

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**JUNE 22, 2005**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 22, 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 except Mr. Maddalone.

Mr. Donnelly offered the invocation.

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

Chairman Eisel announced that Mr. Maddalone was attending a meeting at The Hospital in Sidney.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Countryside Care Center Administrator Kurt Apthorpe who introduced Antonia Jetter as Employee of the Month.

Mrs. Jetter began her employment with Countryside in November of 1991. In March, 2000 she left Countryside to work as a Staff Nurse on the Med/Surg floor at O'Connor Hospital. In May, 2003 she was rehired and currently supervises the LPN's and CNA's on Unit 2.

Mr. Apthorpe stated that we are very fortunate to have Mrs. Jetter as part of our care giving team praising her high standards, excellent clinical skills and caring, positive attitude. He cited an example of a decision he had made to use a particular mattress on the residents beds. When he found out that a different mattress was on the beds he questioned the staff. Mrs. Jetter stood up and took responsibility stating her reasons so well he wondered what he was thinking when he made his decision, adding that it is important to him to know that he has people that are willing to speak up and ultimately do what is best for the residents.

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

Mrs. Jetter thanked everyone for the honor, adding she tries very hard. She said that Mr. Apthorpe makes it easy to come to him and express a difference of opinion.

Chairman Eisel granted privilege of the floor to Mr. Smith who introduced his granddaughter Paige Hanselmann as the new Dairy Princess. Mr. Smith also introduced his daughter, Paige's mother, Barbara Hanselmann.

Ms. Hanselman introduced her two Dairy Ambassadors, Alison Kiraly and Miquela Hanselman. She said that she is excited and enthusiastic about her role as Dairy Princess which has already included several school programs. She noted that June is Dairy Month and she will be serving milk punch and crackers at the National Bank of Delaware County in Andes and Franklin. Ms. Hanselman noted at this year's Dairy Fest that she and her Ambassadors made and sold over 1,900 milk shakes with donated milk, noting the introduction of a delicious new milk product with an added 2% protein.

Ms. Hanselmann said that she is very proud to be representing Delaware County and shared a few interesting facts about dairy. She said that approximately 175 dairy farms in Delaware County produce 100 thousand gallons of milk a day. An average farm can produce 16,000 half-pints of school milk a day, adding that one farm can feed every school child in this county at least 2 cups of milk a day.

She thanked the Board for their continued support of dairy in Delaware County and reminded them to get their three servings of dairy a day.

Chairman Eisel announced that Ms. Hanselman and her Ambassadors will be distributing milk and refreshments during recess.

Chairman Eisel introduced District Attorney Dick Northrup who has asked to speak to the Board regarding his decision on the DEP police jurisdiction issue.

Mr. Ryan expressed his opposition to the District Attorney addressing the Board, adding in his opinion it is a misuse of the legislative prerogative. He added he welcomed Mr. Northrup's remarks but, wanted to voice his opposition to the Board.

Mr. Northrup thanked the Board for the opportunity to explain publically the reasoning behind his decision to appeal the County Court ruling on the DEP police jurisdiction issue. He acknowledged the various opinions regarding the issue from the public and from the Board of Supervisors.

The driving force behind his decision, he said was the presence of an issue that would have a significant impact on the lives of the people in this and other counties. He said that he believed the issue needed to be addressed and resolved with finality in a court that has jurisdiction not only in Delaware County but, in all of the counties in the watershed. He indicated that if he had not presented the case before the Court of Appeals it would have been brought by one of the other counties in the watershed with the same issues or it would have been addressed legislatively. He felt the appeal was appropriate because not only did it go beyond the geographical boundaries of Delaware County but, more importantly because the people of this county needed to know whether or not the DEP police should be operating here. He further

stated taking this appeal was the most efficient and effective way to resolve this issue from everyone's perspective.

Mr. Northrup explained he had received numerous calls from residents and other law enforcement agencies in favor of the support provided by the DEP police and calls opposing the presence of the DEP police.

In conclusion, Mr. Northrup said this is not based upon his personal feeling but, it is the primary goal of the District Attorney's office to do justice for the people of this county.

For Standing Committee Reports Mr. Bachler introduced Mariane Kiraly from Cornell Cooperative Extension of Delaware County.

