

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 12, 2005

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 12, 2005 at 1:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present, with the exception of Mr. Smith who arrived after roll call.

Mr. Donnelly offered the invocation.

Mr. Hynes led the Board in the pledge of allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Commissioner of Watershed Affairs Dean Frazier who introduced Phil Sweeney and Mike Shaw from the USEPA Region #2 New York City Watershed Oversight Team, Irina Birman PHD, Bureau of Public Water Supply Protection and Dr. Roger Sokol, Chief of the New York City Watershed Protection both from the New York State Department of Health. Commissioner Frazier explained the purpose of their trip was to see the Delaware County Action Plan (DCAP) projects in the county and to obtain possible inclusion into the Land Filtration Avoidance Determination (FAD).

Chairman Eisel granted Privilege of the Floor to Mr. Hynes who introduced Director of Planning Nicole Franzese. Ms. Franzese introduced Henry Lamont, P.E. and Judy Pangman, Sr. Planner of Lamont Engineers to discuss the development of a guidance manual put together as a result of a pilot program for alternate wastewater projects.

Mr. Lamont provided a handout entitled, "Scope of Work, Community Wastewater Management Pilot Study for the Hamlet of Hamden and Wastewater Solutions Template for Municipal Guidance and Outreach". He also provided a copy of the final draft document entitled "Guide to Developing a Municipal Wastewater Project for small, rural communities in New York State".

Mr. Lamont explained the most important piece of the project is the guidance manual and pointed out that such a manual did not exist until the Planning Department came up with the idea and obtained funding from the Appalachian Regional Commission and Catskill Watershed Corporation (CWC). He stated the manual has taken the better part of a year to put together and

was a very complicated process.

Mr. Lamont stated the document has been edited and reviewed as it has gone through the process of development by the Delaware County Planners, the Appalachian Regional Commission, CWC, and the Hamden Technical Advisory Committee, which he noted consists of over 20 people from various positions throughout the county. He noted the data gathering is mostly complete, they are currently working on the technical reports and then the facility plan.

Mr. Lamont explained it was decided to put the guidance manual together first so the process of developing the project in Hamden could be a laboratory for the review of the guidance manual. He also noted that Lamont Engineers is currently working with CWC on three other community wastewater management projects in Boiceville, Bloomville and Delancey. Although the manual is in the final draft stage, he pointed out that it will not be published until it has been exposed to use in a community.

Ms. Pangman, a Senior Planner with Lamont Engineers described the contents of the guidance document. She pointed out that they tried to make the manual thorough, user friendly and interesting. She explained the next step is to put the manual into use, adding a number of funding and regulatory agencies now have the manual and they are waiting for their comments.

Chairman Eisel stated that this is an outstanding document, adding municipalities do not have to reinvent the wheel. This manual is a tremendous guide to go by and it will save them a great deal of time.

Ms. Molé stated that having invented the wheel, she appreciates the value of the manual and pointed out that Mr. Marshfield will be in good hands with Lamont Engineers.

Mr. Marshfield commented that every community in New York State can use this document and noted the document addresses municipal wastewater projects both in and out of the watershed. He offered to provide extra copies of the guidance manual if anyone needed one and stated that it has been a pleasure working with Mr. Lamont.

Chairman Eisel granted privilege of the floor to Mr. Thomas who announced that Countryside Care Center has 13 electric hospital beds, without mattresses, available to any town Supervisor or constituent that might need one. He pointed out that there have been two requests to date, one of them being from a veteran. If anyone is interested in the beds, they need to contact Countryside Care Center Administrator Kurt Apthorpe.

Chairman Eisel noted these beds are an important commodity and asked if the beds could be stored. Mr. Thomas explained that Countryside is taking in the displaced residents of the Sidney Nursing Home and that is part of the reason why the beds have to be taken out of storage to create room. He advised that Mr. Apthorpe has made an offer to take any of the people from the Sidney Nursing Home that have no where to go, adding that 15 people have been identified to date.

Mr. Thomas then introduced Commissioner of Social Services William Moon.

Commissioner Moon referenced a handout, placed on each of the Supervisors' desk describing a meeting held in the town of Kortright on October 11th. The purpose of the meeting was to discuss the proposed agency operated foster home the county has been working on opening. Those in attendance were town of Kortright Supervisor Haynes, Supervisor Marshfield from the Social Services Committee, Director of Mental Health Pat Thompson and Director of Probation Terri Theobald and the Executive Director of Delaware Opportunities John Eberhard.

Commissioner Moon said the topic of sex offending no matter how it is discussed appears to be an inflammatory topic but, it is time, in his opinion and that of his colleagues that the topic be openly discussed. He said it is his personal and professional feeling that this subject cries out for further publicity, scrutiny, and education.

