

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**APRIL 27, 2005**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 27, 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 except Ms. Molé.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented. Mr. Thomas referenced page 16 of the April 13<sup>th</sup> minutes and asked for clarification on the bills that needed to be paid on the renovations for the old jail. Budget Director Joe Hanley advised they consisted of asbestos removal, engineering report, and metal testing.

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

Chairman Eisel granted privilege of the floor to Mr. Thomas who introduced Commissioner of Social Services William Moon. Commissioner Moon stated it is time to think about the Summer Youth Employment Program that the Board sponsors annually. He referenced the packet on each of the Supervisors' desk containing an informational guide for the process of selecting an individual from each town to participate in the Summer Youth Employment Program. He noted the program is expected to begin the end of June and offered his assistance if needed.

For Standing Committee Reports, Mr. Bachler announced a workshop to be held on Wednesday, May 5, 2005 at 11:15 A.M. at the SUNY Delhi Alumni Hall on the topic of producing organic products. The workshop is being sponsored by the Watershed Agricultural Council and is part of Senator Hilary Clinton's "Farm to Fork" initiative to help farmers achieve a higher income. He noted that representatives from Senator Clinton's office and Horizon Organic will be in attendance.

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

## RESOLUTION NO. 113

### TITLE: IN MEMORY OF ARRETTA EARLY

**WHEREAS**, Arretta Early, passed away on April 17, 2005, having served as the Assistant Clerk of the Board of Supervisors from 1965 to 1981 and as Clerk of the Board of Supervisors from 1981 until her retirement in 1991; and

**WHEREAS**, she was recognized for her hard work, knowledge, and dedicated service to the County;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors extend their sincere sympathy to her family; and recognizes with gratitude her many years of loyal service and contribution to the Delaware County Board of Supervisors and the many residents of this County.

The resolution was seconded by Mr. Thomas.

Mr. Thomas stated that Mrs. Early was a wonderful lady, always there to take care of matters in a very caring way. He said he was happy to see her at a Board Meeting not to long ago, adding he appreciated all she did for Delaware County.

Mr. Bachler stated that he was privileged to be on the Board with Mrs. Early for three years, adding she was very kind, super organized and just a kind lady. He said he was also glad for the opportunity to see Mrs. Early and noted that she will be missed by Delaware County.

Mr. Hynes called Mrs. Early a special gem. He commented that he knew very little of county government when he first came on the Board and that Mrs. Early helped him with whatever he needed. He added it seemed she knew everything and always found the proper answer to any question. Mrs. Early was a dedicated Delaware County worker and will be missed.

Mr. Shelton said that Mrs. Early was well educated and knew her job, she was very helpful and organized. He added that she was very important to the budget process, adding he could not have done it all those years without her.

Chairman Eisel said that he had not had the privilege of working with Mrs. Early, however, he had talked with her on occasion and she was a very pleasant lady.

Ms. Freyer stated that she turned to Mrs. Early several times when she first became Town Supervisor. Further stating that Mrs. Early did not always agree with what she had to say but, would always say "you were the one that was elected to the Board. You know far more than I do, just do the best job you can." Mrs. Early was a strong Republican always willing to do whatever was needed. She will be missed.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 114**

**TITLE: PROCLAMATION OF MAY AS MENTAL HEALTH MONTH  
DEPARTMENT OF MENTAL HEALTH**

**WHEREAS**, emotional disorders will strike one in four Americans every year regardless of age, gender, race, ethnicity, religion, or economic status; and

**WHEREAS**, mental health problems affect all ages including children, adults and senior adults; and

**WHEREAS**, one in five children suffer from a diagnosable mental health disorder and one in ten have a serious disorder which, if left untreated, can lead to school failure, juvenile delinquency, substance abuse, and even suicide; and

**WHEREAS**, senior adult males are the most likely age group to commit suicide and are one of the least likely population groups to seek treatment for depression; and

**WHEREAS**, the guiding principles of community-based mental health care have always been comprehensive, cost-effective, well managed, high quality consumer responsive services; and

**WHEREAS**, the Delaware County Community Services Board celebrates Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and the stigma that still exists pertaining to persons with emotional disabilities;

**NOW, THEREFORE BE IT RESOLVED** that the Delaware County Board of Supervisors proclaims May 2005 as MENTAL HEALTH MONTH in Delaware County, and desires all residents of the County to become educated about the benefits and importance of good mental health care and to seek services for emotional problems early from mental health professionals.