Ms. Kiraly discussed the trends in agriculture in Delaware County based on the 2002 Census of Agriculture and other points of interest regarding local agriculture. She stated that farms have increased in number in Delaware County over the past five years from 718 to 788 of which 497 of the total farms are considered full-time farming operations, while 291 are considered part-time operations. The commercial dairy farms have decreased in number but, increased in size of their operation, while small farms have increased in number. She stated New York State continues to be the third largest milk producing state in the nation and dairy farming is considered Delaware County's "cash cow."

In addition, commercial dairy farms have the highest economic impact on the county. There are more small, subsistence farms that provide a second income and generate some economic activity. There is an increasing interest in direct marketing of fresh produce and value-added products to local and metropolitan consumers as well as a growing interest in locally grown, organic, or grass-fed livestock and other foods. Ms. Kiraly also noted that these trends have generated a demand that the farmers are meeting and has created a need for new kinds of educational programs offered by the Extension.

Mr. Bachler commented that gross receipts from agriculture are still around \$50 million even though we have lost so many dairy farms in Delaware County. Ms. Kiraly noted that \$50 million is a consistent number, adding even though there are fewer dairies most of them are larger than they were ten years ago and are using lands that were formally used by another dairy.

Mr. Bachler noted that Cornell Cooperative Extension has recently mailed invitations to the Supervisors for their July 13, 2005 BBQ at 6:30 P.M.

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

**RESOLUTION NO. 149**  
**TITLE: ADDITIONAL FUNDING FOR HIICAP PROGRAM**  
**OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging has been notified that it has been

awarded an additional \$6,000 to implement HIICAP (Health Insurance Information, Counseling and Assistance Program), which operates from April 1, 2005 to March 31, 2006; and

**WHEREAS**, this program, which requires no local match, will benefit Delaware County's senior population;

**THEREFORE, BE IT RESOLVED**, that the Office for the Aging be authorized to accept this funding

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

**REVENUES:**

_____ 10-16772-44477200	Federal Program For The Aging	\$6,000.00
-------------------------	-------------------------------	------------

**APPROPRIATIONS:**

_____ 10-16772-54350200	Insurance	\$6,000.00
-------------------------	-----------	------------

The resolution was seconded by Mr. Bachler.

Mr. Hynes noted that this and the following two resolutions are regarding the Office for the Aging and asked Office for the Aging Director Thomas Briggs to address the resolutions.

Mr. Briggs explained that the Office for the Aging has received an additional \$105,000.00 as a result of congress's efforts to make it possible for people to understand the legislation regarding Medicare Part D State Pharmaceutical Assistance Program (SPAP). He also noted that congress is trying to promote long term care insurance in every state in the country, adding they will need to enlist the support of all the area agencies on aging around the country to promote long term care insurance. The Health Insurance Information, Counseling and Assistance Program (HIICAP) has been running for many years with volunteers. The program provides assistance to people with questions regarding medical billings and reimbursements.

Mr. Briggs noted that an additional \$50,000.00 will be available from SPAP starting in October for the following year, adding he will come before the Board again at that time.

In reply to Mr. Thomas, Mr. Briggs stated the programs will be contracted out as his staff has reached the saturation point. He stated that he will be contracting with Delaware Support & Services to hire and train the people as much of this work is one on one as this is an extremely complicated program. He explained that this month every senior in the country will receive this notification from the Social Security Administration concerning the program.

In response to Mr. Marshfield, Mr. Briggs said the employees of Delaware Support & Services will go around the county and consult with the residents. He said that there are many

options to the long term care program and there will be many questions before a decision is made. He noted that the program will provide the information but, the residents will need to come up with the money. He added that he hopes to bring in the local insurers as partners.

The resolution was adopted by the following vote: 3911, Nos. 204 (Freyer), Absent 611 (Maddalone).

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

**RESOLUTION NO. 150**

**TITLE: STATE PHARMACEUTICAL ASSISTANCE PROGRAM  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging has been notified that it has been awarded \$50,000 to operate the new State Pharmaceutical Assistance Program (SPAP); and

**WHEREAS**, this funding is designed to assist older persons in applying for Medicare Part D (pharmaceutical assistance) and coordinating this process with the New York State Elderly Pharmaceutical Insurance Coverage Program (EPIC); and

**WHEREAS**, this program, which requires no local match, will benefit Delaware County's senior population,

**THEREFORE, BE IT RESOLVED**, that the Office for the Aging be authorized to accept this funding

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

**REVENUES:**

10-16772- 444772/6772024/977	Federal Programs For The Aging	\$50,000.00
------------------------------	--------------------------------	-------------

