

## **REGULAR MEETING**

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

**JANUARY 25, 2006**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 25, 2006 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. Donnelly.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read a letter from departing town of Davenport Supervisor Todd Rider thanking the Board for their dedication, hard work and many times unpopular decisions. He noted that he was honored and proud to be part of such a great body of local elected officials whose actions have always been in the best interest of Delaware County.

The Clerk also read a letter from Margye Thornton, Development Associate of PKD Foundation for Research in Polycystic Kidney Disease, thanking the Board of Supervisors for their contribution in memory of former County Clerk Gary Cady.

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

Chairman Eisel granted privilege of the floor to Director of Employment & Training Teddie Storey who presented Magdalena Gilbert as Employee of the Month.

Ms. Gilbert was hired by the Private Industry Council as an Employment and Training Assistant in February, 1986. In January, 1987 she became Employment and Training Counselor and in 1988 Employment and Training Coordinator. She was promoted to her current position of Assistant Director in January, 1995.

Mrs. Storey explained that Mrs. Gilbert manages the Sidney Office of Employment and Training, which serves more than 2,000 job seekers per year, adding that Mrs. Gilbert has helped thousands of Delaware County residents find work and attain self-sufficiency. In addition to her regular caseload, Mrs. Gilbert maintains the area's largest caseload of out-of-school youth ages 16-21.

Mrs. Storey said that Mrs. Gilbert is committed to matching job seekers with employers seeking qualified workers as well as working closely with businesses to provide customized training that will increase the skills of workers already employed. She has assisted several businesses obtain training and business improvement grants bringing more than \$200,000 to the area. Mrs. Gilbert recognizes that being out of work can be a very stressful time for people and she can be counted on to go the extra mile to ensure quality service even if that means coming in early or staying late.

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

Mrs. Gilbert expressed her thanks saying that this is a challenging but very rewarding job and she really appreciates the honor.

Chairman Eisel granted privilege of the floor to Mr. Bachler who announced that there will be an informational meeting regarding wind towers towards the end of February, possibly at SUNY Delhi. He stated that Bert Moore has agreed to moderate the meeting.

Chairman Eisel stated that this is a very important issue, adding that as soon as the information is known he will put together a press release on behalf of the Board. He thanked Mr. Moore for his participation.

Mr. Ryan pointed out that a town has to introduce a local law allowing the use of wind towers if one does not already exist.

Chairman Eisel granted privilege of the floor to Mr. Bachler who introduced Executive Director of Cooperative Extension Jeanne Darling.

Mrs. Darling thanked the Board of Supervisors for the opportunity to distribute free radon testing kits and discuss the importance of radon testing. She advised that through a grant received by Delaware County Public Health Nursing, from the New York State Department of Health, Cooperative Extension has been able to educate homeowners, schools and businesses throughout the county on radon, the second leading cause of lung cancer death. Mrs. Darling explained that testing is most prevalent during the months of November through March and offered to bring the radon presentation and free kits to any town activity. She pointed out that free kits can be obtained by stopping by or calling Cooperative Extension.

Mrs. Darling also discussed educational outreach programs through New York Energy Smart Programs and referenced the informational packets placed on each Supervisors' desk. She noted that on March 9, 2006 there will be a program on weatherization, and on May 18, 2006 there will be a program on alternative energy, solar and wind, adding there are incentives and tax credits available to encourage the use of alternative energy.

In closing, Mrs. Darling announced a benefit breakfast will be held for Matt Shelton, a former 4-H member, seriously hurt in a car accident and currently in intensive care at Albany Medical Hospital. The benefit will be held on Saturday, March 11, 2006 at the Walton High School. A flyer detailing the event was placed on each Supervisors' desk.

Chairman Eisel asked what action a person would take if testing revealed an unsafe level of radon in the home. Mrs. Darling explained that a retest would be done to make sure the first test was accurate, then Cooperative Extension would work with the homeowner to mitigate the radon.