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

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

**RESOLUTION NO. 115**

**TITLE: DESIGNATION OF MAY AS ONE STOP CAREER CENTER MONTH  
EMPLOYMENT AND TRAINING**

**WHEREAS**, the Workforce Investment Act of 1998 authorizes the Chenango-Delaware-Otsego (CDO) Workforce Investment Board and Chief Local Elected Officials of Chenango, Delaware and Otsego Counties to identify, designate and Certify One-Stop Career Centers within local Workforce Investment Area; and

**WHEREAS**, the CDO Workforce Investment Board provides federal Workforce Investment Act funds for the operation of the certified One-stop Career Centers located in (Oneonta, Norwich, Delhi and Sidney); and

**WHEREAS**, the One-stop Career Centers provide valuable demand driven employment and training services and resources to job seekers and employed workers within Chenango, Delaware and Otsego Counties; and

**WHEREAS**, the One-stop Career Centers seek to coordinate federal Workforce Investment Act funds and local resources to target populations such as veterans, youth, older workers, individuals with disabilities, and individuals receiving temporary public assistance benefits; and

**WHEREAS**, the One-stop Career Centers assist job seekers to identify career directions, acquire skills and training, find employment, and assist business to locate skilled employees and upgrade the skills of their existing workforce; and

**WHEREAS**, since the Certification in 2002, the Career Centers have provided value added services to job seeker and businesses. Since July, 2003 with the initiation of the present data tracking system, the One-stop Centers have assisted 3,961 people find employment and 973 businesses with their recruitment and skill upgrade needs; and

**WHEREAS**, May of each year, commencing with May of 2005 will henceforth be known as One Stop Career Center Month in New York State;

**RESOLVED**, that the Delaware County Board of Supervisors declares May to be Delaware County Career Centers Month to acknowledge the achievements and the valued services the CDO Workforce employment and training services to the citizens of this community.

**RESOLVED**, that we express our appreciation for all the hard work that is involved in providing workforce services and contributing to the economic health of our community, and we offer our sincere wishes for the continued success of the Delaware County Career Centers.

The resolution was seconded by Mr. Hynes.

Chairman Eisel stated that Director of Employment and Training Teddie Storey and her staff work very hard and do a very good job.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 116**

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

**LETTING OF APRIL 12, 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 award, pending approval from NYSDOT, to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 26-05 Replacement of BR 60 to: New Century Construction, LLC  
PO Box 9144  
Albany, NY 12209

Bid Price: \$1,465,000.00

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 and Mr. Woodford.

Mr. Utter noted this bridge is located in Franklin. He added that the project will receive state and federal funding with 5% Delaware County funding.

The resolution was adopted by the following vote: Ayes 4740, Nos. 0, Absent 66 (Molé).

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

**RESOLUTION NO. 117**

**TITLE: ELIGIBILITY FOR REGISTERED NURSES ENGAGED IN DUAL  
EMPLOYMENT  
COUNTRYSIDE CARE CENTER/PUBLIC HEALTH**

**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**, Registered Nurses at Countryside Care Center or Public Health are considered as worthy candidates for positions at Public Health or Countryside Care Center; and

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

**THEREFORE, BE IT RESOLVED**, those employees that require a Registered Nurse License working for Countryside Care Center or Public Health may work as part-time employees of Public Health or Countryside Care Center 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. Bracci and unanimously adopted.

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

**RESOLUTION NO. 118**

**TITLE: SUPPORT FOR THE APPROPRIATIONS OF \$15 MILLION FOR SAFE DRINKING WATER ACT IN FISCAL YEAR 2006 DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, on January 21, 1997, New York State, the City of New York, USEPA, environmental groups and upstate communities located in the watershed of the City of New York, including Delaware County, signed an historic Agreement to provide for the continued protection of the drinking water of New York City and Westchester County; and

**WHEREAS**, this Agreement also provides for environmentally sound economic growth for the upstate Watershed communities and farmers; and

**WHEREAS**, the New York City Watershed Agreement was designed to save federal, state and local governments up to \$8 billion by avoiding the costs of constructing filtration plants that otherwise would be needed to safeguard this critical water supply, as well as the significant operation and maintenance costs which would be incurred if these filtration plants were constructed; and