**APPROPRIATIONS:**

10-16772-54180080/6772024/977	Communications Telephone	\$ 250.00
10-16772-54420200/6772024/977	Maintenance Agreement Software	1,000.00
10-16772-54520000/6772024/977	Postage	250.00
10-16772-54565020/6772024/977	Rent/Lease Buildings	900.00
10-16772-54595320/6772024/977	Supplies & Office	1,500.00
10-16772-54625010/6772024/977	Travel Department	1,250.00
10-16772-54200000/6772024/977	Contracted Services	<u>44,850.00</u>
	Total:	\$50,000.00

The resolution was seconded by Mr. Bachler and Ms. Molé adopted by the following vote: 3911, Nos. 204 (Freyer), Absent 611 (Maddalone).

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

**RESOLUTION NO. 151**

**TITLE: LONG TERM CARE INSURANCE ASSISTANCE PROGRAM  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging has been notified that it has been awarded \$50,000 to implement a new long term care insurance assistance program, which operates from April 1, 2005 to March 31, 2006; and

**WHEREAS**, this program, which requires no local match, will benefit Delaware County's senior population;

**THEREFORE, BE IT RESOLVED**, that the Office for the Aging be authorized to accept this funding

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

**REVENUES:**

10-16772-444772/6772023/977 \_\_\_\_\_ Federal Program for the Aging \$50,000.00

**APPROPRIATIONS:**

10-16772-54180080/6772023/977	Communications Telephone	\$250.00
10-16772-54420200/6772023/977	Maintenance Agreement Software	1,000.00
10-16772-54520000/6772023/977	Postage	250.00
10-16772-54565020/6772023/977	Rent/Lease Buildings	1,350.00
10-16772-54595320/6772023/977	Supplies Office	3,500.00
10-16772-54625010/6772023/977	Travel Department	250.00
10-16772-54200000/6772023/977	Contracted Services	<u>43,400.00</u>
	Total:	\$50,000.00

The resolution was seconded by Mr. Bachler and Ms. Molé adopted by the following vote: 3911, Nos. 204 (Freyer), Absent 611 (Maddalone).

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

**RESOLUTION NO. 152**

**TITLE: BUCKLE UP NEW YORK (BUNY) GRANT  
STOP DWI**

**WHEREAS**, the STOP DWI Program has been awarded a grant to sponsor a highway safety program geared at encouraging motorists to use their seatbelts; and

**WHEREAS**, the Delaware County Sheriff and the Sidney Police Department have agreed to participate in the BUNY program; and

**WHEREAS**, participation in the program will result in the award of \$5,130.00 to be used to pay the salaries of the participating officers during the program year October 1, 2004 through September 30, 2005.

**NOW THEREFORE BE IT RESOLVED** that the 2005 Budget be modified as follows:

**INCREASE REVENUE:**

10-13315-43338900-3315020-903	State Otr. Public Safety	\$5,130.00
-------------------------------	--------------------------	------------

**INCREASE APPROPRIATION:**

10-13315-51327000-3315020-903	Personal Services - Grant	\$2,090.00
10-13315-54327494-3315020-903	Patrols - Grant	2,880.00
10-13315-58300000-3315020-903	Social Security - Grants	130.00
10-13315-58900000-3315020-903	Medicare - Grants	<u>30.00</u>
	Total:	\$5,130.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 153**

**TITLE: 2005 BUDGET MODIFICATION  
STOP DWI**

**WHEREAS**, the 2005 STOP DWI Budget is running a rather lean budget because of the financial situation of the department for the high cost of operations of the past couple of years; and

**WHEREAS**, the current coordinator and committee have decided to put some of the 2005 budget to use in other areas of the budget rather than hiring a part time assistant for the

coordinator this year and would rather use some of the funds for equipment, education and patrols.

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

**DECREASE APPROPRIATION:**

10-13315-51000000	Personal Services - Admin Aide	\$15,563.00
-------------------	--------------------------------	-------------

**INCREASE APPROPRIATION:**

10-13315-51000000	Personal Service - Sheriff Patrols	\$ 3,715.00
10-13315-52200000	Equipment	1,563.00
10-13315-54183000	Community Outreach & Education	4,000.00
10-13315-54494000	Patrols	6,000.00
10-13315-58300000	Social Security	230.00
10-13315-58900000	Medicare	<u>55.00</u>
	Total:	\$15,563.00

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 154**

**TITLE: CORRECTION TO RESOLUTION 80 - 2005  
STOP DWI - SHERIFF'S DEPARTMENT**

**WHEREAS**, the original resolution passed on March 23, 2005, called for the establishment of accounts under the Sheriff's Department; and

**WHEREAS**, the Public Safety Committee has determined that the accounting of the grant should be done under STOP DWI Program.

