

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

AUGUST 24, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 24, 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. Thomas 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 note of thanks from Mrs. Frank Oles for the donation made to Hospice by the Supervisors in memory of former Board of Elections Commissioner Frank Oles.

The Clerk announced that town budget worksheets are available at the office of the Clerk of the Board.

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

Chairman Eisel announced that Mr. Utter was named as Parade Marshall of the Firemen's Parade at the Walton Fair. He commented that this is quite an honor and noted that Mr. Utter has been a fireman for 56 years.

Chairman Eisel introduced County Attorney Richard Spinney to apprise the Board of the current litigation regarding

County Treasurer Beverly Shields. He distributed copies of the court decision made by the Honorable Michael V. Coccoma to the Board.

Mr. Spinney explained that Mrs. Shields had largely based her case upon a press release given by Chairman Eisel after the Board meeting of September 8, 2004. He read the following excerpts from Judge Coccoma's Decision to the Board.

"After the passage of Resolution No. 234, and the Board meeting was officially closed, a statement was read by James Eisel, Chairman of the Delaware County Board of Supervisors, and then distributed to the media. The evidence presented clearly shows that James Eisel prepared, read and distributed this statement himself without the knowledge or approval of the Board of Supervisors. It is not, therefore, binding upon the Board nor official conduct.

The issue, according to the County Treasurer, is the supervision of the staff. The issue is really the management of the USL accounting system, and this is not a statutory duty of the County Treasurer, nor does it prohibit her from performing those duties. The County Treasurer's claim that she has been denied her statutory right to collect all the monies belonging to the county is without merit. The Defendants aver that the County Treasurer has total access to the work product of the employees of the Department of Fiscal Affairs. The County Treasurer argues that access does not equal control, but that ignores the fact that she never had complete control, only complete access - which is what she still has, complete access.

The County Treasurer did not present proof that her statutory powers were taken away from her. She simply made bold assertions and conclusory allegations to that effect. Here, Resolution No. 234 does not alter that statutory mandate.

THEREFORE, based upon the findings and conclusions hereinabove and the Decision and Order of this Court dated June 14, 2005, the cross motion for summary judgment by the

Defendants is GRANTED, and the Complaint is Dismissed, without costs.”

Mr. Spinney further explained that the County Treasurer has the opportunity to appeal her case to the Appellate Division. He added there is the issue for the court to determine of whether or not the County Treasurer recovers attorneys fees and if so, what amount.

Mr. Rider questioned when the decision regarding the fees might be expected. Mr. Spinney stated that according to the decision it has to be submitted to the judge within thirty days, then the county has 10 days to respond, the judge could take as much as three months to decide, however, he felt the judge’s decision would be received in two months, and then the county could appeal the decision.

Mr. Donnelly referenced page 5, the last paragraph of the decision, the statement “DISMISSED, without cost” and questioned its meaning. Mr. Spinney replied it meant that no one gets to recover court costs which are statutory amounts of money, the county does not get to recover costs against the plaintiff since the county was the successful party.

Chairman Eisel noted that the decision to adopt Resolution No. 234 by this Board was upheld by the court, adding the Board was right in making this decision.

Chairman Eisel invited members of the press to discuss any questions with the County Attorney during recess.

Chairman Eisel granted privilege of the floor to the Director of Alcohol and Drug Abuse Clinic Cynthia Heaney who introduced Christopher Kemp as Employee of the Month.

Mr. Kemp has worked at the Alcohol and Drug Abuse Services for the past twelve years as an Addiction Counselor and is a solid reliable employee. Mrs. Heaney stated that Mr. Kemp has an excellent work ethic and she considers him the backbone of her

staff, further stating that as a director she relies heavily on his ability to step in and make sound judgements in her absence. Mr. Kemp relates well to his clients and she feels he does a great job to support and provide guidance to some of the most troubled residents of Delaware County.

Mrs. Heaney presented Mr. Kemp with a \$100.00 Savings Bond thanking him for his dedication. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Kemp expressed his appreciation for the honor and stated that Mrs. Heaney makes it easy for him to do his job. He also thanked the Board of Supervisors for providing this opportunity for employment as he most likely would not have been able to stay in Delaware County.

Chairman Eisel granted privilege of the floor to Mr. Hynes who introduced Jennifer Harvill from the Delaware County Planning Department to provide a brief update on the Community Online Mapping Information Tool (COMIT).

Mrs. Harvill provided an update to the press release issued on July 20, 2005 announcing the availability of the COMIT site and noted that Delaware County was one of four counties in the State of New York that was chosen to receive this web hosting tool free for one year.

The presentation included a handout providing a status report on the use of the site from May 6 to August 24, 2005. Mrs. Harvill pointed out that there have been 645,600 total hits to the COMIT site, it averages 5,816 hits per day and an average of 85 hits per visitor. She further stated that there have been 7,853 visits to the COMIT site in four months, noting this figure included repeat customers. In addition, there have been 1,609 users using the COMIT site every day. Concluding that on average, 68 users use the COMIT site every day. Mrs. Harvill stated that the success of this tool could be measured by the fact that the 7,853 visits to the site were potentially people that didn't have to come to the County Clerk's Office or the Office of Real Property Tax

Service for information people can do business from the privacy of their home.

