

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 11, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 11, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read a letter of thanks from Loretta Babcock Employee of the Month for March 2005 thanking the Board for honoring her and for the Savings Bond.

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

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Executive Director of Soil and Water Conservation District Rick Weidenbach and Stream Coordinator Scott Gladstone.

Mr. Weidenbach stated that tonight's presentation is a continuation of four public meetings on the Stream Corridor Management Plan that the Soil and Water Conservation District has prepared over the last four years for the West Branch Delaware River and its Corridor. He explained that New York City wants to manage the stream corridor and in fact has been asked to. He said the option we have is that we can manage this resource ourselves.

Mr. Gladstone referenced the handouts outlining the powerpoint presentation and the Stream Corridor Plan Recommendations placed on each Supervisors' desk. He noted that the project began in December of 2000 and consists of 353 square miles with 662 stream miles.

The presentation outlined the program's goals and expectations and discussed the 14 recommendations in the draft packet. The responsibility of the Soil and Water Conservation District, he explained, is to facilitate the plan's recommendations, continue to work with all DCAP partners, Watershed Agricultural Council and Catskill Watershed Corporation partners on identified water quality initiatives, facilitate partnerships between government, watershed

associations and communities, provided technical assistance and training to watershed associations and organizations and to initiate public education and outreach. It was pointed out that communities must take responsibility for stream stewardship, sponsor community based projects, facilitate partnerships between government, watershed association and communities, form watershed associations to work with all agencies, and facilitate public education and outreach.

Mr. Utter referenced the slide depicting what is referred to as a problematic gravel bar and recommended adding another paragraph to the draft that advocates the removal of such gravel bars. He stated that if this gravel bar had been removed the water would not have been diverted cutting out hundreds of tons of soil. Many such problematic gravel bars exist throughout the county.

Mr. Weidenbach agreed and noted the particular gravel bar referenced in the presentation will cost approximately \$500,000 to fix because the gravel bar was not removed. He encouraged the Board to make the recommendation of adding another paragraph to the plan as referenced by Mr. Utter.

Mr. Utter remarked that the proper authorities were approached about cleaning up this gravel bar when it would have cost approximately \$2,500 and were refused permission. Now the gravel bar has done immeasurable damage. Mr. Marshfield noted that as a result there are problems further downstream.

Mr. Bachler commented on the amount of silt that must have gone downstream, adding if New York City is concerned about water quality they should pay for it.

Mr. Weidenbach commented that a long term stream maintenance program is needed and encouraged the Board of Supervisors to adopt this plan as a starting point.

In response to Mr. Thomas, Mr. Weidenbach said in the past we have not had a science based approach, adding he believes that the agencies involved will approve of this concept. He explained that Mr. Gladstone's team has the expertise to remove the gravel bars and reconstruct the channel. Mr. Thomas pointed out that we have had three major floods in six months.

Mr. Donnelly suggested that a copy of the draft plan be sent to our congressmen and senators as that is where the money is going to come from, adding we have none here.

In response to Mr. Utter, Mr. Weidenbach suggested that Chairman Eisel provide a letter acknowledging the Board's support of the plan along with the resolution that will be presented tonight.

In response to Mr. Thomas, Mr. Gladstone said the material removed from the streams would make an excellent road base.

Mr. Weidenbach stated that the authorities would never allow berming out the streams as the increase in water velocity would create problems somewhere else. However, he felt confident that removing the gravel bank and reconstructing the stream would be an acceptable approach.

Mr. Marshfield remarked that brooks from Delhi to Walton have changed or left their course. He commented that you used to be able to take gravel out and keep the brooks cleaned up but, they are slowly filling up so when flooding occurs we run into troubles. He stated that homeowners in his town are obtaining permits to try and fix their own problems, agreeing that there has to be a plan.

Mr. Weidenbach explained that stream maintenance is a never ending process, adding that the DEP is committed to bring this down to the local level.