**NOW THEREFORE BE IT RESOLVED**, that the following modifications be made to the 2005 budget:

**DECREASE REVENUE:**

10-13110-44448800/3110019/907	Federal Alcohol Addict Cntrl Prog.	\$10,000.00
-------------------------------	------------------------------------	-------------

**INCREASE REVENUE:**

10-13315-44448800/3315019/903	Federal Alcohol Addict Cntrl Prog.	\$10,000.00
-------------------------------	------------------------------------	-------------



**DECREASE APPROPRIATION:**

10-13110-51327000/3110019/907	Personal Services - Grants	\$ 2,975.00
10-13110-54327494/3110019/907	Patrol - Grants	6,500.00
10-13110-58132700/3110019/907	State Retirement System - Grants	298.00
10-13110-58332700/3110019/907	Social Security - Grants	184.00
10-13110-58932700/3110019/907	Medicare - Grants	43.00
		<u>Total: \$10,000.00</u>

**INCREASE APPROPRIATION:**

---

10-13315-51327000/3315019/903	Personal Services - Grants	\$ 3,251.00
10-13315-52200001/3315019/903	Equipment - Grants	1,000.00
10-13315-54327494/3315019/903	Patrol - Grants	5,500.00
10-13315-58300000/3315019/903	Social Security - Grants	202.00
10-13315-58900000/3315019/903	Medicare - Grants	47.00
		<u>Total: \$10,000.00</u>

The resolution was seconded Mr. Bracci.

Mr. Marshfield questioned why the grant was being transferred from the Sheriff's Department to Stop DWI. Mr. Bachler stated that the grant will be more appropriately handled with Stop DWI. Mr. Utter added that it falls more in line with Stop DWI's job.

The resolution was adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 155**

**TITLE: 2005 BUDGET MODIFICATION  
SHERIFF'S DEPARTMENT  
JAIL**

**WHEREAS**, the 2005 Budget called for the purchase of a van for the transportation of prisoners and the Sheriff anticipated the use of some of the commissary funds for the said purchase; and

**WHEREAS**, the use of commissary funds are limited for items used for the benefit of the inmates and it has been determined that since the van is used to transport inmates back and forth for work projects etc. that this expense is an allowable expense.

**NOW THEREFORE BE IT RESOLVED**, that the following modification be made to the 2005 Jail Budget:

**INCREASE REVENUE:**

10-13150-42270500	Gifts and Donations - Jail	\$7,000.00
-------------------	----------------------------	------------

**INCREASE APPROPRIATION:**

10-13150-52200000	Equipment	\$7,000.00
-------------------	-----------	------------

The resolution was seconded by Mr. Utter.

In reply to Mr. Thomas, Delaware County Sheriff Mills answered the total cost of the van is \$22,000.00. Mr. Hanley noted that the van was budgeted at \$26,000.00; \$19,000.00 was funded through the tax levy and \$7,000.00 by the jail commissary. Further stating that this resolution is actually a savings to the county budget.

The resolution was adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 156**

**TITLE: TRANSFER OF FUNDS 2005 BUDGET  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the following 2005 Appropriation accounts are in need of funds

**NOW, THEREFORE BE IT RESOLVED THAT** the following transfer be made:

**FROM**

10-16102-54000000	MMIS Medical Assistance	\$25,000.00
-------------------	-------------------------	-------------

**TO:**

10-16142-54259000	Emergency Aid for Adults	\$25,000.00
-------------------	--------------------------	-------------

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 157**

**TITLE: AUTHORIZATION FOR AWARD - PROFESSIONAL SERVICES -  
DEPARTMENT OF PUBLIC WORKS - SOLID WASTE DIVISION**

**WHEREAS**, Resolution No. 53 of 2004 authorized the Department of Public Works to enter into a contract with Clark Engineering and Surveying, P.C. for the design of Cell #6; and

**WHEREAS**, the designs and permits have been finalized; and

**WHEREAS**, Resolution No. 136 of 2004 authorized the award of the two construction contracts for the construction of Cell #6; and

**WHEREAS**, the department has negotiated a contract with Clark Engineering for the professional services relating to the construction of the cell.