In response to Mr. Rider, Mrs. Harvill explained that each computer has a unique address and the website logs that unique address so it knows the number of visits to the site.

Mrs. Harvill stated in answer to Mr. Marshfield, that a “hit” would be a person looking at the site briefly and then closing it. She explained that a “visitor” is defined as someone who actually spends time using a tool on the site.

She pointed out that Delaware County is doing very well with the site in comparison to other counties.

Mr. Bachler commented that he tried to use the site to find his farm and the site advised him that no information was available. Mrs. Harvill said the easiest way to query a parcel is to use a last name. If the parcel is available it would provide the acreage, the owner’s name, mailing address, and a map of the parcel.

She referenced page two of the handout and noted that the feedback form did show some negative responses from people who felt the site could be better. She said by the end of September some of the updates will include a new set of parcel data, adding what they currently have is a few years out of date. She also plans on sending the web hosting company the GIS center line file from the 911 program, the New York City Watershed boundaries, and other information including the flood plains.

She pointed out that there is information on the site that is not correct however, once the error is found it is corrected immediately by the Real Property Tax Service Department, adding this is a very good way to get our information updated.

In response to Mr. Thomas, Mrs. Harvill stated that property transfers are updated by the County Clerk and Real Property Tax Services Department.

Mr. Marshfield commented that he noticed the property transfers were not up to date, noting that he sold a piece in May and the site did not reflect the change.

Mrs. Harvill stated that this is a dynamic project that began in early 2004 and only just went online this spring. She explained that during the pilot program there are only three opportunities to update data. She added that property transfer information only comes once a year.

Mr. Hynes commented that money has been put into the 2006 budget for this program.

Chairman Eisel granted privilege of the floor to Mr. Bachler who referenced the presentation by the Commissioners of the Board of Elections at the last Board Meeting regarding the Help Americans Vote Act (HAVA). He provided a handout about the optical scanners to the Supervisors for review.

Mr. Bachler requested that the Commissioners of the Board of Elections revisit the issue of direct report equipment versus optical scanners. In his opinion, this is an important enough decision that all the Supervisors and the public have an opportunity to review and operate the various machines that will be available for purchase. Further stating, that he understands that Otsego and Madison counties plan on holding demonstrations for the Supervisors and the public and felt that it would be appropriate to have similar demonstrations in Delaware County so that together we can make the best choice. He acknowledged that the final decision will be made by the Commissioners of Elections but, felt that everyone should be aware that in the end the taxpayers will pay the bill.

He further stated that the touch screen machines are only guaranteed for five years and the optical scanners have been around for 15 to 20 years. He added that the optical scanner is used in 46 percent of the voting districts in the United States. The optical scanner actually records what the people mark on their ballots but, are both computerized systems.

Chairman Eisel asked Mr. Rider to take this request back to BOE Committee. He added that it was his understanding that optical scanners were not in the picture at all because there wasn't any that the State wanted to certify.

Mr. Bachler commented that the manufactures of the optical scanners have not brought their machines to the State to have them certified. He felt that was a little funny, adding that the larger companies are pushing the touch screens.

Chairman Eisel stated that he had received information regarding optical scanners but understood at that time the optical scanners were not being considered, adding there are 20 states that have optical scanners.

He remarked that New York State is the last state in the country to make this decision. Mr. Bachler added that he understood that New York State is requesting an extension to 2007, adding the equipment was supposed to be on board by 2006. The whole idea of the change was to help the handicap voter, he suggested that we provide a machine for the handicapped voters and allow the rest of the people to use what we have now. Chairman Eisel commented that would not work because the state wants to get rid of the old lever type machines.

Mr. Rider stated that he will talk with the Commissioners and would provide a response at the next meeting.

Chairman Eisel granted privilege of the floor to Mr. Shelton who introduced Delaware County Chamber of Commerce Director of Tourism Patty Cullen.

Ms. Cullen provided a Tourism Spending Survey Worksheet to each of the Supervisors to complete and return during tonight's recess. She explained that these surveys would be considered along with those received from other constituents which would help educate the Chamber with regard to the needs of the tourism business in Delaware County. She stated that she would like to come before the Board again to present the results of

the study.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier reminded the Supervisors of a meeting with the Department of Environmental Conservation that will be held August 25th at the Sidney Civic Center regarding the loading of pollutants in the Susquehanna River Basin. He urged the Supervisors to attend, adding this might be the one opportunity to provide input on the tributary strategy.

He also noted that he was told by the Coalition of Watershed Towns that a majority of issues raised in the Guidance Documents have been resolved. There has been a fair amount of progress on recreational use regulations so it looks like there will be some resolution.

In reply to Chairman Eisel, Commissioner Frazier answered that New York City has not been through the public hearing process with the recreational use regulations.