Mr. Marshfield remarked that he agreed with Mr. Bachler, that the City of New York should kick in major dollars to clean up these streams.

Mr. Rowe commented that he would like to see this extend beyond the watershed towns, adding that there are big problems in Hancock and there is no funding. Mr. Weidenbach stated that it will be a long process, however, DCAP is committed to the entire county not just the watershed towns.

In response to Mr. Rowe, Mr. Weidenbach agreed that the Japanese Knotweed is miserable and explained that it appears the banks are very well vegetated but the Japanese Knotweed has no root structure so it doesn't hold the bank well. He noted that New York City is funding research in that area.

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

RESOLUTION NO. 121

**TITLE: HOME ENERGY ASSISTANCE PROGRAM
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 utilized to reimburse the county at 100% of its expenditures

THEREFORE, BE IT RESOLVED that the 2005 Social Services budget be modified as follows:

REVENUE:

10-16141-44464100/6141005/971	HEAP	\$100,000.00
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APPROPRIATIONS:

10-16141-54342010/6141005/971	HEAP Emergency	\$50,000.00
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10-16141-54342040/6141005/971	HEAP NPA	\$50,000.00
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The resolution was seconded by Mr. Marshfield.

Mr. Thomas stated this is money flowing through the county received from the federal government.

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

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

RESOLUTION NO. 122

**TITLE: BUDGET MODIFICATION
SEALER OF WEIGHTS & MEASURES**

WHEREAS, the computer used by the Sealer of Weights and Measures was purchased in the year 2000 and is no longer operational and can not be repaired; and

WHEREAS, the State will match 50% of the cost to purchase a computer that meets their software requirements; and

WHEREAS, the Sealer of Weights and Measures equipment account is in need of funds to purchase a computer

THEREFORE, BE IT RESOLVED that authorization is hereby given to purchase a computer at a cost not to exceed \$2,000; and

BE IT FURTHER RESOLVED that the following budget modifications be authorized:

INCREASE REVENUE

_____ 10-16610-43378900	State Otr. Economic Assistance & Opportunity	\$1,000.00
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DECREASE APPROPRIATION

_____ 10-11990-54900000	Contingency	\$1,000.00
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INCREASE APPROPRIATION

10-16610-52200000 Sealer of Weights & Measures Equipment \$2,000.00

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

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

RESOLUTION NO. 123

**TITLE: EXPENDITURE OF FUNDS
COUNTY INSURANCE**

WHEREAS, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2005, incidental liability claims, administrative costs and continued funding of the insurance reserve account

NOW, THEREFORE, BE IT RESOLVED that the following expenditures are authorized:

FROM:

10-11325-54630000	County Treasurer	\$800.00
10-11410-54350200	County Clerk	\$5,400.00
10-11620-54350200	Buildings	\$1,200.00
10-11620-54350200/1620001/ 975	Buildings (ARC)	\$5,900.00
10-13110-54350200	Sheriff	\$34,810.00
10-13140-54350200	Probation	\$17,650.00
10-13144-54350200	Probation CSS	\$400.00
10-13150-54350200	Jail	\$40,000.00
10-13315-54350100	STOP DWI	\$400.00
10-13640-54350200	Emergency Services	\$1,000.00
10-14010-54350200	Public Health Nurses	\$14,000.00
10-14010-54350200	Public Health Nurses (Auto)	\$5,181.00
10-14012-54350200	Public Health Nurses	\$1,649.00
10-14189-54350200	Emergency Medical Services	\$525.00
10-14310-54350200	Mental Health Clinic	\$10,000.00
10-14311-54350200	Community Support Program	\$2,000.00
10-14313-54350000	Kendra's Law	\$1,000.00
10-14317-54350200	Alcoholism	\$4,500.00
10-14321-54350200	Expanded Mental Health Program	\$500.00
10-16010-54350200	Social Services	\$40,000.00