**NOW THEREFORE BE IT RESOLVED**, that the Delaware County Department of Public Works is authorized to make an award for the construction inspection and certification report for Cell #6 for an amount not to exceed \$108,620 to:

Clark Engineering and Surveying, P.C.  
20 Shaker Road  
PO Box 730  
New Lebanon, NY 12125

The resolution was seconded by Mr. Woodford.

Mr. Utter stated that Clark Engineering and Surveying, P.C. has done all of the engineering on the cells at the composting facility, adding their work is very satisfactory and they are very experienced.

The resolution was adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 158**

**TITLE: CHANGE ORDER NUMBER 1 TO PROPOSAL NO. SW4-05  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE DIVISION**

**WHEREAS**, Resolution No. 124 of 2005 authorized the Department of Public Works to make an award to Williams Doors & Hardware, 535 Vestal Parkway West, Vestal, New York 13850 for Steel Doors and Frames; and

**WHEREAS**, after the award was made it was discovered that the low bidder had included a number of windows that were not included in the bid documents.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to execute Change Order No. 1 totaling a net decrease of \$5,000.00 bringing the total contract amount to \$28,000.00.

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

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

**RESOLUTION NO. 159**

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

**WHEREAS**, Resolution No. 81 of 2004 authorized the Chairman of the Board of Supervisors to enter into an agreement with the New York State Department of Transportation for Federal funding for the rehabilitation of the Corbett Bridge over the East Branch of the Delaware River (PIN 9752.95); and

**WHEREAS**, Resolution No. 82 of 2004 authorized the Department of Public Works to enter into an agreement with Modjeski and Masters for the design phase of the rehabilitation project; and

**WHEREAS**, the design phase is nearing completion and it is anticipated that the plans and specifications will be advertised for bidding in the fall of 2005 for 2006 construction; and

**WHEREAS**, the department has negotiated a contract with Modjeski and Masters for the construction phase services; and

**WHEREAS**, the Department of Public Works had undertaken an approved consultant selection process and has completed the negotiation phase.

**NOW, THEREFORE BE IT RESOLVED** that the Delaware County Department of Public Works is authorized to make award to Modjeski and Masters, P.C., 301 Manchester Road, Suite 102, Poughkeepsie, NY 12603 for the construction phase services.

Proposal Fee: Maximum Amount Payable \$161,000.00

The resolution was seconded by Mr. Bachler.

In response to Mr. Marshfield, Mr. Utter stated this will be a rehabilitation of the Corbett suspension bridge located in the town of Colchester and is of the Roebling design. He added that cable suspension bridges demand certain expertise over and above other bridges.

The resolution was adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 160**

**TITLE: ELIGIBILITY FOR NURSES AIDES AND HOME HEALTH AIDES  
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**, some nurses aides at Countryside Care Center are qualified to work as home health aides at Public Health; and

**WHEREAS**, it would be a benefit to Public Health to be able to use these aides on a per-diem basis as needed; and

**WHEREAS**, employees with two titles doing essentially the same worked for the same employer are eligible under the Federal Fair Labor Standards Act (FLSA) for payment of overtime for hours worked in excess of 40 hours per week.

**THEREFORE, BE IT RESOLVED**, that nurses aides working at Countryside Care Center who are qualified as home health aides may work as part time employees of Public Health and will be paid overtime in accordance with FLSA and CSEA contract as amended from time to time.

The resolution was seconded by Mr. Donnelly.

In response to Mr. Thomas, Director of Public Health Bonnie Hamilton stated that it is her understanding that if someone is doing essentially the same work with essentially the same job title once they exceed 40 hours they will receive time and half.

Director of Personnel Lorna Taber stated that in this case because the jobs are similar there is no way to avoid paying the overtime.

In answer to Mr. Marshfield, Mrs. Taber replied that fringe benefits with the exception of social security are paid from the employee's base department. The social security is charged to the department the hours are being paid from.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 161**

**TITLE: AUTHORIZATION TO PURCHASE  
HIGHWAY RIGHT OF WAY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Department of Public Works is planning a project to improve the sight distance at the County Route 21/Bennett Hollow Road intersection in the Town of Franklin; and

**WHEREAS**, the plans call for a change in alignment of the Bennett Hollow Road which necessitates the acquisition of right of way for said alignment; and

**WHEREAS**, the Board of Supervisors is authorized to provide such right of way pursuant to the provisions of Section 118 of the Highway Law.