He explained a Department of Justice grant obtained by the four counties will be devoted to training, public education, implementing common assessment processes, and treatment services largely targeted toward children. He referenced the Department of Justice website and suggested individuals looking for information visit the site. Commissioner Moon pointed out the large amount of research that is available on the website and noted the site provides the facts and myths having to do with adolescents.

Commissioner Moon said the meeting in Kortright was a good beginning. The proposed home in Kortright is in a rural location, although there will be neighbors. The meeting provided an opportunity to meet with neighbors and representatives from the school district and resulted in a dialogue that lasted about two hours. He pointed out that the county has always put the safety of the children first and referenced the high standards in each of the county homes located in Sidney, Sidney Center, Stamford, Bloomville and Hamden.

Commissioner Moon explained that a large share of our young adults have been sexually abused, adding for many it sets off a reactive process that they will go through and some of them will begin acting out sexual behaviors of their own. He said these type of children have always been in our agency homes and currently represent about 20 to 25 percent of our agency home population. He pointed out that child offenders differ substantially from adult offenders and noted that his research only turned up one child that committed an offending sexual behavior as an adult. He stressed the importance of effective intervention and treatment services, especially in children and young adults from the ages of 7 to 15. He added these programs make all the difference in the world and often will save additional abuse from taking place.

He said the issue of sex offenders is not new nor will it go away and the primary reason the counties applied for this grant is for the children. He pointed out that the grant provides for opportunities to look for public forums in various places in the county to expose the public to training and information.

In conclusion, Commissioner Moon thanked Mr. Haynes and Mr. Marshfield for hosting

the meeting.

Mr. Bracci said he appreciates the work being done, and added it is important for people to talk about the importance of the cause and affect of intervention at early childhood. He pointed out that education and information will help to clear up many of the misunderstandings.

Commissioner Moon explained that people fear anything that the sex offending label is attached to. He said that many of our children have exhibited strange behavior from time to time and noted that there is a wide diverse heterogeneous group that doesn't fit under one label, adding that research has proven that. He pointed out two cases of adolescent females that have been victimized by males in the community noting one gave birth recently and the other is pregnant. He also pointed out that the undocumented and unreported aspects of sex abuse is much larger than what is reported.

In response to Mr. Ryan, Commissioner Moon agreed that some sexually offending behavior would be considered a crime if committed by an adult but, pointed out that sexually offending behavior is any behavior that is unwanted by another individual.

Chairman Eisel stated that knowledge is very important and asked on behalf of the Board that Commissioner Moon provide the Board with a copy of the myths and facts taken from the Department of Justices website.

For Standing Committee Reports, Chairman of the Finance Committee Mr. Donnelly noted that departments must have their budget submitted to the Budget Officer Joe Hanley by Friday, October 14th to avoid having the Budget Officer prepare the budget for their department. He advised that there will be a Finance Committee meeting on Friday October 21st to review department budgets. He advised the Board that department budgets are coming in very high and he fears people may be thinking with the pending sale of Countryside Care Center there is going to be a lot of money available. He said this is not the case and added with the increased cost of fuel some of the budgets are coming in with a double digit increase. He further stated that this is not what we want to do to the taxpayers.

Chairman Eisel noted that the Clerk of the Board Christa Schafer will notify everyone when the proposed budget workshop is scheduled.

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

RESOLUTION NO. 229

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945
WATERSHED AFFAIRS**

WHEREAS, Delaware County has been awarded funding under the 2004 Safe Drinking Water Act for Cross-Farm, Time-Series Assessment Database for Phosphorus Management Evaluation, Part II; and

WHEREAS, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

WHEREAS, said contract permits amendments without the development of a new prime agreement with New York State Department of Environmental Conservation for new funding awards from the Safe Drinking Water Act; and

WHEREAS, the Delaware County Soil and Water Conservation District and the NYS Water Resources Institute at Cornell University holds the requisite expertise to conduct this work; and

WHEREAS, the New York State Department of Environmental Conservation has amended our contract to accept this funding identified as Project “Cross-Farm, Time-Series Assessment Database for Phosphorus Management Evaluation – Part II”.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors accept this funding and that the Chairman of the Board of Supervisors be authorized to enter into contract with the Delaware County Soil and Water Conservation District and Cornell University to conduct this work; and

BE IT FURTHER RESOLVED, that the 2005 budget be amended as follows:

INCREASE REVENUE:

10-18741-44498900-8740015- 900	NYS Dept. of Environmental Conservation	\$68,500.00
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INCREASE APPROPRIATIONS:

10-18741-54327200-8740015-900	Contractual Services	\$65,000.00
10-18741-51327000-8740015-900	Personnel Services,	3,251.00
10-18741-58300000-8740015-900	Social Security	202.00
10-18741-58900000-8740015-900	Medicare	47.00
	TOTAL	\$68,500.00

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

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

RESOLUTION NO. 230

**TITLE: APPROVAL TO SPEND FUNDS FROM FOSTER CARE ACCOUNT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services maintains a Foster Care account for the

purpose of purchasing equipment for its agency operated Foster Care Program; and

WHEREAS, two agency operated foster homes are in need of a washer and dryer in the amount of \$1,200.00

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

<u>DECREASE</u>		
10-00000-11120100/11120120	Foster Care Home - DNB	\$1,200.00
<u>INCREASE</u>		
10-18989-5220000	Equipment	\$1,200.00

The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 4806, Noes 0, Absent 66 (Molé).