Commissioner Frazier advised the Supervisors that he would like to meet with them to discuss a strategy for pursuing changes in filtration avoidance determination that is up for renewal in 2007 but, the process takes place in the first half to mid summer of 2006.

Chairman Eisel stated he felt it was important to attend the meeting and encouraged the Supervisors to attend.

Chairman Eisel granted privilege of the floor to Mr. Maddalone who thanked Employment and Training Director Teddie Storey and her staff for all the work they have done in Sidney on The Hospital closing. He stated that as of tonight The Hospital is closed. He advised that Sidney is now facing the loss of TOPS, the main supermarket in Sidney that employs 83 people.

Mrs. Storey stated she and her staff organized a job fair that

was held on August 5th at the Civic Center in Sidney to help the displaced workers connect with other health care providers. The Hospital allowed a rotation of staff and interviews were conducted on site with the thirty vendors that were available to the people affected by The Hospital closure. OET employees also helped people prepare for their interviews and fill out applications. She felt that placement was going very well. With regard to TOPS she stated that OET is working with Economic Development and the Department of Labor to encourage the rehiring of the TOPS employees by Price Chopper.

Chairman Eisel commented that Mrs. Storey and her staff are doing a great job. He noted that he is familiar with TOPS in Sidney and what OET is providing is a comfort level to these dislocated workers.

Mr. Rowe stated that the Office of Employment and Training was very influential when Becton-Dickinson closed in the town of Hancock not only with helping people in transition but, helping retain people in Delaware County. He believed only six people out of 135 left Delaware County as a result of the plant closing.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Director of Emergency Services, Nelson Delameter.

Mr. Delameter stated that he met with President & CEO Jeffrey A. Staley, Sr. from the management firm of JNS Enterprises, Inc. He explained their goal is to work with municipalities to develop or enhance cell phone coverage within a particular area.

Mr. Delameter explained that the Public Safety and Economic Development Committee, Chairman Eisel, and Budget Director Joe Hanley attended a presentation by Mr. Staley. He explained that JNS Enterprises, Inc. would enter into a professional services agreement with the municipality to construct, manage, maintain, and attract cell phone providers to that tower in

order to provide cell phone coverage in that area at no cost to the municipality. He explained that JNS would front the money for constructing the tower and the municipality would own the tower and receive up to 50 percent of the revenue from the tenants that would reside on the tower.

Chairman Eisel noted that a model agreement has been received from JNS and the County Attorney is reviewing it. He said that JNS is aware of the tremendous investment and the dead zones in the county and are willing to make the investment.

Mr. Utter remarked that municipalities will have privileged space on the towers.

In reply to Mr. Marshfield, Mr. Delameter stated it is a good possibility that these towers could link up to a county emergency management system.

Mr. Thomas questioned if the towers are the property of the municipality would the municipality be responsibility for insuring them. Mr. Delameter answered that he could not speak on insurance, however, he noted that the burden of maintenance falls on JNS.

Mr. Delameter answered in reply to Mr. Marshfield that the county and JNS are in the beginning stages of discussion. He said that JNS has looked at maps of the county and the emergency communication systems and they have a general idea of the cell service in the county. He further stated that JNS does not feel they will have a problem attracting cell phone providers since the providers would not have to incur the expense of developing a site.

In response to Mr. Marshfield, Chairman Eisel said that the site would have to be the property of the town. Mr. Delameter cited that Niagara County used their highway garage as a location for a tower. Mr. Marshfield noted that a lot of towns have ordinances that would not allow that to happen.

Mr. Bachler questioned if the town laws were designed to

stop cell towers or to provide guidelines. Mr. Marshfield replied that Hamden's law stated that towers must be a number of feet away from the road.

Chairman Eisel suggested letting counsel look over the agreement and then asking JNS to come and explain things to the Board.

Mr. Bracci questioned where the state was with the statewide wireless network. Mr. Delameter said that he was part of the advisory committee almost seven years ago. The state has a preferred vendor but has been behind closed doors deciphering the document for about a year and half and the project has yet to start.

Mr. Woodford commented that he knows of a village that has a law that would not allow cell towers. He said what they did was put up a tower that looks like a flag pole with a flag on it. Mr. Delameter noted that a village in Middleburgh did the same thing.

Chairman Eisel remarked that this would be a good revenue for the towns.

Mr. Hynes suggested that the Planning Department would have the cell tower ordinances on file for each of the towns. He said that this company was in Roxbury discussing this about a year ago.

Chairman Eisel granted privilege of the floor to Mr. Thomas who announced that the Department of Social Services is being recognized for reducing the number of welfare recipients by 86 percent, he noted that the state average is approximately 64-66 percent. He congratulated the department for doing a great job.

Mr. Thomas referenced Resolution No. 187 entitled, Community Solutions for Transportation, and explained that the Department of Social Services is the designated local agency to administer the Community Solutions for Transportation Program and will receive \$41,570. The program he explained transports people that would not be able to work due to transportation

problems.

