the Environmental Facilities Corporation (EFC) in the amount of \$25,068.00; and

WHEREAS, after conversation with the Office of the State Comptroller it has been decided to move the fee to a more appropriate expense line

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

DECREASE APPROPRIATION

32-18161-57710000 Interest Payment EFC \$25,068.00

INCREASE APPROPRIATION

32-18161-54100000 Administration Fee \$25,068.00

The resolution was seconded by Mr. Rider and Mr. Thomas and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 95

**TITLE: BUDGET MODIFICATION OF UNEMPLOYMENT BENEFITS
PERSONNEL DEPARTMENT**

WHEREAS, the 2005 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

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

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

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

FROM ACCOUNT

10-11040-58500000	Clerk Board	\$141.00
10-11165-58500000	District Attorney	317.00
10-11325-58500000	Treasurer	411.00
10-11327-58500000	Fiscal Affairs	34.00
10-11340-58500000	Budget Officer	42.00
10-11355-58500000	Real Property Tax	218.00
10-11364-58500000	Tax Acquired Prop	63.00
10-11410-58500000	County Clerk	781.00
10-11420-58500000	County Attorney	55.00
10-11430-58500000	Personnel	238.00
10-11450-58500000	Elections	131.00
10-11620-58500000	Buildings	750.00

10-11670-58500000	Printing	33.00
10-11680-58500000	Information Technology	603.00
10-13020-58500000	Public Safety - 911	34.00
10-13110-58500000	Sheriff - Law Enforcement	1,173.00
10-13140-58500000	Probation	577.00
10-13150-58500000	Sheriff Jail	2,063.00
10-13315-58500000	Stop DWI	97.00
10-13620-58500000	Safety Inspections	52.00
10-13640-58500000	Emergency Services	89.00
10-14010-58500000	Public Health	1,569.00
10-14012-58500000	Public Health	315.00
10-14013-58500000	Immunization	22.00
10-14035-58500000	Children Spec Health Care	25.00
10-14050-58500000	Lead	19.00
10-14059-58500000	Early Intervention	144.00
10-14060-58500000	Edu Physically Handicap	71.00
10-14189-58500000	Emergency Medical	76.00
10-14310-58500000	Mental Health Clinic	1,319.00
10-14311-58500000	Community Support	118.00
10-14312-58500000	Mental Health Crisis Serv Prog	56.00
10-14313-58500000	Kendras Law	69.00
10-14315-58500000	Enh Childrens Serv	61.00
10-14317-58500000	Alcoholism Clinic	628.00
10-14321-58500000	Exp Mental Health	130.00
10-16010-58500000	Social Services	5,448.00
10-16326-58500000	Economic Development	176.00
10-16510-58500000	Veterans	82.00
10-16610-58500000	Sealer	49.00
10-16772-58500000	Office For the Aging	382.00
10-17310-58500000	Youth	417.00
10-18020-58500000	Planning	534.00
10-18740-58500000	Watershed Affairs	206.00
24-19050-58500000	Public Works	14,052.00
42-68460-58500000	Countryside	26,070.00
62-11710-58500000	Workers Compensation	92.00
	Total	\$60,032.00

TO

10-19050-58500000	Unemployment Insurance	\$60,032.00
-------------------	------------------------	-------------

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 96

**TITLE: BUDGET MODIFICATION
FISCAL AFFAIRS DEPARTMENT**

WHEREAS, the Fiscal Affairs Department is in need of an additional computer; and

WHEREAS, attempts were made to contact departments to find a computer not being used capable of handling USL and none were found; and

WHEREAS, a used monitor, keyboard, mouse, and other peripheral items will be donated by the Information Technology Department

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

FROM:

10-11990-54900000	Contingency	\$1,000.00
-------------------	-------------	------------

ESTABLISH APPROPRIATION ACCOUNT:

10-11327-52200000	Equipment	\$1,000.00
-------------------	-----------	------------