10-16326-54350200	Economic Development	\$550.00
10-16510-54350200	Veteran's Service Agency	\$1,180.00
10-16610-54350200	Sealer of Weights & Measures	\$390.00
10-16772-54350200	Office for Aging	\$2,600.00
10-18020-54350200	Planning Department	\$1,275.00
10-18740-54350200	Watershed Affairs	\$400.00
42-68350-54350000	Countryside Care Center	\$52,000.00
26-15130-54350200	Highway Department	\$95,000.00
22-18160-54350200	Solid Waste	\$25,000.00
Total		\$365,310.00

INCREASE REVENUE:

10-19000-42280100	Interfund Revenue Insurance	\$365,310.00
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INCREASE APPROPRIATION:

10-11910-54350200	Unallocated County Insurance	\$365,310.00
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BE IT FURTHER RESOLVED, that any unexpended year end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating Transfer (out) for transfer to the Insurance Reserve Fund.

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

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

RESOLUTION NO. 124

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

LETTING OF MAY 3, 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. SW4-05 Steel Doors and Frames to:	Williams Doors & Hardware, 535 Vestal Parkway West,
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Vestal, NY 13850

Bid Price: \$33,000.00

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. Rowe.

In reply to Mr. Thomas, Mr. Utter stated that this resolution is for 34 doors and one of them being a double door for the Compositing Facility.

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

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

RESOLUTION NO. 125

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY BUILDING AND MAINTENANCE**

LETTING OF APRIL 21, 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 Building and Maintenance Department is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. BM 01-05 Delaware County Court
House Roof Replacement and Restoration to:

Mid-State Industries, Ltd.
1105 Catalyn Street
Schenectady, NY 12303

Bid Price: \$299,000.00

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. Woodford.

Mr. Thomas questioned if this bid included painting the cupola. In answer, Chairman Eisel stated that painting and restoration of the cupola was included in the bid.

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

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

RESOLUTION NO. 126

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending September 30, 2005;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261.

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

<u>Town</u>	<u>Amount Allocated to Tax District</u>	<u>Amount Apportioned to Town</u>	<u>Amount Apportioned To Village</u>
Andes	\$20,819.42	\$20,819.42	
Bovina	\$12,447.27	\$12,447.27	
Colchester	\$18,944.90	\$18,944.90	
Davenport	\$34,315.44	\$34,315.44	
Delhi	\$35,690.99	\$30,443.89	\$5,247.10
Deposit	\$10,126.53	\$9,426.56	\$699.97
Franklin	\$17,677.04	\$16,846.96	\$830.08
Hamden	\$12,959.50	\$12,959.50	
Hancock	\$32,741.14	\$29,598.88	\$3,142.26
Harpersfield	\$22,974.09	\$20,369.45	\$2,604.64
Kortright	\$16,663.05	\$16,663.05	
Masonville	\$8,903.11	\$8,903.11	

Meredith	\$16,826.52	\$16,826.52	
Middletown	\$95,410.78	\$83,492.01	FL \$2,875.10
			MV \$9,043.67
Roxbury	\$61,911.68	\$61,911.68	
Sidney	\$44,211.67	\$31,010.28	\$13,201.39
Stamford	\$23,654.33	\$18,346.95	ST \$2,337.73
			HO \$2,969.65
Tompkins	\$9,114.33	\$9,114.33	
Walton	\$57,031.44	\$46,239.78	\$10,791.66
Totals	\$552,423.23	\$498,679.98	\$53,743.25

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

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

RESOLUTION NO. 127

**TITLE: AUTHORIZATION FOR DISPOSITION OF
PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE
OFFICE FOR THE AGING**

WHEREAS, §215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use

THEREFORE, BE IT RESOLVED, that the following be authorized to be sold by sealed bid:

Office for the Aging

#I-3 - 1994 Blue Bird Bus Vehicle Identification Number: 1BAGHBSAXRF060428

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

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

RESOLUTION NO. 128

**TITLE: AUTHORIZATION FOR DISPOSITION OF
PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE
BUILDING AND MAINTENANCE**

WHEREAS, §215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use;

THEREFORE, BE IT RESOLVED, that the following be authorized to be sold by sealed bid:

- 2 - 36" Black Garland Gas Stoves
- 2 - Combination Lock Safes
- 1 - Double Hinged Vault Doors

The resolution was seconded by Mr. Rowe.