In answer to Mr. Bachler, Mrs. Darling stated that the age of the home does not make a difference, she cited an example of a newly constructed home that tested high for radon. She pointed out that had the builder installed radon construction techniques the problem could have been easily mitigated through vents in the roof. Mrs. Darling noted the importance of public education and advised that Cornell is discussing radon techniques with homeowners, schools and businesses throughout the county.

In reply to Mr. Bachler, Mrs. Darling stated that she will put out a press release announcing information on the scheduled meetings when they become available. She also noted that the information, when available, will be posted on the Extension's website [www.cce.cornell.edu/delaware](http://www.cce.cornell.edu/delaware).

Chairman Eisel stated on each Supervisors' desk is the 2006 Supervisors' card reflecting the committee assignments.

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

### **RESOLUTION NO. 23**

#### **TITLE: DESIGNATION OF DELAWARE COUNTY AS LOCAL SPONSOR FOR SNOWMOBILE GRANT PLANNING DEPARTMENT**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation has made funds available to develop and/or maintain snowmobile trails in New York State; and

**WHEREAS**, applications for grants for such development and/or maintenance of snowmobile trails require a local government sponsor; and

**WHEREAS**, the Delaware Otsego Chenango Snowriders, the Hamden Hill Ridge Riders, the Maywood Snow Riders, the Otego Snow-Goers, the Delaware Valley Ridge Riders and the Central Catskill Trail Association have applied for said funds for the development and/or maintenance of snowmobile trails in Delaware County;

**NOW, THEREFORE, BE IT RESOLVED** that Delaware County is hereby declared as the Local Sponsor for this application under the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Grant Program;

**FURTHER, BE IT RESOLVED** that the Planning Department budget be amended to receive and dispense these moneys in compliance with the requirements of the Preservation Snowmobile Trails Grant Program as follows:

**INCREASE REVENUE**

10-17989-43388900/8020014/908	Snowmobile Recreation	\$140,965.25
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**INCREASE APPROPRIATION**

10-17989-54555000/8020014/908	Recreation Snowmobile Grant	\$140,965.25
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The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 24**

**TITLE: GOVERNOR’S OFFICE FOR SMALL CITIES GRANT  
ECONOMIC DEVELOPMENT**

**WHEREAS**, Delaware County has been awarded a Community Development Block Grant in the amount of \$410,000.00 from the Governor’s Office of Small Cities for the purpose of providing a low-interest loan to a local manufacturing company for the purchase of new machinery and equipment as part of an expansion project; and

**WHEREAS**, according to an existing agreement between Delaware County and the Delaware County Industrial Development Agency, this grant will be administered by the agency.

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

**INCREASE REVENUE:**

10-16326-43388900/6326004/972	State Otr Culture & Recreation	\$410,000.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326004/972	General Grant Related Expense	\$410,000.00
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The resolution was seconded by Mr. Hynes.

In answer to Mr. Bachler, Director of Economic Development Glen Nealis explained that

Sportsfield Specialities Inc. on Route 10 in Delhi will be the recipient of a low interest loan for the purchase of machinery and equipment. He pointed out that the current project is a \$1.5 million investment expected to create thirty new jobs over the next year.

In response to Chairman Eisel, Mr. Nealis confirmed that the funds belong to the county and when Sportsfield Specialities pays the loan back to the county the funds will be used to offer low interest loans to other businesses.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 25**

**TITLE: 2006 BUDGET MODIFICATION  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the New York State Office of Temporary and Disability Assistance has awarded Delaware County Department of Social Services a Weatherization Grant in the amount of \$23,701.00 representing 100 percent federal energy funds to intensify services to low income households which may benefit from conservation information and weatherization activities

**NOW, THEREFORE BE IT RESOLVED**, that the Social Service Department budget be amended as follows:

**INCREASE REVENUE ACCOUNT**

10-160124-446890	FDL OTR Soc Services-WRAP	\$23,701.00
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**INCREASE APPROPRIATION ACCOUNT**

10-16012-5420000	Contracted Srvs.	\$23,701.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 26**