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 97

**TITLE: HOME ENERGY ASSISTANCE PROGRAM (HEAP) MODIFICATION TO
RESOLUTION NO. 82 OF 2005
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Board of Supervisors passed Resolution No. 82 allowing for the 2005 Budget modification of funds from the Social Services to the Home Energy Assistance Program (HEAP) budget; and

WHEREAS, it was discovered after the passage of the resolution that there is a need to fund additional fringe benefits

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

DECREASE APPROPRIATION

10-16010-58600000 Hospital and Health Insurance \$4,973.00

INCREASE APPROPRIATION

10-16141-58600000/6141005/971 Hospital and Health Insurance \$4,973.00

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 98

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

LETTING OF APRIL 5, 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. SW1-05 Tandem Axle Roll-Off Truck with Tiltframe and Tarp System to: Tracey Road Equipment, 6803 Manlius Center Road, East Syracuse, NY 13057

Bid Brice: \$197,840.00 (For 2 Trucks and Trade-in)

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 and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 99

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

LETTING OF APRIL 5, 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. SW2-05 Used Hydraulic Excavator to: Robert H. Finke & Sons, Inc., PO Box 127, Selkirk, NY 12158

Bid Price: \$67,500.00

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. Bachler and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 100

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

LETTING OF APRIL 5, 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. SW3-05 Flexible Water Tube Boiler with Dual Fuel Burner to: Stants Combustion, PO Box 37, Latham, NY 12110.

Bid Price: \$37,030.00

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. Woodford.

In response to Mr. Thomas, Mr. Utter stated that the boiler will be located in the

composting facility and explained that the dual fuel burner will burn liquid propane or methane gas that is generated from landfill cells.

The resolution was adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 101

**TITLE: NATIONAL VOLUNTEER WEEK
OFFICE FOR THE AGING**

WHEREAS, National Volunteer Week was designated as an annual observance in 1974 by President Richard Nixon; and

WHEREAS, April 17-23, 2005 has been established as National Volunteer Week; and

WHEREAS, National Volunteer Week is intended to thank all volunteers and call to the public's attention all that they do to improve our communities; and

WHEREAS, by example, Legacy Corps, a volunteer service program administered by the Office for the Aging in Delaware County, offers services to family caregivers in Delaware County; and whose members have provided over 4,000 hours of service in its first year of operation; and

WHEREAS, there are virtually thousands of volunteers throughout the county working to strengthen our communities with no expectation of reimbursement, serving as firefighters, EMTs, scout leaders, board members, fund raisers, and countless other roles that can be characterized as being good neighbors;

THEREFORE, BE IT RESOLVED, that the week of April 17-23, 2005 be proclaimed National Volunteer Week in Delaware County, in recognition and thanks for all volunteers in our county and the services they offer.

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

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

RESOLUTION NO. 102

**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 the following recommendations for the modification of Agricultural District #1 located in the Towns of Stamford, Roxbury, Kortright & Harpersfield;

Town of Harpersfield		
MODIFICATION	PARCELS	ACREAGE
Additions	3	209.14
Removed	45	1,581.31
After modifications	272	14,390.17

Town of Kortright		
MODIFICATION	PARCELS	ACREAGE
Additions	0	0
Removed	5	238.03
After modifications	49	3,516.12

Town of Roxbury		
MODIFICATION	PARCELS	ACREAGE
Additions	15	649.62
Removed	102	7,511.21
After modifications	206	12,413.83

Town of Stamford		
MODIFICATION	PARCELS	ACREAGE
Additions	3	166.77
Removed	35	1,454.34
After modifications	268	15,610.96

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 May 11th 2005 at 6:45 PM in the Board of Supervisors' Room of the County Office Building.

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

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

RESOLUTION NO. 103

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 Senate bill S3789 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, Delaware County opposed the same assembly legislation A1466 under County resolution number 89 on March 23, 2005; 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 S3789 as currently written.