Commissioner Moon commented that this program is integrated with the BEST program and that OET and Delaware Opportunities are major parts of that program. They provide transportation for job interviews and for the jobs until they get on their feet. Commissioner Moon expressed his gratitude for the recognition of his staff and the work they do.

Chairman Eisel congratulated the Commissioner and his staff for a job well done.

Mr. Donnelly commented that it is unfortunate that the Department of Social Services receives so much negative press and thanked Commissioner Moon on behalf of the taxpayers, particularly Andes, for this accomplishment.

Mr. Donnelly referenced the memo on each of the Supervisors' desk and announced that at the republican picnic on Sunday, August 28th they will be honoring all military personnel in Delaware County. A list of names of those serving will be read at the picnic as well as those that have fallen as a result of the current war. He asked that town supervisors provide him with the names of anyone they are aware of currently in the military by noon on Friday, August 26th.

Chairman Eisel commented on the progress with Countryside Care Center and Leatherstocking the firm purchasing Countryside. He noted that the county entered into an agreement with Leatherstocking on May 2nd and shortly thereafter the county received the 1 percent down payment. Since that time, Leatherstocking has been working with Countryside Care Center, IDA, and Economic Development in getting their finances together. As of today, Leatherstocking President Ralph Reed and their auditors have signed off on the Certificate of Need and the document has been hand carried to the New York State Department of Health. There will be an approval committee meeting on September 23, and 24, and it is expected that the transfer will take place at that time, if it does not, there will be

another approval committee meeting in December.

Chairman Eisel commented that on August 15th there was a meeting with Leatherstocking representatives and the resident council and it is his understanding that the meeting went very well.

Countryside Care Center Administrate Kurt Apthorpe commented the representatives from Leatherstocking met with approximately 20 residents and answered questions from about 3:00 p.m. to 3:45 p.m. He said he felt the meeting went well, but noted that they could not provide any specifics.

In response to Mr. Marshfield, Mr. Apthorpe said that he met with the representatives before the meeting. He said they walked through the building and spoke to employees as they were approached. He said what most of the people are looking for is specifics and they did not have any.

Chairman Eisel said he will continue to provide updates as information becomes available.

For Standing Committee Reports, Clerk of the Board, Christa Shafer provided an update on the Department of Fiscal Affairs.

Mrs. Schafer stated that the department has worked hard to close out the books for the year 2004. The annual audit was filed with the state and a copy is on each Supervisors' desk.

She explained that the department is in the process of performing the bank reconciliation on the system. The department is also working on the USL inventory system, transferring inventory from our old MAS system to the Best Fixed Asset System (BFAS). She anticipated that this project would be completed within the next month. .

Mrs. Schafer stated that it had been decided that the interface between the payroll system known as PDS and USL will

not be done at this time. Since the interface was customized to work between the financial and payroll software programs, any updates would also need to be applied to the interface. Should additional customization be required in order for the interface to operate properly this could cause a delay in the installation of updates. Currently payroll is being imported manually into USL which takes the payroll clerk approximately one hour to perform for each payroll. Previously, USL was importing the data from PDS to USL and was going to charge a fee for this service.

USL is working on developing a program that will produce the annual audit and writing a report for 1099's.

The latest update version of USL was just installed last week. The remaining departments will be trained on the system within the next couple weeks which will allow them to input their own vouchers and obtain their own financial reports from the system. Every department with the exception of Mental Health will be on line.

In conclusion, Mrs. Schafer stated that many hurdles were encountered and overcome. There still is a way to go but, she is optimistic we will be there in the very near future.

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

RESOLUTION NO. 183

TITLE: SHERIFF'S TELLING OUR PARENTS AND PROMOTING EDUCATED DRIVERS GRANT (STOPPED) SHERIFF'S DEPARTMENT

WHEREAS, the Sheriff's Department is the recipient of a grant from the Independent Insurance Agents and Brokers of New York, Inc. in the amount of \$500.00; and

WHEREAS, the grant was awarded for the specific use of starting the Sheriff's Telling Our Parents and Promoting Educated

Drivers Program (STOPPED) in Delaware County; and

WHEREAS, the county will receive a check in the amount of \$500.00 to be used to cover the expenses such as, printing, mailing, software, promotion and other grant related cost.

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

INCREASE REVENUE:

10-13110-42270500-3110006-907	Gifts and Donations	\$500.00
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INCREASE APPROPRIATIONS:

10-13110-54327595-3110006-907	Grant	\$500.00
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The resolution was seconded by Mr. Utter.

Chairman Eisel stated that he felt this was a worthwhile program. The young people know that the patrolmen will be reporting back to their parents. The Sheriff's Association approves of the program and it has been going on in other parts of the state very successfully.

Sheriff Mill stated that this program is in twenty counties and that seven states have asked for information on the program.

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

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

RESOLUTION NO. 184

**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; and

THEREFORE, BE IT RESOLVED that the 2005 Social Services budget be amended to increase the following accounts:

REVENUE:

10-16141-444641000-6141005-971	HEAP	\$20,000.00
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APPROPRIATION:

10-16141-54342010-6141005-971	HEAP Emergency	\$20,000.00
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The resolution was seconded by Mr. Marshfield.