**TITLE: 2006 BUDGET MODIFICATION  
OFFICE FOR THE AGING**

**WHEREAS**, the Office for the Aging has contracted with the Department of Social

Services to administer the Home Energy Assistance Program (HEAP) to the senior population in Delaware County; and

**WHEREAS**, the Office for the Aging has contracted with Delaware Support and Services to provide the workers needed to assist seniors with their HEAP applications, and process these applications in preparation for final approval/denial; and

**WHEREAS**, the Office for the Aging will be receiving additional funding from the Department of Social Services to administer the HEAP program;

**THEREFORE, BE IT RESOLVED**, the estimated revenues and appropriations for the year 2006 be amended as follows:

**INCREASE REVENUES:**

10-16772-44477200/6772025/977	HEAP	\$13,000.00
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**INCREASE APPROPRIATIONS:**

10-16772-54342000/6772025/977	HEAP Contracted Services	\$11,056.00
10-16772-54595320/6772025/977	Printing & Supplies	1,944.00

The resolution was seconded by Mr. Bachler.

In reply to Mr. Marshfield, Commissioner Moon explained that Delaware Support and Services was selected to administer the HEAP program because the Office for the Aging does not have sufficient staff to accommodate the program. He noted that Delaware Opportunities could have administered the program as well.

The resolution was adopted by the following vote: Ayes 4383, Noes 287 (Marshfield, Bachler), Absent 136 (Donnelly).

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

**RESOLUTION NO. 27**

**TITLE: AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING PROBATION DEPARTMENT**

**WHEREAS**, the Director of Delaware County Probation Department/Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives in order to receive grant funds in the amount of \$8,600.00

**THEREFORE, BE IT RESOLVED** that the Chairman of the Delaware County Board of Supervisors is hereby authorized and directed to execute and submit an application to the New York Division of Probation and Correctional Alternatives, 80 Wolf Road, 5<sup>th</sup> Floor, Albany, New York 12205, for receipt of grant funds in the amount of \$8,600.00 for Alternatives to Incarceration Funding, for a term commencing January 1, 2006 and terminating December 31, 2006

**BE IT FURTHER RESOLVED**, that upon notification of the award of said funds, the Chairman of the Delaware County Board of Supervisors is hereby authorized and directed to execute any and all grant documents on behalf of the County of Delaware relative to the above.

The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Director of Probation Terri Theobald said these funds will be used for Community Service Programs.

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 28**

**TITLE: APPROVAL OF TRANSPORTATION BIDS FOR  
EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAM  
(2 - 5 year olds)  
PUBLIC HEALTH NURSING SERVICES**

**WHEREAS**, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by Richard B. Spinney, Esq., Delaware County Attorney;

**NOW, THEREFORE, BE IT RESOLVED** that the sole bid received for transportation of preschool children with special needs from various points around Delaware County to the 4410 programs listed below, from January 9, 2006 to August 31, 2006, be accepted as follows:

Proposal No. 1-06:

First Friends Program:

Floyd Bell Elementary School, 15 Golden Street, Kirkwood, NY 13795 (September – June)

Broome-Tioga BOCES, 435 Glenwood Road, Binghamton, NY 13905 (July – August)

Serafini Transportation Corp.  
3101 Vestal Parkway East  
Po Box 978  
Vestal, New York 13851-0978

Bid: \$299.00 per day per child

The resolution was seconded by Mr. Bracci.

In reply to Mr. Marshfield, Director of Public Health Bonnie Hamilton explained that Serafini Transportation Corp. was the sole bidder. Mrs. Hamilton stated that Buchanan, the existing transporter was charging approximately \$86 a day, however, they did not elect to bid.

Mr. Marshfield asked how many children will be transported, to which Mrs. Hamilton answered one. Mrs. Hamilton explained that the county is required to provide transportation if the parent elects not to, or is unable, citing for example, the lack of a vehicle or job obligations.