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded immediately to Governor George Pataki, Senators John J. Bonacic, James L. Seward, Vincent L. Leibell III, Thomas W. Libous, and Assemblymen Clifford Crouch and Daniel Hooker.

The resolution was seconded by Mr. Thomas

In answer to Mr. Marshfield, Commissioner of Watershed Affairs Dean Frazier stated that the difference between this resolution and the one previously adopted at the last Board meeting is that now there is a supporting Senate bill.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 104

**TITLE: ACCEPTANCE OF O’CONNOR GRANT
STOP DWI**

WHEREAS, the Director of the County’s STOP DWI Program has applied for and been awarded a grant in the amount of \$1,247.00 for the purchase of equipment for the education and public awareness part of the program; and

WHEREAS, the department has a Golf Tournament scheduled for later this year and some of the funds received can be considered matching funds for the purpose of this grant; and

WHEREAS, the Board of Supervisors have approved Resolution No. 39 of 2005 establishing the accounts for this tournament and a modification needs to be made to that resolution to cover the 50% match for the grant

BE IT RESOLVED, that the following budget modifications be made.

INCREASE REVENUE

10-13315-42270602/3315018/903	Grants O’Connor	\$1,247.00
-------------------------------	-----------------	------------

DECREASE APPROPRIATION

10-13315-54595000/3315018/903	Supplies	\$1,247.00
-------------------------------	----------	------------

INCREASE APPROPRIATION

10-13315-52200000/3315018/903	Equipment, O’Connor	\$2,494.00
-------------------------------	---------------------	------------

The resolution was seconded by Mr. Maddalone.

In answer to Mr. Marshfield, Mr. Hanley explained that Resolution No. 39 passed at the February 16th meeting appropriated the estimated revenue from the Golf Tournament of \$12,600 to Supplies. This resolution makes the necessary modifications to transfer the O’Connor portion of the grant and Stop-DWI’s 50% matching revenue which will be raised from the Golf Tournament.

The resolution was adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 105

**TITLE: BUDGET MODIFICATION
REAL PROPERTY TAX SERVICE**

WHEREAS, there exists a need to replace the copier in the Office of Real Property Tax Service and no funding was planned in the 2005 budget

BE IT RESOLVED, that the following budget modification be made.

DECREASE APPROPRIATION

10-11990-54900000	Contingency	\$6,240.00
-------------------	-------------	------------

INCREASE APPROPRIATION

10-11355-52200000	Equipment	\$6,240.00
-------------------	-----------	------------

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 106

**TITLE: JAILHOUSE CONSTRUCTION / RENOVATION BUDGET MODIFICATION
CAPITAL PROJECTS - OLD JAIL**

WHEREAS, it has been determined that the old jailhouse can be retrofitted for use as additional office space that is needed in the county; and

WHEREAS, there is money left in the capital project from the construction of the new Public Safety Building

BE IT RESOLVED, that the following budget modification be made and retrofit construction be authorized.

DECREASE APPROPRIATION

30-13151-52416000	Building Construction	\$400,000.00
-------------------	-----------------------	--------------

INCREASE APPROPRIATION

30-13151-52418000/1620003/975	Building Improvements	\$400,000.00
-------------------------------	-----------------------	--------------

The resolution was seconded by Mr. Bracci.

Mr. Donnelly stated that the Public Safety Building has continued to come in under budget and with this resolution \$400,000 of the surplus is being allocated to the renovation of the old jail. It will become office space that is desperately needed.

In answer to Mr. Hynes, Mr. Donnelly replied that Superintendent of Buildings Ron Beers has had an engineering firm come in and look the building over. Several suggestions for renovations were made for the outside and inside of the building. He noted at this time there is no set department moving into the renovated building. However, it has been suggested that the Personnel Department, Watershed Affairs, and Economic Development be moved into the building.