**NOW, THEREFORE BE IT RESOLVED** that the Department of Public Works is authorized to obtain a permanent easement from Gerald Kagan for the sum of \$2,250.00; and

**BE IT FURTHER RESOLVED** that at the completion of the project, the Department of Public Works is authorized to convey said easement to the Town of Franklin for maintenance jurisdiction.

The resolution was seconded by Mr. Woodford.

Mr. Utter explained the resolution is to purchase a strip of land that is needed in order to improve the site distance on County Route 21/Bennett Hollow which has been the site of several accidents.

The resolution was adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 162**

**TITLE: AUTHORIZATION FOR DISPOSAL OF  
HIGHWAY RIGHT-OF-WAY COUNTY ROUTE 14, TOWN OF DELHI  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Department of Public Works has completed the reconstruction of County Bridge 14-1, BIN 3352230 under Federal Aid PIN 9752.65 on new alignment; and

**WHEREAS**, the new structure and alignment required additional right-of-way to be purchased from Ralph L. Hunt for the new alignment; and

**WHEREAS**, in negotiations with Mr. Hunt for the additional right-of-way required, the County agreed to abandon the old section of highway, which is of no further use for highway purposes to Mr. Hunt pursuant to Section 118-a of the NYS Highway Law; and

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Department of Public Works is authorized to convey to Mr. Hunt that section no longer needed for highway purposes.

The resolution was seconded by Mr. Rider and Mr. Bracci and unanimously adopted.

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

**RESOLUTION NO. 163**

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

**WHEREAS**, a Project for Harvard Road over East Branch Delaware River (BIN 3352730) in the Town of Hancock, Delaware County, P.I.N. 9753.05 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

**WHEREAS**, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Preliminary Engineering and Right of Way Incidentals work; and

**NOW, THEREFOR**, the Delaware County Board, duly convened, does hereby

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

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

**IT IS FURTHER RESOLVED**, that the sum of \$152,000 is hereby appropriated from 34-15112-54000000 and made available to cover the cost increase of participation in the above phase of the Project; and

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

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

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

**IT IS FURTHER RESOLVED**, this Resolution shall take effect immediately.

The resolution was seconded by Mr. Donnelly, Mr. Rowe and Mr. Bachler.

Mr. Utter explained at the time the decision was made to replace the long closed Harvard bridge it was anticipated that the project would be fully funded by Delaware County however, since that time the State has officially said they will be picking up 80% of the cost of the bridge, adding DPW is attempting to get Federal funding for construction.

Mr. Utter noted according to the present day flood maps this bridge is located in a flood zone and as a result the new bridge will have to be raised by three feet. He commented that no one could remember water high enough to come anywhere near the bridge and that a study is now going on to re-evaluate the flood maps. He pointed out that an elevation change would cause severe construction challenges and would necessitate signals because of the site distance of the bridge.

In reply to Mr. Thomas, Mr. Utter answered that the elevation would not affect the steel which had already been purchased for the construction of this bridge. Mr. Marshfield remarked that if we were to buy this steel again it would probably cost twice as much.

Mr. Rowe noted his appreciation to the past Board of Supervisor's for adopting the Bridge 2000 Program and to the State "Marchiselli" Program and for the federal aid received. The town of Hancock has probably benefitted the most because of its large infrastructure. He noted that between 25 to 30 people, six small business and a new nine parcel subdivision are within the affected area. Currently, the only access to the back side of Harvard is by traveling from East Branch on Back River Road, a town owned road that runs parallel with the river. He commented on slope failures that have closed other roads in Hancock and stated that there needs



to be an alternate route for access should Back River Road experience a slope failure. He commented on long-term planning for the town of Hancock and stated he believed this project is justified based on slope failures, tourism and helping small businesses.

In reply to Chairman Eisel, Mr. Utter stated that the 15% "Marchiselli" funding was not available.

The resolution was adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

#### **RESOLUTION NO. 164**

#### **TITLE: ESTABLISHING NATIONAL INCIDENT MANAGEMENT SYSTEM DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management Systems ("NIMS") which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS**, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been and will continue to be, vital to the effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

**WHEREAS**, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal and local organizations a condition for Federal preparedness assistance beginning in the fiscal year 2005; and

**WHEREAS**, to facilitate the most efficient and effective incident management, it is critical that Federal, State, local and tribal organization utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disaster, and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal

funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management training processes; and

**WHEREAS**, the Incident Command System components on NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors does hereby establish the National Incident Management System (NIMS) as the County of Delaware's standard for incident management.