Chairman Eisel asked if it were possible for the county to make it more enticing for the parents to take their children. Mrs. Hamilton said that the parents are offered the standard county mileage reimbursement rate to encourage them to transport their child. She suggested the county may want to look at increasing the rate to encourage parents to transport their child.

Mr. Bracci explained that the fee of \$299 per child includes a driver and an aide for the entire day.

In answer to Mr. Marshfield, Mrs. Hamilton said that the county is reimbursed \$56 per day, per child by the State.

In answer to Mr. Meredith, Mrs. Hamilton advised that a driver must meet the Department of Transportation requirements and be certified.

In answer to Mr. Maddalone, Mrs. Hamilton said that a parent has to do the transporting, adding she was not certain if another family member could transport the child and relieve the county of its responsibility.

Ms. Molé stated that the Public Health Committee is reviewing this program.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 29**

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2006  
PUBLIC HEALTH NURSING**

**WHEREAS** the Delaware County Public Health Nursing Service and its Early Intervention Program and its Committee on Preschool Special Education Program have been contracting with the following itinerants and agencies during the year of 2005 at the New York State Department of Health established rate of reimbursement,

**PURCHASE OF SERVICES:**

Lizabeth Bonacum for physical therapy services  
Joann Currie for physical therapy services  
Theresa Sullivan-Steitz for DBA TMSPT services  
Karina White for physical therapy services  
Step By Step Physical Therapy, PLLC for evaluations and services  
Jeanne Keahon for medical social work services  
Mary McDowell for medical social work services  
Barbara Sue Agoglia for medical social work services  
Gene Homer for speech language pathology  
Dr. William Benedict for speech language pathology  
Judy Breese for speech language pathology  
Jennifer Kollig for speech language pathology  
Lisa Henderson for speech language pathology  
Brenda Geehrer-Todd for speech language pathology  
Kara Morgan-Neer for speech language pathology  
Katherine Reich for speech language pathology  
Julie Ford for occupational therapy services  
Jean Downin for occupational therapy services  
Kristen Figary for occupational therapy services  
Tracie Ostrander for occupational therapy services  
Linda Noble for occupational therapy services  
Dorothy Haney for registered dietitian services  
Geanine Eisel for special educational services  
Patricia Zawisza for special educational services  
Nancy Masucci for special educational services  
Mary Foley for special educational services  
Association for Vision, Rehab and Employment, Inc. for evaluations and services  
AO Fox Hospital for evaluations and services  
Cloverpatch Early Childhood Education for evaluations and services  
Otsego County Division for Children With Special Needs for evaluations and services  
Patrice Comninel for speech language pathology  
Amanda Culligan for speech language pathology

Elizabeth Jacob-Carter for speech language pathology  
Abby Koutnik for special education services  
    Emily Marlin for medical social work services  
    Brian Riter for occupational therapy services  
    Jennifer Wright for speech services  
    Melinda Wegener for speech services  
Melinda Small for occupational therapy services  
NYSARC Delaware County/Carousel Children's Center for evaluations and services  
Handicapped Children's Association of Southern New York, Inc. for evaluations  
Broome Developmental for evaluations and services  
Mary Imogene Bassett Hospital for evaluations and services  
Upstate Home For Children, Inc. for evaluations and services  
Best Friends Childrens Services for evaluations  
Buchanan Transportation for transportation services (thru 3-5 program)  
Delaware Opportunities, Inc., for respite and transportation  
Delaware County PHNS for evaluations and services  
Enable for evaluation services  
The Children's Annex for evaluation services  
Developmental Pediatrics for evaluations  
Charlotte Valley Central School for services  
ONC Boces for services  
Heather Thomson for occupational therapy services  
Barbara Weiss for occupational therapy services  
Susan Morales for speech consultant services  
Elizabeth Morrissey for speech language pathology  
LaRae Gross for medical social work services  
Linda Brennen for speech language pathology services  
Capital Area Speech Center, Inc. for speech therapy services  
Carrie Ann Charpinsky for speech language pathology  
Laurie Freeman for medical social work services  
Krzysztof Madej for physical therapy services  
John Pasquale for physical therapy services  
David Rissberger for physical therapy services  
Rachel Rissberger for occupational therapy services  
Theresa Swartwout for special education services  
Sullivan Diagnostic Treatment Center-The Center for Discovery for evaluations and services  
Broome-Tioga BOCES for services and evaluations  
Donald Gersch for special education services  
Marcia Hammond for special education services  
SECO PT and OT, PLLC for physical therapy services  
Serafini Transportation Corp. for transportation services