Mr. Bachler asked why this resolution was not pre-filed. He referenced the resolution adopted at the last Board meeting regarding renovations to the Courthouse in the amount of \$500,000 which also was not pre-filed. Mr. Donnelly explained that the report from the engineer had just been received, adding there was not enough time to pre-file the resolution.

Mr. Marshfield questioned if this resolution needed to be passed tonight, and asked if it could wait two weeks. Budget Director Joe Hanley advised that there are outstanding bills on the project and that the resolution needed to be passed in order to pay the bills.

In response to Mr. Bachler, Mr. Hanley stated that county staff will be doing the work. He explained that only two stories of the three story building will be used and the basement for storage.

Mr. Thomas noted the departments that came out of the rented Main Street space and went to Page Avenue found out that there was not enough room for them.

In response to Mr. Ryan, Mr. Donnelly stated that there will be very little change to the outside, adding the building will not lose its historic look.

Mr. Hanley stated in response to Mr. Bachler that it was originally thought that the cells formed the structure of the building. Based on the report received from the engineering firm of Bearsch Compeau, and Knudson this is not the case. The report included a rough design and provided what could and could not be taken out.

Mr. Bachler noted that he will be voting for this resolution but, stated it would have been better to do a pre-file resolution as it involves a lot of money. In the future, resolutions like this should be pre-filed.

In response to Mr. Hynes, Mr. Donnelly stated that \$400,000 will be the total amount spent on this project.

Mr. Maddalone commented that the county will be saving money by not renting office

space.

The resolution was adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 107

**TITLE: CONTRIBUTION SOLICITATION FOR SHERIFF'S SAFETY PROGRAM
SHERIFF'S DEPARTMENT**

WHEREAS, the Sheriff's Office routinely solicits funding from the general public with which to finance safety programs beneficial to the common good; and

WHEREAS, in the past the Sheriff's Office has provided its citizens with 23 AED's, 1,000 bicycle helmets and given Safety Programs at Schools and Headstart facilities throughout Delaware County; and

WHEREAS, the Sheriff's Office plans to solicit contributions with which to continue funding the Bicycle Safety and Stranger Danger programs, and purchasing additional Automated External Defibrillators ("AED's"); and

WHEREAS, purchases will not be made until the money has been collected

THEREFORE, BE IT RESOLVED that estimated revenue be increased by \$25,000.00 for the calculated revenue to be generated by contributions for the benefit of the Sheriff's Safety Program:

INCREASE REVENUE

10-13110-42270500	Gifts and Donations	\$25,000.00
-------------------	---------------------	-------------

INCREASE EXPENSES

10-13110-54327595/3110106/907	Bicycle Safety	\$10,000.00
-------------------------------	----------------	-------------

10-13110-54327595/3110107/907	Stranger Danger	\$5,000.00
-------------------------------	-----------------	------------

10-13110-52200001/3110108/907	Equipment Grants	\$10,000.00
-------------------------------	------------------	-------------

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 108

**TITLE: CONFERENCE EXPENSES
DOMESTIC VIOLENCE AND SEXUAL AWARENESS
COALITION OF DELAWARE COUNTY
DISTRICT ATTORNEY**

WHEREAS, there is available to the District Attorney the sum of \$3,284.42 obtained by seizure as the proceeds of criminal activity in Delaware County; and

WHEREAS, the Delaware County District Attorney, the Delaware County Sheriff, Delaware Opportunities, Inc., and various agencies and organizations are members of Domestic Violence and Sexual Assault Awareness Coalition of Delaware County; and

WHEREAS, a one-day training conference has been organized and sponsored by the Coalition for May 5, 2005 at the Delhi American Legion in Delhi, New York, at which refreshments will be served and experts on relevant topics will speak; and

WHEREAS, certain expenses will be incurred for the same.