Mr. Thomas commented this is an additional \$20,000.00 to the program. The program in total is \$1.6 million which is not enough, it needs to be substantially more.

Commissioner Moon stated in the late 70's early 80's there was a fuel crisis which was the first year the state provided an energy program. He predicted that fuel oil prices will be upwards of \$3.00 a gallon or more by next year. He expressed his concern over the elderly population that live alone who will not ask for assistance.

In response to Ms. Freyer, Commissioner Moon stated that many factors are considered when applying for assistance.

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

Mr. Thomas offered the following resolution and moved its

adoption:

RESOLUTION NO. 185

**TITLE: APPROPRIATION OF GIFTS FOR CAMBERSHIP
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, donations in the amount of \$4,200.00, as listed below, have been received by the Delaware County of Social Services to be used for Camperships for foster children as selected by the Department:

Stephen Rowell	\$1,000.
	00
O'Connor Foundation	\$3,000.00
Clark Companies	\$
	200.00

THEREFORE, BE IT RESOLVED, that the 2005 budget be amended for the use of these donation.

REVENUE:

10-16119-42270500 Foster Children Campership \$4,200.00

APPROPRIATION:

10- 16119-54313200 Foster Children Campership \$4,200.00

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

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

RESOLUTION NO. 186

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

WHEREAS, the Delaware County Office for the Aging has received additional funding from the O'Connor Foundation to sponsor an Oral History Project in Delaware County; and

WHEREAS, the Office for the Aging has contracted with Virtual Visits to run the series;

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

ESTIMATED REVENUES:

10-16772-42270602-6772022-977	Grants from Non-Profit	\$1,895.00
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APPROPRIATIONS:

10-16772-54327000-6772022-977	General Grant Related Expenses	\$1,895.00
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The resolution was seconded by Mr. Bachler and Mr. Bracci and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 187

**TITLE: COMMUNITY SOLUTIONS FOR
TRANSPORTATION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the

Community Solutions for Transportation Program. Said monies to be used for public assistance employment purposes and is 100% reimbursed.

NOW, THEREFORE BE IT RESOLVED that the 2005 Social Services Budget be amended to increase the following accounts:

REVENUE:

10 16010 44461000	Administration	\$41,570.00
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APPROPRIATION:

10 16010 54427013	Administration	\$41,570.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 188

**TITLE: BUDGET MODIFICATION TO RESOLUTION NO.
161 - 2004
EMERGENCY SERVICES**

WHEREAS, the original resolution was appropriated to Personal Services, Equipment, Consultants and Grant Related Expenses; and

WHEREAS, the grant needs to be fully spent before the 31st of October 2005 or will be subject to recall by the Division of Criminal Justice Services; and

WHEREAS, the Director of Emergency Services has spoken with the agency involved and has been advised to spend

down the money as quickly as possible on needed equipment.

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

DECREASE APPROPRIATIONS:

10-13640-54195050-3640021-902	Consultant, \$2,200.00
10-13640-51000000-3640022-902	Personal Services 1,080.22
10-13640-54195050-3640022-902	Consultant, Grant 1,100.00
10-13640-54327000-3640022-902	General Grant Related Expenses <u>1,149.98</u>
	TOTAL \$5,430.20

INCREASE APPROPRIATION:

10-13640-52200000-3640021-902	Equipment \$2,200.00
10-13640-52200000-3640022-902	Equipment <u>3,230.20</u>
	TOTAL \$5,430.20

BE IT FURTHER RESOLVED, that the department is authorized to purchase the equipment that is approved by the committee.

The resolution was seconded by Mr. Utter.

In reply to Mr. Marshfield, Budget Director Joe Hanley stated this is for office equipment, tables and chairs.

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

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

RESOLUTION NO. 189

TITLE: BUDGET MODIFICATION TO RESOLUTION NO.

**160 - 2004
EMERGENCY SERVICES**

WHEREAS, the original resolution was appropriated to Personal Services, Equipment, Supplies, Travel and Grant Related Expenses; and

WHEREAS, the grant needs to be fully spent before the 31st of October 2005 or will be subject to recall by the Division of Criminal Justice Services; and

WHEREAS, the Director of Emergency Services has spoken with the agency involved and has been advised to spend down the money as quickly as possibly on needed equipment.

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

DECREASE APPROPRIATIONS:

10-13640-51000000-3640011-902	Personal Services	000.00
10-13640-54595130-3640011-902	Supplies, Grant	364.00
10-13640-54625000-3640011-902	Travel	2,000.00
10-13640-54327000-3640011-902	General Grant Related Expenses	4,605.00
10-13640-54595130-3640012-902	Supplies, Grant	1100.00
10-13640-54327000-3640012-902	General Grant Related Expenses	168.75
	TOTAL\$	10,237.75

INCREASE APPROPRIATION:

10-13640-52200000-3640011-902	Equipment	\$8,969.00
10-13640-52200000-3640012-902	Equipment	1,268.75
	TOTAL	\$10,237.75

BE IT FURTHER RESOLVED, that the department is authorized to purchase the equipment that is approved by the

committee.