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Public Health Nursing Services' Early Intervention Program continue the above contracts for the year of 2006.

The resolution was seconded by Mr. Bracci.

Chairman Eisel stated he would be abstaining from voting on this resolution.

The resolution was adopted by the following vote: Ayes 4510, Noes 0, Absent 136 (Donnelly), Abstain160 (Eisel).

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

### **RESOLUTION NO. 30**

#### **TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2006 PUBLIC HEALTH NURSING**

**WHEREAS** the Delaware County Public Health Nursing Service has been contracting with the following agencies during the year 2005,

#### **PURCHASE OF SERVICES:**

AO Fox Hospital for physical therapy  
Lizbeth Bonacum for physical therapy  
Patricia Cleary for physical therapy services  
Joann Currie for physical therapy services  
Delaware Valley Hospital for physical therapy  
Allison Sherwood for physical therapy services  
Country Side Care Center for physical therapy and occupational therapy services  
Maryluz Mann for physical therapy services  
O'Connor Hospital for physical therapy  
Theresa Sullivan-Steitz for DBA TMSPT services  
Jeanne Keahon for medical social work services  
Mary McDowell for medical social work services  
Dr. William Benedict for speech language pathology services  
Brenda Geerher-Todd for speech language pathology services  
Gene Homer for speech language pathology services  
Jennifer Kollig for speech language pathology services  
Katherine Reich for speech language pathology services  
Kristen Figary for occupational therapy services  
Krzystof Madej for physical therapy services  
Linda Noble for occupational therapy services  
Dorothy Haney for registered dietitian services  
Linda Brennen for speech language pathology services  
Carrie Ann Charpinsky for speech language pathology services

David Rissberger for physical therapy services  
John Pasquale for physical therapy services  
LaRae Grosso for medical social work services  
Robin Malone for physical therapy services  
Jeremy Pain for physical therapy services  
Laurie Freeman for medical social work services  
SECO, PT & OT, PLLC for physical therapy services  
Gail Lennstrom for physical therapy services  
Emily Marlin for medical social work services  
Brian Riter for occupational therapy services  
Melinda Small for occupational therapy services

**WHEREAS** the agency has been contracting with the following agencies or consultants at an annually negotiated rate,

**HOME HEALTH AIDE AGENCY CONTRACTS:**

US Care Systems for aide services  
Robynwood for aide services  
Family Home Care for aide services

**MISCELLANEOUS CONTRACTS:**

Barry Warren for consultant services  
Dawn Paulsen for healthcare compliance and HIPAA  
Delaware County Department of Social Services for OLTC Case Managers  
Delaware County Sheriff's Department for answering service  
Dr. Riaz Lone for Medical Advisor of Agency/PHCP  
Dr. Gary Preiser for Medical Director of Agency/PHCP  
Emergency Medical Services  
Planned Parenthood  
Delaware Valley Medical Supply  
Delhi Animal Hospital  
Joan Puritz (vet)  
Leigh Wilcox (vet)  
John Fairburn Jr, (vet)  
Dawn Dutka (vet)  
Delaware Opportunities- Child Passenger Safety  
McCarthy & Conlon, LLP, CPA Consulting Firm

**THEREFORE, BE IT RESOLVED** that the Delaware County Public Health Nursing Service continue the above contracts for the year of 2006.