Director of Emergency Services Nelson Delameter explained that this is a federal requirement and is necessary in order to seek any further funding.

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

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

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

**RESOLUTION NO. 165**

**TITLE: 2005 BUDGET MODIFICATION  
MENTAL HEALTH**

**WHEREAS**, the 2005 budget has an appropriation of \$8,000.00 under account number 10-14390 Mental Health Hygiene Law Expense to cover any expense that may occur if any individual is placed in a NYS Office of Mental Health facility pursuant to an order of County Criminal Court; and

**WHEREAS**, this expense line is now currently short \$270.08 for a current invoice.

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

**INCREASE APPROPRIATION:**

10-14390-54155000	Certification Expense	\$275.00
-------------------	-----------------------	----------

**DECREASE APPROPRIATION:**

10-11990-54900000	Contingency	\$275.00
-------------------	-------------	----------

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4195, Nos.0, Absent 611 (Maddalone).

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

**RESOLUTION NO. 166**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**Resolved** that the following described parcels of tax acquired properties be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

COL03TX.023

**ASSESSED TO:**

**MARGRIT RAMME**

TOWN OF: 122400:COLCHESTER  
TAX MAP NO: 320.-1-16.1  
SCHOOL DISTRICT: 122401:DOWNSVILLE  
ACREAGE: 76.10A ACRES  
CONVEYED TO: MARGRIT RAMME

111 RED SCHOOLHOUSE ROAD  
CHESTNUT RIDGE NY 10977

CASH CONSIDERATION: \$1,821.77  
TAX DEFICIT: \$1,280.44

DAV03TX.028

**ASSESSED TO:**

**STEVEN C RATHBONE**

TOWN OF: 122600:DAVENPORT  
TAX MAP NO: 21.-1-94  
SCHOOL DISTRICT: 361200:ONEONTA CITY SCHOOLS  
ACREAGE: 1.50A ACRES  
CONVEYED TO: STEVEN C RATHBONE

65 W BROADWAY  
ONEONTA NT 13820

CASH CONSIDERATION: \$1,569.17  
TAX DEFICIT: \$1,180.92

DAV03TX.035

**ASSESSED TO:**

**JOHN E TROWBRIDGE**

TOWN OF: 122600:DAVENPORT  
TAX MAP NO: 34.-1-27.2

SCHOOL DISTRICT: 122601:CHARLOTTE VALLEY  
ACREAGE: 93.50A ACRES  
CONVEYED TO: JOHN TROWBRIDGE  
562 DUANESBURG ROAD  
SCHENECTADY NY 12306  
CASH CONSIDERATION: \$1,083.58  
TAX DEFICIT: \$708.20

DEP03TX.014

**ASSESSED TO:** **BRIAN R LANE AND KAREN J LANE**  
TOWN OF: 123089:DEPOSIT  
TAX MAP NO: 246.-3-4  
SCHOOL DISTRICT: 034201:DEPOSIT  
ACREAGE: 5.20A ACRES  
CONVEYED TO: BRIAN R LANE AND KAREN J LANE  
12 FOXHOLM ST  
STATEN ISLAND NY 10306  
CASH CONSIDERATION: \$2,309.52  
TAX DEFICIT: \$1,816.94

HAN03TX.029

**ASSESSED TO:** **EDWARD JOHNSON**  
TOWN OF: 123689-HANCOCK  
TAX MAP NO: 420.2-2-55  
SCHOOL DISTRICT: 122401-DOWNSVILLE  
ACREAGE: 60.00'F x 150.00'D ACRES  
CONVEYED TO: EDWARD JOHNSON  
c/o M VIRGINIA JOHNSON  
COURT EAST  
15407 73<sup>RD</sup> ST  
SUMMER WA 98390  
CASH CONSIDERATION: \$521.86  
TAX DEFICIT: \$284.72

HAN03TX.030

**ASSESSED TO:** **EDWARD W JOHNSON**  
TOWN OF: 123689-HANCOCK  
TAX MAP NO: 420.2-2-56  
SCHOOL DISTRICT: 122401-DOWNSVILLE  
ACREAGE: 50.00'F X 168.00'D ACRES