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

FROM

100000003289001325886	Reserve for Crime Proceeds, DA	\$400.00
-----------------------	--------------------------------	----------

TO

10-11165-54615020	Training, Conference/School	\$400.00
-------------------	-----------------------------	----------

The resolution was seconded by Mr. Rider and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

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

RESOLUTION NO. 109

TITLE: LEGISLATIVE REQUEST FOR CONTINUATION OF SALES TAX LEVY

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

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

WHEREAS, the Delaware County Board of Supervisors formally adopted the increase

on the 9th day of October 2003, allowing for the additional 1% to be collected on sales after December 1, 2003; and

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

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

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

The resolution was seconded by Mr. Marshfield.

Mr. Thomas stated he still contends when the Board passed this 1% it was sold on the idea that a Capital Projects Reserve Fund would be established. He noted he did not know how much of the \$4.6 million has been appropriated but, added we do get a considerable surplus from each 1% of sales tax. He recommended that some of that surplus should be put into a Capital Project Reserve Fund.

Ms. Freyer stated that she voted to sell Countryside because she felt the county could not afford to keep it. She believed that the additional sales tax would not have been passed in the first place if we weren't in trouble with Countryside. She believes this is unfair to the people of Delaware County, adding the Board is still reluctant to tighten their belts and take a tough stand. Further, since the vote to sell Countryside she has not seen one step the Board has taken to spend money differently. If this resolution is passed, in her opinion, we are saying to the people that we still need as much money as we always did. Ms. Freyer stated that she is in agreement with Mr. Thomas, adding that it is too easy for us to spend if the money remains in the General Fund.

Mr. Meredith stated that he is opposed to this resolution. He said that we are going through the sale of Countryside and referenced a letter from Senator Bonacic about medicare saving in 2006. He believes that this is one way we can start to save the taxpayers' money. Further, he realized he voted on resolutions to spend money but, said that he puts his trust in the Finance Committee. In addition, he felt that the 2006 budget should not reflect an increase in the tax levy.

Mr. Ryan stated that he is going to vote no and explained that the biggest complaint is that there is no business in our county. He suggested the best way to help the people of the county is to put the \$4.6 million in the hands of the people who are going to spend it. He noted that passing the resolution to put office space in the old jail could be debatable, the people should have the option of how to spend their money.

Mr. Woodford referenced the fifth "Whereas" of the resolution pointing out that it has been decided to continue to use the sales tax as a means to help keep the property tax levy down.

Mr. Donnelly, stated that he agreed with everything that has been said. He said he voted to sell Countryside because he believed that it was the right thing to do for the people of Delaware County. He further stated if it was known that the county had \$8 million in a separate fund he did not believe that there would have been a vote to sell Countryside.

Budget Director Mr. Hanley, advised that part of the offset to medicaid is going to be the county giving back to Albany part of the sales tax money. He noted that the county is looking at major problems with the highways throughout the county and the repairs will have to be funded somehow. If this resolution does not pass, the sales tax dies in November, adding the county will lose sales tax revenue for 2006 and 2007 and then will have to go back and reapply. He stated that in his opinion it would not be a good idea to let this go.

Mr. Bachler referenced the fact that this is another not-prefiled resolution and that he did not have a chance to review it. In his opinion, we have to vote for this, we still do not have a good handle on our money. He stated that he is in agreement with Mr. Thomas that some money should be put aside for capital projects, noting the roof on the highway building is need of repair. Further, to vote no at this point when we do not even know for sure that the sale of Countryside is even going to go through might leave the county short of money. What he does not want is to come to the people at budget time with a 20% plus tax levy. What he wants to see is taxes go down and see an even lower tax levy for 2006. Mr. Bachler suggested that possibly \$1 million a year could go into a Capital Projects Reserve Fund.

Mr. Utter stated that he is in agreement with Mr. Thomas, adding in his years he has seen the Fund Balance gradually depleted over the years, adding we may have a chance with the sale of Countryside to get Delaware County headed in the right direction financially. He said that he has established Capital Reserve Funds in his own town.