**WHEREAS**, 51% of the New York City Watershed west of the Hudson River is contained within the boundaries of Delaware County; and

**WHEREAS**, over half of Delaware County's land mass is within the boundaries of the New York City watershed posing significant economic challenges for one of the poorest counties in New York State to comply with the MOA and assist in protecting the water supply of nine million water consumers; and

**WHEREAS**, without the commitment of annual federal financial assistance, we would not have been able to sign this Agreement; and

**WHEREAS**, the appropriations which Congress makes available each year are greatly appreciated, and are used to implement projects which help to ensure that the safety of the drinking water supply is not compromised, as well as enhancing our local economy.

**NOW, THEREFORE BE IT RESOLVED**, the Delaware County Board of Supervisors urge your support for an appropriation of \$15 million to fund the United States Environmental Protection Agency for a sophisticated and effective monitoring program for the New York City Watershed; and

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be forwarded immediately to Governor George Pataki, Mayor Michael Bloomberg, Honorable Charles H. Taylor, Honorable Norman D. Dicks, Honorable Sue Kelly, Honorable Nita M. Lowly, Honorable Maurice D. Hinchey, Honorable John E. Sweeney, Honorable Conrad Burns, Honorable Byron L Dorgan, Honorable Charles E. Schumer, and Honorable Hillary Rodham Clinton.

The resolution was seconded by Mr. Thomas.

Commissioner of Watershed Affairs Dean Frazier said that every year the funding available for the Safe Drinking Water Act has to be re-appropriated. The language in the resolution indicates the impact that the New York City Watershed has on Delaware County and noted that 51% of the watershed west of the Hudson River is contained within Delaware County.

He referenced the packet on each of the Supervisors' desk containing a choice of letters to be faxed by each Board Member on behalf of their town to the people listed in the resolution. Commissioner Frazier pointed out that Delaware County has received in excess of \$2 million over the last four to five years and those funds have contributed in a big way to everything we have done relative to the Delaware County Action Plan. He further stated that it represents we can manage our own affairs very well at the local level.

In answer to Chairman Eisel, Commissioner Frazier stated that the Appropriations Committee will be meeting on May 4, 2005. The letters if mailed would not be received in time to be seen by the committee. It is important that they are faxed so they can be filed in time.

Commissioner Frazier noted that Delaware County is the largest municipality receiving funds from the Safe Drinking Water Act west of the Hudson.

In response to Chairman Eisel, Commissioner Frazier stated that he has not heard that the 2006 funding would be cut however, funds were cut in 2005.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 119**

**TITLE: OPPOSITION TO NEW YORK STATE LEGISLATION THAT WOULD PROVIDE THE NEW YORK STATE DEPARTMENT OF CONSERVATION WITH REGULATORY AUTHORITY OVER FRESHWATER WETLANDS OF ONE ACRE OR MORE  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, Delaware County is currently an active participant in watershed management in all the waterways of the County; and

**WHEREAS**, Delaware County supports prudent water quality initiatives; and

**WHEREAS**, Delaware County recognizes that the intent of New York State Senate bill S2081 and New York State Assembly bill A02048 is to increase the regulation of freshwater wetlands from those larger than 12.4 acres in size to include wetlands of any size that are isolated from the waters of the United States; and

**WHEREAS**, Delaware County is deeply concerned about the impact of this proposed legislation on the work being done on a daily basis by the Department of Public Works and Department of Watershed Affairs, and on the work being done by the Delaware County Soil and Water Conservation District; and

**WHEREAS**, as a rural county in New York State, a greater and greater proportion of our highway budget is spent on permitting and administration; and

**WHEREAS**, the Delaware County Soil and Water Conservation District are heavily involved in projects involving stream stabilization, riparian buffers, critical area seeding along roads, stormwater improvements highway maintenance and clearing of vegetation along roadside to improve site distance and visibility; and

**WHEREAS**, the economic consequences of regulating within a 100 feet buffer of every wetland regardless of its size along county and town roads would substantially impact our ability to do all of the above activity and, at a minimum, significantly increase the cost of these activities; and

**WHEREAS**, other activities such as subdivision, stormwater management, septic systems, grading, seeding, planting will also be affected.