CONVEYED TO: EDWARDW JOHNSON  
c/o M VIRGINIA JOHNSON  
COURT EAST  
15407 73<sup>RD</sup> ST  
SUMMER WA 98390

CASH CONSIDERATION: \$521.86

TAX DEFICIT: \$284.72

HAR03TX.003

**ASSESSED TO:** **JAMES ALL AND PATRICIA ALL**

TOWN OF: 123889:HARPERSFIELD

TAX MAP NO: 19.-1-14

SCHOOL DISTRICT: 433601:JEFFERSON

ACREAGE: 1.20A ACRES

CONVEYED TO: JAMES ALL AND PATRICIA ALL  
70 TITUS LAKE ROAD  
JEFFERSON NY 12093

CASH CONSIDERATION: \$2,990.23

TAX DEFICIT: \$2,420.97

MER03TX.024

**ASSESSED TO:** **MARK MILLER AND VALERIE MILLER**

TOWN OF: 124400:MEREDITH

TAX MAP NO: 80.-2-16.2

SCHOOL DISTRICT: 122801:DELAWARE ACADEMY

ACREAGE: 306.00'F x 190.00'D: 1.54A ACRES

CONVEYED TO: MARK MILLER AND VALERIE MILLER  
BOX 354 TREADWELL S/R  
DELHI NY 13753

CASH CONSIDERATION: \$2,046.48

TAX DEFICIT: \$1,594.76

MID03TX.009

**ASSESSED TO:** **SIXTO BOBADILLO AND JUAN F VARGAS**

TOWN OF: 124689:MIDDLETOWN

TAX MAP NO: 242.-3-4

SCHOOL DISTRICT: 124802:ROXBURY

ACREAGE: 6.23A ACRES

CONVEYED TO: SIXTO BOBADILLA AND JUAN F VARGAS  
255 MCLEAN BLVD  
PATERSON NJ 02504

CASH CONSIDERATION: \$1,934.73

TAX DEFICIT: \$1,518.46

MID03TX.002

**ASSESSED TO:**

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

**MARYBETH ALPERN**  
124689:MIDDLETOWN  
242.-1-14  
124802:ROXBURY  
8.20A ACRES  
MARYBETH ALPERN  
TWO RIVERVIEW TERRACE  
IRVINGTON NY 10533

CASH CONSIDERATION:  
TAX DEFICIT:

\$1,735.11  
\$1,213.26

MID03TX.003

**ASSESSED TO:**

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

**MARYBETH ALPERN**  
124689:MIDDLETOWN  
242.-1-17  
124802:ROXBURY  
4.50A ACRES  
MARYBETH ALPERN  
TWO RIVERVIEW TERRACE  
IRVINGTON NY 10533

CASH CONSIDERATION:  
TAX DEFICIT:

\$426.44  
\$198.79

MID03TX.038

**ASSESSED TO:**

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

**MARYBETH H KATZ**  
124689:MIDDLETOWN  
242.-1-9  
124802:ROXBURY  
5.40A ACRES  
MARYBETH H KATZ  
TWO RIVERVIEW TERRACE  
IRVINGTON NY 10533

CASH CONSIDERATION:  
TAX DEFICIT:

\$422.74  
\$195.92

MID03TX.039

**ASSESSED TO:**

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

**MARYBETH H KATZ**  
124689:MIDDLETOWN  
242.-1-11  
124802:ROXBURY  
5.90A ACRES  
MARYBETH H KATZ  
TWO RIVERVIEW TERRACE  
IRVINGTON NY 10533

CASH CONSIDERATION:

\$467.10

TAX DEFICIT: \$230.31

ROX03TX.024

**ASSESSED TO:**

**DOUGLAS AND CAROL REILLY**

TOWN OF: 124800:ROXBURY

TAX MAP NO: 201.-1-6.5

SCHOOL DISTRICT: 124802:ROXBURY

ACREAGE: 3.72A ACRES

CONVEYED TO: DOUGLAS REILLY AND CAROL REILLY  
44 FLORENCE CT  
TOMS RIVER NJ 08753

CASH CONSIDERATION: \$2,163.95

TAX DEFICIT: \$1,604.68

The resolution was seconded by Mr. Rider and Mr. Thomas and adopted by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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

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

**RESOLUTION NO. 167**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,551,752.70 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	\$936,762.76
Countryside Care Center	\$301,598.08
OET	\$9,069.57
Capital Projects	\$18,835.62
Highway Audits, as Follows:	
Road	\$153,212.78
Machinery	\$239,402.18
Capital Road & Bridge	\$544,274.25
Capital Solid Waste	\$295,094.62
Solid Waste/Landfill	\$53,502.84

The resolution was seconded by Mr. Rider and Ms. Molé and approved by the following vote: Ayes 4195, Nos. 0, Absent 611 (Maddalone).

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