The resolution was seconded by Mr. Utter.

In reply to Mr. Marshfield, Mr. Hanley stated that the money needs to be moved by October 31st to take advantage of the grant. The grant limits what can be purchased.

Mr. Marshfield stated he would like to see the resolution pulled and acted on later after recess.

The resolution was withdrawn and acted upon after recess.

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

RESOLUTION NO. 190

**TITLE: 2005 BUDGET MODIFICATION-APPROPRIATION
OF SURPLUS
COUNTY ROAD FUND
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the 2005 Budget for Contractual Expense in the Maintenance of Roads and Bridges has proven to be insufficient to provide for the necessary materials to maintain the county's roads and bridges at an acceptable level; and

WHEREAS, the Public Works Committee feels that there needs to be an increase in the contractual appropriation of \$500,00.00 to complete this years projects; and

WHEREAS, the fund balance for the road fund is currently \$2,223,646.00.

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

DECREASE FUND BALANCE:

24-00000-34911000 Unreserved Fund Balance \$500,000.00

INCREASE APPROPRIATION:

24-15110-54000000 Contractual Expense \$500,000.00

The resolution was seconded by Mr. Bachler.

Mr. Thomas stated that he totally supports this resolution, adding it is necessary with the escalating costs of blacktop and fuel.

Mr. Utter stated that it was not possible to predict the escalating costs of oil, materials, fringe benefits, insurance, and retirement. He praised the Bridge 2000 Plan and noted that as a result we have a bridge system second to none. He added that Commissioner Reynolds is looking into a long range plan that will address the problems of the county's infrastructure.

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

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

RESOLUTION NO. 191

**TITLE: BUDGET MODIFICATION-CHHA PROGRAM
PUBLIC HEALTH NURSING**

WHEREAS, the CHHA Program is presently in need of a copier as the current copier is continuously in need of repair service; and

WHEREAS, money was not appropriated in the 2005 County CHHA Equipment Account; and

WHEREAS, the department is in receipt of an insurance reimbursement from an automobile accident and the older model car involved will not be replaced at this time; and

WHEREAS, there are some funds remaining in the department's equipment account and this reimbursement will allow funding to purchase the networking copier.

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

INCREASE REVENUE:

10-14010-42268300	Insurance Recoveries	\$1,801.00
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INCREASE APPROPRIATIONS:

10-14010-52200000	Equipment	\$1,801.00
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NOW, BE IT FURTHER RESOLVED, that this resolution hereby authorizes the department to purchase the copier.

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

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

RESOLUTION NO. 192

**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:

10-16055-54200025	Day Care	\$400,000.00
10-16102-54000000	MIS	\$350,000.00
10-16109-54113000	Family Assistance	\$300,000.00

10-16010-54427009	Child Welfare Services	\$52,000.00
10-16010-54437000	Mental Health	\$50,000.00
10-16010-54665000	YEI	\$40,000.00

TO:

10-16101-54425000	Medical Assistance	\$400,000.00
10-16119-54313150	Foster Care	\$650,000.00
10-16070-54575000	Services for Recipients	\$142,000.00

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

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

RESOLUTION NO. 193

**TITLE: 2005 BUDGET MODIFICATION
EMERGENCY SERVICES**

WHEREAS, there was lightening damage to the radio equipment on the Mt. Utsayantha tower on June 28, 2005 and this damage was covered by the County's insurance carrier with a \$1,000.00 deductible; and

WHEREAS, the need exists to replace the appropriation account to pay the bills resulting from this damage.

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

INCREASE REVENUE:

10-13640-42268000	Insurance Recoveries	\$1,703.00
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INCREASE APPROPRIATION:

10-13640-54415030 Maint. & Repair Equipmen\$1,703.00

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

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

RESOLUTION NO. 194

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT
CONTRACT C301945
FOR PROJECT NO. 2003WQI6176
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, Resolution No. 240 of 2004 was approved by the Delaware County Board of Supervisors that accepted funds for Project No. 2003WQI6176 from the Safe Drinking Water Act Grant, and;

WHEREAS, this funding is to be used for locating stormwater outfalls in ten villages and hamlets of the New York City Watershed Basins and;

WHEREAS, the Delaware County Planning Department holds the requisite expertise and is conducting the work described in this project, and;

WHEREAS, the size of the database has grown as a result of gathering field data, and;

WHEREAS, the storage and maintenance of the database has exceeded current electronic capabilities, and;

WHEREAS, New York State Department of Environmental Conservation has approved this budget amendment to Project No. WQI6176

NOW, THEREFORE BE IT RESOLVED, that the 2005

budget for project No. 2003WQI6176 be amended as follows:

ESTIMATED REVENUE:

10-18741-44498900-8740008-900	NYS Dept. of Environmental Conservation	\$44,550.00
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APPROPRIATIONS:

10-18741-51000000-8740008-900	Personal Services	\$12,669.00
10-18741-52200001-8740008-900	Equipment	\$16,950.00
10-18741-54327625-8740008-900	Travel	\$4,000.00
10-18741-54327595-8740008-900	Supplies	\$2,000.00
10-18741-58000000-8740008-900	Benefits	\$8,931.00

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

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

RESOLUTION NO. 195

TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE DEPARTMENT OF PUBLIC WORKS

WHEREAS, section 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;

BE IT RESOLVED, that the Department of Public Works is authorized to sell by competitive sealed bid:

#872 - 1986 Cat 816B landfill compactor;
BIN # 335225 - Old Sherwood's Bridge.