**NOW, THEREFORE BE IT RESOLVED**, Delaware County request that the Senate not act on this legislation until a thorough analysis of the financial impacts and environmental impacts of this legislation have been evaluated in a report and that report has been subject to peer review; and

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be forwarded

immediately to Governor George Pataki, Honorable John J. Bonacic, Honorable James L. Seward, Honorable Thomas W. Libous, Honorable Clifford Crouch, Honorable Daniel Hooker, Honorable Thomas DiNapoli, and Honorable Carl Marcellino, Honorable Joseph L. Bruno.

The resolution was seconded by Mr. Hynes.

Commissioner Frazier explained that State legislatures are looking to expand their regulatory authority over wetlands reducing the current New York State regulation of 12.4 acres or larger down to one acre. Under the Department of Environmental Conservation (DEC) law wetlands also include a 100 foot buffer around the acre, adding about 2.8 acres to the one acre. The concern, he said, is that equates to a great deal of unusable land. He also pointed out that isolated wetlands, any wetland not connected to any other water body, would also fall under this new legislation. Commissioner Frazier advised that the Assembly has already passed the bill and the bill has been passed on to the desk of Senator Bruno. He further stated that the Governor is seeking support for a similar wetlands bill.

Chairman Eisel said with the new regulation it is conceivable that a ditch could now be considered a wetland. He remarked that this discussion was also had with the Army Corps when they reduced down to an acre.

Commissioner of Public Works Wayne Reynolds remarked that the Army Corps very proudly controlled all wetlands down to a pie plate, adding thank goodness the courts ruled that isolated wetlands could not fall under those regulations. That really helped us because everyone of the county's 272 bridges crosses a wetland. This change in regulatory authority is a big issue for DPW as a lot of our roadside ditches are adjacent to wetlands, adding the DEC could make a point of saying the ditch is part of the wetland.

In answer to Chairman Eisel, Commissioner Reynolds said that his counterparts outside of the watershed do not have the same issues, adding we work closely with the Army Corps and DEC because a lot of things come to light in the New York City Watershed that don't in other counties. When issues of wetlands get brought up at meetings people think he's nuts to involve the Army Corps and DEC, they don't appreciate the extra level of regulatory scrutiny faced in Delaware County.

Mr. Utter commented on the increased cost of clerical work. He referenced a time he was working on a bridge project with the Army Corps and heard Commissioner Reynolds say that he would have to put on another person to get all the clerical work done.

Chairman Eisel remarked our legislatures do not have a clue about some of the bills they are passing. He said the new Government Affairs Committee will be meeting and maybe we can get to the legislatures before they put a bill number on the regulation. He commented this is very frustrating, they have so many people employed they look for things to regulate.

Mr. Utter told of a time when he was working on a bridge and you could no longer use a conservation mix, you had to use a wetland mix, to seed down the ground that had been

disturbed. He said when the wetland seed mixture was located the cost was \$100 per pound for goldenrod and other types of weeds, in comparison to \$5 to \$25 per pound for the conservation mix.

Chairman Eisel remarked this is serious stuff and thanked Commissioner Frazier for sharing his concerns with the Board.

The resolution was unanimously approved.

Upon a motion the meeting was adjourned for a short recess and reconvened with all Supervisors present except Ms. Molé.

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

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

**RESOLUTION NO. 120**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$810,615.42 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	\$463,195.15
Countryside Care Center	\$64,171.88
OET	\$3,707.90
Capital Projects: Courthouse Roof	\$14,732.93
Capital Projects: Jail	\$9,703.76
Highway Audits, as Follows:	
Road	\$33,329.01
Machinery	\$48,239.63
Capital Road & Bridge	\$14,074.32
Capital Solid Waste	\$102,548.74
Solid Waste/Landfill	\$56,912.10

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4740, Nos. 0, Absent 66 (Molé).

Chairman Eisel made the following appointments to the Youth Bureau Board of

Directors:

- Ivy Kough, student at Delaware Academy
- Lisa Barrows, Stop DWI Coordinator

Clerk of the Board Christa Schafer stated that Commissioner Frazier would e-mail copies of the letters to her office and offered to prepare the letters on town letterhead for faxing for each of the Board Members.

Chairman Eisel thanked Vice Chairman Molé for filling in for him in his absence.

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