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

RESOLUTION NO. 231

**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, the Board had passed Resolution No. 165 on June 23, 2005 to cover the additional expenses at that time in the amount of \$275.00; and

WHEREAS, the Board passed Resolution No. 205 on September 14, 2005 to cover the anticipated additional expense of \$12,000.00; and

WHEREAS, the final billing has been received and the account is short by \$300.00

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

<u>INCREASE APPROPRIATION:</u>		
10-14390-54155000	Certification Expense	\$300.00
<u>DECREASE APPROPRIATION:</u>		
10-11990-54900000	Contingency	\$300.00

The resolution was seconded by Mr. Maddalone.

Mr. Marshfield asked Director of Mental Health Patricia Thomson if we were lucky only needing \$300.00. Ms. Thomson replied not as lucky as in past years, adding that over \$20,000.00 has been spent this year.

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

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

RESOLUTION NO. 232

**TITLE: AUTHORIZATION TO GRANT AN EASEMENT TO
COLUMBIA GAS TRANSMISSION CORPORATION
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Columbia Gas Transmission Corporation (Columbia Gas) is the owner of a right of way for pipeline purposes through County owned property in the Town of Deposit (tax map no. 349-1-51.2); and

WHEREAS, Columbia Gas is in the final stages of design and right of way acquisition for a new gas line; and

WHEREAS, Columbia Gas has presented a proposal to the County to amend the current right of way agreement to accommodate the new line and a second proposal for a temporary easement for an access road and work areas; and

WHEREAS, the affected property was purchased by the County in 1982 as part of a federally funded flood control project; and

WHEREAS, the DPW is currently reviewing the proposed plans with respect to their impact on the improvements constructed under the flood control project.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is authorized to execute all documents required to grant the necessary easements to Columbia Gas Transmission Corporation to construct the proposed line subject to the final approval of the County Attorney.

The resolution was seconded by Mr. Woodford.

In answer to Mr. Thomas, County Attorney Richard Spinney replied that the proposed amount of \$2,800.00 referenced in Commissioner Reynold's letter would be a one time payment from Columbia Gas.

Mr. Marshfield asked if the county would be further restricted as a result of granting this easement. Mr. Woodford stated he believed the purpose of the easement was to provide for future growth.

Mr. Spinney stated there is still disagreement over the terms at this time but, Commissioner Reynolds thought it best to bring this resolution to the Board at this time to get approval to sign the easement.

The resolution was unanimously adopted.

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

RESOLUTION NO. 233

**TITLE: CONTROL OF SNOW AND ICE ON COUNTY HIGHWAYS
BY TOWN FORCES
SECTION 135-A OF THE HIGHWAY LAW
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED, that pursuant to Section 135-a of the Highway Law, the Board of Supervisors of Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into an agreement with the Town Highway Superintendents of the Towns of Andes, Colchester, Harpersfield, Kortright, Masonville, Middletown, Roxbury, Sidney, Stamford and Tompkins for the performance, by the Towns, of the work of control of snow and ice on the County Roads within the boundaries of the County, upon terms and regulations as are contained in such agreements for the season 2005-2006.

The resolution was seconded by Mr. Bachler.

Mr. Utter explained that the state rate for equipment has been raised a few percentiles so that the towns will be paid at higher rate.

Mr. Thomas pointed out that his town received a letter from the Department of Public Works advising that the town highway department must contact the Department of Public Works or they will be paid at last year's rates. He added he thought it must have something to do with additional fuel costs and operating expenses.

Chairman Eisel agreed and said that the Department of Public Works needs a list of all the towns' equipment by the end of the month in order to get the higher rates.

The resolution was unanimously adopted.

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

RESOLUTION NO. 234

**TITLE: CONTROL OF SNOW AND ICE ON NEW YORK CITY ROADS
BY TOWN FORCES
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED, that pursuant to an agreement between New York City and the County of Delaware, and by Resolution No. 46 of 1991, Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into agreements with the Town Highway Superintendents of the Towns of Andes, Colchester, Middletown, Roxbury, and Tompkins for the performance, by the Towns, of the work of control of snow and ice on the New York City Roads within the boundaries of the County, upon terms and regulations as are contained such agreements for the season 2005-2006.