Mr. Meredith stated that he has heard Mr. Thomas' request for a Capital Reserve Sales Tax before and it has not been done, adding he is still opposed to this resolution.

Mr. Shelton agreed with Mr. Thomas, we should put as much money as we can into a Capital Reserve Fund. He said that the county has not built a new road in many years.

Mr. Donnelly stated that he will bring this up at the next Finance Committee Meeting. He said that we are constantly robbing the Department of Public Works for money to reduce the tax impact on the taxpayers. This year we gave back some of that money with the found money, adding you can't build roads without money.

Ms. Freyer stated if she believed that this money was going to the Department of Public Works she would support it, however, that is not how the resolution is written. She stated once this is voted on she will have no idea where the money will go.

Mr. Hanley stated this resolution has been approved by the Assembly and must remain as it is written. He explained that this resolution is intended to allow the county to continue to collect the additional 1% sales tax, it is not directing how the money will be spent, adding that

that will be part of the budget process.

Mr. Maddalone stated that the Finance Committee should be given the benefit of the doubt that they will do what is best for the county and we should give them credit for doing that.

Mr. Marshfield stated that the request for sales tax is renewable every two years and we are under the gun here. He noted that the sale of Countryside is not a done deal and if the deal fell through the county would be in quite a financial situation. He agreed with Mr. Thomas that a Capital Reserve Fund should be set up. He did not feel a decision had to be made tonight on how to spend the money, and agreed that the roads in Delaware County have taken quite a beating from the storm. He added that we've got a lot better highway roads than some of the surrounding counties. He also suggested that we can revisit sales tax again in two years and adjust accordingly.

Mr. Hanley stated that he received a call from Assemblyman Crouch's office stating this resolution needs to be adopted as soon as possible in order for it to be passed by the Assembly. He forewarned that he has been asked to look at the bill for firemen exemptions which will provide tax relief to volunteer firemen and EMS workers at the County level that may come before the Board as a not-pre-filed resolution due to time restraints.

Mr. Utter asked Mr. Marshfield if the sale of Countryside goes through what would the positive reaction be for 2005. Mr. Marshfield stated that depends on the time of sale, adding it could have no impact for 2005. He further stated that the county is losing \$10 thousand dollars a day.

Ms. Freyer questioned if this resolution needed to be passed tonight. Mr. Hanley advised that it did.

The resolution was adopted by the following vote: Ayes 3546, Noes 755 (Ryan, Meredith), Absent 505 (Row, Eisel).

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

RESOLUTION NO. 110

TITLE: INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING DESIGNATED THIRTY- DAY PERIOD FOR ANNUAL AGRICULTURAL 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 from January 31, 2005 to March 1, 2005 in which a 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 to

verified that each parcel proposed is “viable agricultural land”, and meets the eligibility requirements for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing, Wednesday, April 13, 2005 at 6:45 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi N.Y. 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; and

WHEREAS, the Delaware County Board of Supervisors has authorized the preparation of an Agricultural Environmental Assessment form as required by § 303-b of the Agriculture & Markets: Agricultural Districts Law

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby adopt the inclusion of the following properties into Agricultural Districts Nos. 6, 8, 9 & 12.

Agricultural District # 6: Tax ID# 451-1-12.2 (80.39ac.), Tax ID# 451-1-12.1 (79.38ac.)

Agricultural District # 9: Tax ID# 194-1-5.4 (59.6ac.)

Agricultural District # 8: Tax ID# 103-1-60 (6.04ac.), Tax ID# 103-1-59 (6.22ac.)

Agricultural District #12: Tax ID# 118.-1-28.1 (40.5 ac.), Tax ID# 96-1-26 (68 ac.)

The resolution was seconded by Mr. Smith.

In answer to Mr. Marshfield, Mr. Bachler stated previously there was a 10 acre minimum but, that was lowered to 5 acres. He noted being part of an Agricultural District provides protection under the Agricultural District Law.