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 31**

**TITLE: PURCHASE OF SERVICE CONTRACTS FOR 2006  
PUBLIC HEALTH NURSING**

**WHEREAS** the Delaware County Public Health Nursing Service has been contracting with the following agencies for services for the Long Term Program during the year 2005

**MISCELLANEOUS CONTRACTS:**

Delaware Opportunities - Home Delivered and Congregate Meals  
Delaware Opportunities - Home Improvements  
Office for the Aging - Lifeline  
Sentry Alarms – Lifeline  
A.O. Fox Memorial Hospital - Lifeline  
Broome County Office for the Aging - Social Day Care  
Catskill Area Hospice

**THEREFORE, BE IT RESOLVED** that the Delaware County Public Health Nursing Service continue the above contracts for the year of 2006.

The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 32**

**TITLE: RURAL HEALTHCARE ALLIANCE FITNESS PROGRAM  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Rural Healthcare Alliance has received \$7,000.00 in additional funding to provide wellness activities for seniors in Delaware County; and

**WHEREAS**, they would like to contract with the Delaware County Office for the Aging to assist them in providing fitness activities utilizing this funding

**THEREFORE, BE IT RESOLVED**, that the Delaware County Office for the Aging contract with the Delaware County Rural Healthcare Alliance to assist them in providing fitness classes for seniors

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

**INCREASE REVENUES:**

10-16772-44477200/6772002/977 Rural Health Alliance \$7,000.00

**INCREASE APPROPRIATIONS:**

10-16772-54327000/6772002/977 Grants from Non-Profit \$7,000.00

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

**RESOLUTION NO. 33**

**TITLE: AUTHORIZATION TO INCREASE FUNDING OF  
COUNTY ROUTE 28, RETAINING WALL PROJECT  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 251 of 2003 authorized the Chairman of the Board to execute a project cooperative agreement with the US Army Corps of Engineers (COE) for the reconstruction of a retaining wall on County Route 28; and

**WHEREAS**, Resolution No. 100 of 2004 authorized the Department of Public Works (DPW) to make advance payment to the COE in the amount of \$517,000 for its share of the project; and

**WHEREAS**, Resolution No. 171 of 2004 authorized the DPW to notify the COE that the County supported award of the base bid plus Option #1 which included an on site detour; and

**WHEREAS**, Resolution No. 209 of 2005 authorized an increase in the County share of the project to \$856,035 and the second payment to the COE in the amount of \$339,035; and

**WHEREAS**, the COE has notified DPW that the project is now complete and that the final quantities have been agreed upon between the COE and the contractor resulting in an increase in the project costs; and

**WHEREAS**, the COE has notified DPW that the final project cost is \$2,026,385 and that the County's share is \$1,026,385.

**NOW THEREFORE BE IT RESOLVED**, that the county hereby accepts the increase in costs in accordance with the project cooperative agreement; and

**BE IT FURTHER RESOLVED**, that the DPW is hereby authorized to make the third payment to the COE in the amount of \$170,350, which is the remainder of the county share of the project.

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

Mr. Utter stated that this project was very detailed and presented many challenges but, is now complete. He noted the project was over budget by \$170,000.

Mr. Rowe took the opportunity to thank those involved with this project and said that this section of County Route 28 means a great deal to the people of Hancock. He explained this is an important corridor which will connect the future interstate 86 with Route 97, a scenic byway. He pointed out that this section of County Route 28 is the location for Hancock's larger agriculture, bluestone, and timber industries.

Mr. Rowe noted that while researching the town of Hancock's history for their 200<sup>th</sup> year anniversary they found that they used to be in the town of Middletown.

Mr. Utter explained that one of the problems they had was that the road had to be completely closed down to construct this retaining wall. He said that other alternatives were not acceptable as it meant long detours for emergency vehicles, however, a property owner allowed the county to put up two temporary bridges to get to the other side. The rock bed that lead to the failure presented quite a challenge for everyone.

In answer to Mr. Marshfield, Mr. Utter stated that this had been an ongoing drainage problem that was not the result of any natural disasters.

Chairman Eisel commented that it's great this road is back in shape and it is wonderful to hear that neighbors are helping out to get these projects done.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

Mr. Maddalone introduced Local Law No. 1 of 2006.