The resolution was seconded by Mr. Bracci and Mr. Woodford.

Mr. Utter explained that the landfill compactor is the original compactor purchased in 1986, has approximately 23,000 hours on it, and has served the county very well.

In reply to Mr. Marshfield, Mr. Bracci answered that CADI is involved as they donated the land to the town for the bridge.

Mr. Utter stated that there have been many plans to relocate this bridge and told of the Army Corps of Engineers plan to fly the bridge out to East Meredith to the museum but, the county had to guarantee them a route that would not cross a road, utility or fly over a home. There was a group that wanted to fly this bridge out to Margaretville to join the village to another parcel in the community but, this never got off the ground. He said it would almost be impossible to take the bridge apart piece by piece and move it due to rust. In addition, the town of Delhi would really like to see it moved.

Chairman Eisel commented that it will probably be sold to someone who is just going to chop it up for the steel.

Mr. Utter noted that the sad part of this is that the bridge is a historic structure and is one of two of this design left in the country.

Mr. Marshfield remarked that he felt the bridge along with the property should be sold. Mr. Thomas replied that the land will go back the donor (CADI of SUNY Delhi), adding this resolution is simply to get the ball rolling.

The resolution was unanimously adopted.

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

RESOLUTION NO. 196

**TITLE: CHANGE ORDER NO. 3 FOR PROPOSAL NO. 30-
04
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 223 of 2004 authorized the Department of Public Works to make award to F.P. Kane Construction, Inc. for the Bovina Community Wastewater System and Stormwater Improvement Project, in the amount of \$2,948,000.00; and

WHEREAS, Resolution No. 60 of 2005 authorized the Department of Public Works to execute Change Order No. 1 in the amount of \$870,653.00 increasing the total project cost to \$3,818,653.00; and

WHEREAS, Resolution No. 137 of 2005 authorized the Department of Public Works to execute Change Order No. 2 in the amount of \$211,935.00 increasing the total project cost to \$4,030,588.00; and

WHEREAS, field conditions required the Department of Public Works to revise the designs in 8 locations for the stormwater portion of the project resulting in increased costs of \$35,190.63; and

WHEREAS, Item 697.0201, Field Change Orders, in the contract allows for such changes up to an amount of \$100,000.00; and

WHEREAS, applying these costs against the \$100,000.00 will result in a new net balance of \$64,809.37; and

WHEREAS, field conditions required the Town of Bovina and the CWC to revise designs resulting in increased costs of \$54,737.48 on the sanitary portion of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 3 in the amount of \$54,737.48 increasing the

total project cost to \$4,085,325.48.

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

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

RESOLUTION NO. 197

TITLE: A RESOLUTION REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO RELEASE ITS MAINTENANCE JURISDICTION OVER A PORTION OF HIGHWAY RIGHT OF WAY ALONG ROUTE 97 IN THE TOWN OF HANCOCK AND FURTHER AUTHORIZING THE CONVEYANCE OF DELAWARE COUNTY'S INTEREST IN SAID PORTION OF RIGHT OF WAY TO THE FRENCH WOODS CEMETERY ASSOCIATION DEPARTMENT OF PUBLIC WORKS

WHEREAS, the French Woods Cemetery Association has expressed a desire to acquire property which is between the cemetery and State Route 97 in order to utilize planned plots which they thought they owned; and

WHEREAS, the County of Delaware originally purchased the highway right-of-way for State Route 97; and

WHEREAS, the New York State Department of Transportation has indicated a willingness to release its maintenance jurisdiction over the portion of property required by the association after the county requests the release in the form of a resolution; and

WHEREAS, with the abandonment by the New York State Department of Transportation, the County can proceed to convey its interest in that portion of land to the French Woods Cemetery

Association.

NOW THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors hereby requests the New York State Department of Transportation to release its maintenance jurisdiction over that portion of highway right of way along State Route 97 in the Town of Hancock as shown on Map No. 1-C prepared by Kenneth B. Shields L.S. dated June 4, 2005 and

BE IT FURTHER RESOLVED that the Chairman of the Board is herewith authorized to take any action and execute any documents that may be necessary to convey the County's interest in said parcel of land to the French Woods Cemetery Association at a cost consideration of \$204.00 plus filing fees.