The resolution was unanimously adopted.

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

RESOLUTION NO. 111

TITLE: IN SUPPORT OF SENATE BILL NO. 265 PERTAINING TO RECREATIONAL AND HISTORIC LAND USE REGULATIONS

WHEREAS, the Catskill Mountain Region is a recreational haven which encompasses parts of five counties, including approximately 55% of the land mass in Delaware County; and

WHEREAS, the City of New York owns numerous parcels of land within the Catskill Mountain Region and endeavors to acquire substantially more; and

WHEREAS, much of that land is opportune for recreational activity and has historically supported such activities; and

WHEREAS, not all historical recreational uses are currently being allowed to continue by New York City; and

WHEREAS, the renewed recreational use of this land will encourage tourism in the Catskill Mountain Region; and

WHEREAS, the City of New York has entered into a historic partnership with the communities of the Catskills that endorses tourism as a primary economic engine of the region as part of a plan to continue to supply the City of New York with the cleanest unfiltered drinking water in the world; and

WHEREAS, in spite of that partnership, the City of New York has proposed regulations for recreational use of lands and water within the New York City Watershed that will hinder tourism and economic vitality.

NOW, THEREFORE BE IT RESOLVED, that the County of Delaware supports Senate Bill No. S265 sponsored by Senators John J. Bonacic and James L. Seward which would require the Department of Environmental Conservation to review submittals of a municipality which acquires land outside its boundaries to ensure recreational access is available on such property

BE IT FURTHER RESOLVED, the Delaware County Board of Supervisors send copies of this resolution to Governor George Pataki; Senator John J. Bonacic; Senator James L. Seward; Senator Joseph L. Bruno; Assemblyman Clifford W. Crouch; Assemblyman Daniel L. Hooker; DEP Commissioner Emily Lloyd; Coalition of Watershed Towns Chairman Patrick Meehan; DEC Commissioner Denise M. Sheehan; Director of the CWC Alan Rosa; Director of Watershed Protection Partnership Council William Harding.

The resolution was seconded by Mr. Thomas and Mr. Utter and unanimously adopted.

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

RESOLUTION NO. 112

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,303,195.11 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	\$801,156.11
Countryside Care Center	\$182,554.71

OET	\$5,020.53
Capital Projects: Courthouse Roof	\$14,610.15

Highway Audits, as Follows:

Road	\$117,214.09
Machinery	\$77,631.91
Capital Road & Bridge	\$41,218.39
Capital Solid Waste	\$40,101.35
Solid Waste/Landfill	\$23,687.87

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4301, Nos. 0, Absent 505 (Rowe, Eisel).

Vice Chairman Molé made the following appointments:

Workforce Investment Board (WIB):

- Glen Nealis, Director of Economic Development as a member of the Finance Committee and Executive Committee.

Delaware County IDA Board:

- Joan Lawrence Bauer, Executive Director of M-ARK Project

Community Services Board:

- Joanne Sampson, Aide to Congressman Sweeney

Vice Chairman Molé noted a Governmental Affairs Committee will be established in order to have more of an active voice in Albany when issues and concerns arise. She announced the core group will represent Delaware County and added that department heads will be brought in depending on the issue and their expertise. The following individuals were appointed to the committee:

- Supervisor Lucille Freyer, to serve as chairperson
- Jim Thompson, Chairman of the Delaware County IDA and a member of the Delaware County Chamber Governmental Affairs Committee.
- Glen Nealis, Director of Economic Development

Mr. Donnelly referenced the press release on each of the Supervisors' desk announcing that Senator Bonacic will address Recreational Land Use Regulations at the Delaware County Chamber's Business after Business Hours meeting on Wednesday, April 20, 2005 at the Old Schoolhouse Inn from 5:30 p.m to 8:00 p.m. He invited any one interested to attend this informational meeting.

Upon a motion, the meeting was adjourned at 8:50 P.M.