Chairman Eisel commented that these items are from the old jail.

The resolution was unanimously adopted.

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

RESOLUTION NO. 129

**TITLE: ADOPTION OF WEST BRANCH DELAWARE RIVER
STREAM CORRIDOR MANAGEMENT PLAN
DELAWARE COUNTY SOIL & WATER CONSERVATION DISTRICT**

WHEREAS, the Delaware County Soil & Water Conservation District has developed a Stream Corridor Management Plan for the West Branch of the Delaware River and its tributaries above the Cannonsville Reservoir; and

WHEREAS, this Plan is a component of the Delaware County Action Plan; and

WHEREAS, this Plan outlines recommendations for the future stewardship and management of streams in the West Branch Delaware River watershed;

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors adopt the West Branch Delaware River Stream Corridor Management Plan as a starting document for the stewardship and management of the West Branch of the Delaware River and its corridor.

The resolution was seconded by Mr. Thomas.

As previously discussed, Mr. Utter recommended the following additional paragraph be included in the Stream Corridor Plan Recommendations: The Stream Corridor Management Program should seek funding for a pilot program to remove problematic gravel bars in streams using available data to design removal to the most probable stream channel dimensions.

Chairman Eisel noted that if this resolution passes, the recommendation will be supported in the form of a letter and sent along with the resolution.

In response to Mr. Hynes, Mr. Gladstone explained the plan is a first draft which is in the process of being updated, adding the document is due to be delivered to New York City by June 1, 2005.

In reply to Mr. Thomas, Mr. Weidenbach confirmed that the draft to the City will include Mr. Utter's paragraph and will be considered the 15th step.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 130

**TITLE: BUDGET MODIFICATION
MEDICAL EXAMINER**

WHEREAS, the Medical Examiner's car radio is in need of replacement; and

WHEREAS, an equipment account needs to be established and a transfer of funds is necessary in order to purchase said radio

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

ESTABLISH ACCOUNT NO.

_____10-11185-52200000_____ Medical Examiner Equipment \$1,390.00

DECREASE ACCOUNT NO.

10-11185-54535000 Professional Fees \$1,390.00

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

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

RESOLUTION NO. 131

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,291,520.10 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	\$570,679.20
Countryside Care Center	\$125,056.97
OET	\$6,706.34

Highway Audits, as Follows:

Road	\$6,843.16
Machinery	\$298,782.44
Capital Road & Bridge	\$38,026.08
Capital Solid Waste	\$232,982.92
Solid Waste/Landfill	\$12,442.99

The resolution was seconded by Ms. Molé and Mr. Rider and adopted by the following vote: Ayes 4806, Nos. 0, Absent 0.

Chairman Eisel made the following appointments to the CDO Workforce Board Investment Board.

- Chris Buckley, Kraft Plant Manager

And, the reappointment of the following members to the CDO Workforce:

- June White, Afton Consortium of Schools
- Elsa McDonald, Labor Representative
- Shirley Finch, Vice President of Human Resources at Sidney Federal Credit Union

Chairman Eisel announced there will be a tour of the Composting Facility before the 1:00

P.M. Board meeting on May 25, 2005. The bus will be leaving the parking lot of the County Office Building at 10:00 A.M. Anyone interested in attending is to contact Clerk of the Board Christa Schafer.

Chairman Eisel announced that he and County Attorney Richard Spinney put together an agreement which has now been signed by Leatherstocking for the sale of Countyside Care Center, adding we are one step closer. The next step for Leatherstocking is to submit their application to the Department of Health. It is believed this will be viewed as a simple transfer and hopefully will not be a long process.