### **INTRO. LOCAL LAW NO. 1-06**

#### **“A LOCAL LAW REGULATING USE OF ALARM SYSTEMS TO REDUCE THE INCIDENCE OF AVOIDABLE ALARMS”**

A Local Law establishing regulations to reduce Avoidable Alarms for Delaware County, New York.

Now, therefore be it enacted by the County of Delaware,

#### **SECTION 1: TITLE**

This Local Law shall be known as the “Delaware County Alarm Code.”

**SECTION 2: PURPOSE**

The purpose of this Local Law is to protect and promote the health, safety and general welfare of the residents of the County of Delaware by reducing the number of Avoidable Alarms of fire, intrusion, hold-up or other emergencies which contribute to ineffective utilization of police and fire emergency agencies, require emergency responses which are susceptible to (responses) and produce unnecessary alarm noise to the surrounding community.

**SECTION 3: DEFINITIONS**

For the purpose of this Local Law the following words and phrases shall have the meanings respectfully ascribed to them by this section.

- A. The term Alarm System means any assembly of equipment or device arranged to signal the presence of a hazard requiring urgent attention, and to which police, fire, or emergency medical service agencies are expected to respond. An Alarm System shall include Automatic Dialing Devices.
  
- B. Emergency Agency. A Police or Sheriff’s Department or Fire Company, or other Emergency Dispatch Center. Emergency Communication Center.
  
- C. The term Automatic Dialing Device means a device which is connected to a telephone line and is programmed to access a predetermined Emergency Agency number and transmit by voice message or coded signal to an Emergency Agency, an emergency message indicating a need for emergency response.

**SECTION 4: EXISTING SYSTEMS OR DEVICES**

The owners and lessees of premises having Alarm Systems shall comply with all provisions of this local law within thirty (30) days of its adoption.

**SECTION 5: AUTOMATIC CUT-OFF SYSTEM**

No person shall install or maintain an external audible alarm device which does not contain an operational automatic cut-off system which turns off the external audible alarm after a period not to exceed ten (10) minutes.

An Automatic Dialer connected directly to an Emergency Agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five (5) minutes.

**SECTION 6: AVOIDABLE ALARMS**

The activation of an Alarm System, either in a residence or business, through mechanical

failure, malfunction, improper installation, or the negligence of the owner, user, custodian, or lessee of any Alarm Systems, or of his employees requiring an emergency response when in fact an emergency does not exist, constitutes an Avoidable Alarm. An Avoidable Alarm also includes intentional activation of an Alarm System when the activator knows an emergency situation does not exist.

Avoidable Alarm does not include alarms activated by violent conditions of nature or similar causes beyond the control of the user, owner, or operator of the Alarm System. The activation of an Alarm System under any circumstances in which the activator reasonably believes that an emergency situation exists shall not be deemed to be an Avoidable Alarm.

**SECTION 7: CHARGES FOR AVOIDABLE ALARMS**

An owner or lessee of real property to which an Emergency Agency responds as a result of Avoidable Alarm, shall pay a fee for each such response in each calendar year as follows:

A. Fire and Law Enforcement Response

- |    |  |   |                |
|----|--|---|----------------|
| 1) | 1 <sup>st</sup> and 2 <sup>nd</sup> Avoidable Alarm Response | - | Warning Letter |
| 2) | 3 <sup>rd</sup> Avoidable Alarm response                     | - | \$50.00        |
| 3) | 4 <sup>th</sup> and over Avoidable Alarm responses           | - | \$100.00 each  |

**SECTION 8: NOTICE OF EXCESSIVE USE**

The owner or lessee of real property which received an emergency response by reason of an Avoidable Alarm shall be notified in writing by means of First Class Mail of the first Avoidable Alarm in a calendar year. The letter shall inform the owner or lessee of the time and type of emergency response provided to the address location and shall contain a copy of the Alarm Code.