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

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

RESOLUTION NO. 235

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY
NO LONGER NECESSARY FOR PUBLIC USE
SHERIFF'S DEPARTMENT**

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

THEREFORE, BE IT RESOLVED, that the following equipment be authorized to be sold at a public auction to be held in the fall of this year;

VEHICLE NUMBER	MAKE AND MODEL	VEHICLE ID NUMBER
DCSO 8	1995 Ford Crown Victoria	VIN: 2FALP71W8SX177944
DCSO 4	1995 Ford Crown Victoria	VIN: 1J4GZ58SXSC676099
DCSO 12	1996 Ford Crown Victoria	VIN: 2FALP71W0TX177308
DCSO 14	1997 Ford Crown Victoria	VIN: 2FALP71W5VX218986

The resolution was seconded by Mr. Utter.

In answer to Mr. Rowe, Delaware County Sheriff Tom Mills confirmed that this resolution removed the last of the Ford Crown Victorias from the fleet.

The resolution was unanimously adopted.

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

RESOLUTION NO. 236

TITLE: CONSOLIDATION OF AGRICULTURAL DISTRICTS

WHEREAS, the Delaware County Agriculture & Farmland Protection Board has been authorized to review the County's twelve (12) Agricultural Districts; and

WHEREAS, the following agricultural districts are relatively small in area and are adjacent to one another;

NOW, THEREFORE, BE IT RESOLVED that Delaware County authorizes the Delaware County Agriculture & Farmland Protection Board to proceed with the consolidation of the following agricultural districts:

District	Acres	Towns	Review date
18	2,142	Hancock, Hamden, Colchester	01/10/2006
6	7,061	Hancock	08/04/2007
District	Acres	Towns	Review date
3	13,095	Andes, Middletown, Roxbury	07/10/2006
9	31,089	Andes, Bovina, Colchester, Hamden	11/12/2008
District	Acres	Towns	Review date
5	33,831	Delhi, Franklin, Hamden, Walton	01/29/2007
8	18,306	Davenport, Delhi, Franklin,	11/12/2007
District	Acres	Towns	Review date
2	10,757	Delhi, Franklin, Hamden	08/11/2006
14	10,483	Davenport, Franklin, Meredith	11/05/2010

The resolution was seconded by Mr. Smith.

Mr. Bachler explained that the State has allowed us to consolidate eight districts into four with the approval of the Board of Supervisors and the Agriculture & Farmland Protection Board. He added the consolidation will save the Planning Department a great deal of time when the districts come up for review.

Planner Kent Manual added that this is a combination of smaller districts that are adjacent to one another. He said there will be no loss of agricultural land and explained that the consolidation from twelve districts to eight will begin as the districts come up for review.

The resolution was unanimously adopted.

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

RESOLUTION NO. 237

TITLE: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Be it enacted by the Board of Supervisors of the County of Delaware, as follows:

SECTION 1. Section 4-A of Resolution No.144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2007. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (C) of subdivision (1) of section 11 of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and use taxes, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2007, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

SECTION 3. This enactment shall take effect December 1, 2005.

The resolution was seconded by Mr. Thomas.

Mr. Donnelly explained the purpose of this resolution is to continue the last one percent sales tax enacted by the Board of Supervisors. He pointed out that this is not a bed tax or a new tax. He added that the resolution is written in accordance with the New York State Legislature.

The resolution was unanimously adopted.

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

RESOLUTION NO. 238

**TITLE: POSITION UPGRADE
BUILDING & MAINTENANCE DEPARTMENT**

WHEREAS, a vacancy exists in the Building and Maintenance Department evening shift and after due consideration and evaluation it has been determined that the position of Building Maintenance Aide needs to be upgraded to Assistant Building Mechanic; and

WHEREAS, the Personnel Officer has reviewed the duties and responsibilities of the position and has approved the upgrade; and

WHEREAS, there is sufficient funding in the budget to allow for said upgrade

NOW, THEREFORE, BE IT RESOLVED that the upgrading of the position is hereby effective immediately.

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

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

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

RESOLUTION NO. 239

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,145,623.86 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	\$660,093.02
Countryside Care Center	\$190,424.30

Jail	\$97,571.29
Highway Audits, as Follows:	
Road	\$19,628.51
Machinery	\$60,704.75
Capital Road & Bridge	\$77,045.63
Capital Solid Waste	\$23,551.30
Solid Waste/Landfill	\$16,605.06

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

Mr. Bachler asked Mr. Donnelly if there will be a budget workshop on October 26th. Mr. Donnelly explained that based on what happens at the Finance Committee meeting on Friday, October 21st will determine when a budget workshop will be scheduled, he added that it would probably not be on October 26th.

Upon a motion the meeting was adjourned at 2:00 P.M.