Mr. Thomas stated numerous people have expressed to him their concern regarding the court ruling on the DEP police, adding the actions of the District Attorney are being interpreted as going against the decision of our elected judge with very little in the way of an explanation.

Chairman Eisel stated the District Attorney told him he had to rule on this issue as he would any other case. He stated he is very upset and frustrated with the situation suggesting that we monitor our local courts to see what comes through.

Mr. Utter expressed his disappointment with the decision, adding this is not the first time nor will it be the last time the upstate voters have been sold out by the powers of New York City, adding it started in 1904 with the water act.

Mr. Marshfield also expressed his disappointment. He thanked town of Hamden Judge Merrill and Judge Becker for sticking to the issue of jurisdiction. In his opinion, the Appellate Court lacked the insight to see the issue. He further stated he clearly felt it was an issue that should have been ruled in our favor. Further stating, that this is typical of what comes out of Albany.

In response to Mr. Maddalone, Chairman Eisel said that according to the ruling the watershed region would determine the boundaries, adding that still appears to be a gray area. He pointed out that the recent incident in Franklin was not in the watershed.

Mr. Bracci stated that he spoke with the District Attorney regarding his decision and still does not see the argument he presented to be a valid one.

Chairman Eisel stated that both Judge Merrill and Judge Becker thought the decision would hold up under appeal.

Mr. Ryan stated he understood the issue is under further appeal and suggested that the Board of Supervisors might lend support in the form of a resolution. Chairman Eisel noted that the next court would be the Supreme Court and they hear only one percent of the cases.

Mr. Bachler stated he agreed with the opinions expressed, but also felt that it is not

appropriate for certain individuals driving 80 miles an hour any where to use sentiments regarding the City of New York to get away with a ticket.

Mr. Bracci pointed out that the issues should be separate. Law enforcement and who has the authority is the issue.

Mr. Maddalone remarked that he has never heard of a DEP officer giving a ticket for any speed under 80 miles per hour. Ms. Freyer commented that they have for seatbelts. Chairman Eisel added he has heard of tickets given for signals.

Mr. Utter stated that Delaware County Sheriff Mills told him that a DEP officer was riding with a DEC officer. The DEC officer responded accordingly, the DEP officer was there by happenstance. In his opinion, the mistake was when the DEP officer got out of the car, adding that once out of the car he would have reacted in the same way as the DEP officer. He questioned why before the incident was completely resolved additional DEP officers, referred to as "DEP S.W.A.T. teams" by Mr. Utter arrived on the scene. He expressed concern that we not only have to deal with the DEP officers, but their S.W.A.T. teams too.

Mr. Maddalone commented in the defense of the DEP officers that when a cop is in trouble and needs help the police go, adding that is just what they do.

Chairman Eisel noted that there were two sheriff deputies and three state cops on the scene, the situation was well in hand and the DEP officers were not called in. He also agreed that the DEP officer did the right thing once confronted with the situation. He further stated that he advised the Governor's Council, Senator Bonacic and the New York City Deputy Commissioner that we are not used to this way of life in rural Delaware County, adding their actions were overkill, and felt they might even have a hidden agenda.

In response to Mr. Bracci, Chairman Eisel stated that copies of the Appellate decision will provided to all the Board members.

Chairman Eisel commented to let the word go forth that Delaware County is not happy with that ruling. He further stated that this Appellate group, with the exception of maybe two has never been to Delaware County and if they have they probably do not understand life in rural Delaware County.

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

RESOLUTION NO. 132

TITLE: EXECUTIVE SESSION

BE IT RESOLVED, that the Delaware County Board of Supervisors convene in

executive session to discuss contract negotiations under the Taylor Law.

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

The meeting reconvened in regular session with all Supervisors present.

Upon a motion, the meeting was adjourned at 9:28 P.M.