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

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

RESOLUTION NO. 198

**TITLE: PURCHASE OF RIGHT OF WAY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Delaware County Department of Public Works has entered into an agreement with the New York State Department of Transportation to receive Federal Aid under PIN 9752.95 for the rehabilitation of County Bridge 5, BIN 3352060, Corbett Road over the East Branch of the Delaware River; and

WHEREAS, to accomplish the rehabilitation additional rights of way and easements are required; and

WHEREAS, the Department of Public Works has followed all the federal requirements for acquiring highway right of way including certified appraisals and appraisal review.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Department of Public Works is authorized to purchase the following parcels in the Town of Colchester for the respective amounts:

Charlotte S. Bergstrom		\$600.00
		0
Map No. 1, Parcel No. 1	1,526 sq. ft.	Fee
Map No. 1, Parcel No. 2	11,016 sq. ft.	P.E.
Todd A. Axton		\$100.00
		0
Map No. 2, Parcel No. 3	642 sq. ft.	Fee
Charlotte A. Bergstrom		\$500.00
		0
Map No. 3, Parcel No. 4	14,758 sq. ft.	Fee
Charlotte S. Bergstrom		\$1,100.00
Map No. 4, Parcel No. 5	19,121 sq. ft.	P.E.

The resolution was seconded by Mr. Bachler.

Mr. Utter noted that this is the historic bridge located in Corbett and is 80 percent state funded with 20 percent county cost.

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

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

RESOLUTION NO. 199

TITLE: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE GOVERNOR'S OFFICE FOR SMALL CITIES DEPARTMENT OF ECONOMIC DEVELOPMENT

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

WHEREAS, a request for assistance, in terms of a low interest loan, has been received from a local business to aid in their business expansion project that will result in the creation of thirty new jobs; and

WHEREAS, these funds, when repaid, will be used to establish a revolving loan fund to meet the future needs of businesses within the County; and

WHEREAS, Delaware County has scheduled public hearings to obtain citizen's views in relation to the application for funds; and

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

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

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

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

RESOLUTION NO. 200

**TITLE: ANNUAL REPORT AND AGENCY EVALUATION
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the Delaware County Public Health Nursing Service must, by regulation, submit the Annual Report and Agency Evaluation Report to the governing authority for approval; and

WHEREAS, the Public Health Committee has reviewed and approved the Annual Report and Evaluation Report

THEREFORE, BE IT RESOLVED, to accept the Delaware County Public Health Nursing Services 2004 Annual Report and Agency Evaluation Report as presented.

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

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

RESOLUTION NO. 201

**TITLE: PROCLAMATION OF SEPTEMBER AS
NATIONAL ALCOHOL AND DRUG
ADDICTION RECOVERY MONTH, 2005.
ALCOHOL AND DRUG ABUSE COUNCIL**

WHEREAS, problems with drugs and alcohol continue to be prevalent in every state in the nation, but there is hope that the tide can turn if more people with alcohol and drug use disorders are given access to treatment. We now know that alcohol and drug use disorders are chronic but treatable diseases that involve brain chemistry, just as diabetes and heart disease are chronic but treatable medical conditions; and

WHEREAS, recovery from alcohol and drug addiction is possible, and treatment is effective. People in recovery can and do become gainfully employed, own homes, and rejoin their families and their communities; and

WHEREAS, for many in our community, alcohol and drug use disorders take an enormous toll, but we do not have to let them solve their problem alone. Daily, throughout every part of the United States, men, women, and youth are entering treatment and beginning the road to recovery. Entire families are breaking the cycle of addiction and are embracing recovery through support programs and counseling services. Right here in Delaware County, we have a successful treatment court with a family treatment court in the planning stage. Friends of Recovery of Delaware and Otsego Counties, Inc. (FOR-DO) plans to open a Recovery Center in Oneonta to support recovery through the provision of peer-to-peer support services. Our community salutes those in our neighborhoods who are in recovery and the programs and services that brought them out of the darkness; and

WHEREAS, all citizens of Delaware County are hereby asked to join in celebrating this September as **National Alcohol and Drug Addiction Recovery Month**. This year's **Recovery Month** theme, "**Join the Voices for Recovery...Now!**" invites all of us to take immediate action to guide those in our community who need drug and alcohol treatment toward the promising path of recovery.

THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby proclaim the month of September 2005 as National Alcohol and Drug Addiction Recovery Month in Delaware County and also calls upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals and schools in Delaware County to support efforts that will encourage prevention and recovery throughout our community.

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

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

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

Mr. Maddalone re-called Resolution No. 189 entitled: Budget Modification To Resolution Number 160-2004.

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 202

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,898,379.48 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	\$1,419,720.80
Countryside Care Center	\$243,333.90
OET	\$6,014.97
Jail	\$167,347.63

Highway Audits, as Follows:

Road	\$437,322.49
Machinery	\$206,156.64
Capital Road & Bridge	\$501,206.43
Capital Solid Waste	\$812,093.04
Solid Waste/Landfill	\$105,183.58

The resolution was seconded by Mr. Thomas and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

RESOLUTION NO. 203

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss collective bargaining.

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

The meeting reconvened in regular session with all Supervisors present except, Mr. Meredith.

Upon a motion the meeting was adjourned at 9:35 P.M.