**SECTION 9: ADMINISTRATIVE REVIEW**

The Sheriff and 911 Coordinator shall establish policy and procedures whereby an owner of real property or lessee thereof on which an Alarm System has been installed and who has been notified of an Avoidable Alarm may present evidence as to why any such alarm was not classified as an Avoidable Alarm. The Fire Coordinator, Sheriff, 911 Coordinator, and the County Code Enforcement Officer shall receive such evidence and make recommendations and findings of fact concerning such classification. The Sheriff and 911 Coordinator shall make the final determination concerning a classification; such determination shall be reviewable only pursuant to procedures under Article 78 of the Civil Practice Law and Rules. To challenge the classification of an alarm as an Avoidable Alarm, the real property owner or lessee thereof shall, in writing, notify the Sheriff and 911 Coordinator within twenty (20) days after receipt of notice of the Avoidable Alarm. The failure to file timely notice shall be deemed a waiver of the right to review the determination.

**SECTION 10: PAYMENT OF CHARGES**

Avoidable Alarm charges shall be paid to the Delaware County Treasurer at the County Office Building, 111 Main Street, Delhi, New York 13753.

**SECTION 11: FAILURE TO REMIT FEE**

Failure of a real property owner or lessee of property on which an Alarm System is installed to pay the Avoidable Alarm charge, within thirty (30) days from notice of the amount due, shall be served with a summons and shall be deemed in violation of this code.

**SECTION 12: ENFORCEMENT**

This law may be enforced by the County of Delaware.

**SECTION 13: PENALTIES FOR OFFENSES**

Any person, business, firm, corporation, partnership, association or other entity that does not pay the fee as established in this code or who violates any other provisions of this code shall be subject to a civil penalty, not to exceed \$1,000.00 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs, continues or is permitted.

**SECTION 14: SEVERABILITY**

If any section, clause or provision of this Local Law or the application thereof to any persons is adjudged invalid, the adjudication shall not effect other sections, clauses, or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this Local Law are declared to be severable.

**SECTION 15: EFFECTIVE DATE**

This Local Law shall become effective immediately.

The local law was seconded by Mr. Utter.

Mr. Maddalone stated that he is 100 percent behind this local law. He referenced examples of avoidable alarms faced by the town of Sidney, adding the county really needs to have this law. In his opinion however, he feels any fees received as a result of this law should not go to the County Treasurer but, to the town that responds to the call.

Mr. Utter commented that the money should not go just to the county but, should go to the agency responding to the call, such as: the Sheriff, ambulance, fire department or emergency medical service.

County Attorney Richard Spinney explained that because this is a county law the money would need to go to the county. He pointed out that the amount of money being discussed is minimal. If the person does not pay the fee the county would have to collect the fee, adding that there is a civil penalty of \$1,000 built into the law. He commented that it would cost more than \$1,000 to collect the fee. He also questioned how to fairly split the fees pointing out that in some cases more than one agency and town might be responding to the call.

Mr. Maddalone asked if the fees could be collected and put into the Department of Emergency Services at the county level. Mr. Spinney said the revenue could be dedicated that way but, added that the intention of the local law is to correct the problem prior to imposing the penalty.

Director of Emergency Services Nelson Delameter explained that since the inception of 911 there has been a noticeable increase in the amount of calls. He explained the intent of this local law is to reduce the amount of avoidable alarms and to make people responsible for their alarm systems. He referenced the success of Broome County's avoidable alarm law and felt that the local law would benefit Delaware County as well.

Mr. Delameter introduced 911 Coordinator Steve Finch who advised that there were 929 calls in 2005, 848 of them were avoidable alarms. The majority of the responses, he said, were law enforcement as a result of electronic intrusion devices. Mr. Finch stated that one residence had 13 avoidable alarm calls in a span of two years, a Sidney business had 16 avoidable alarms both fire and electronic intrusion over the course of two years, and a Margaretville business had four avoidable alarms in one day. Mr. Finch explained that a call cannot be ignored, even if it is thought to be false, law enforcement must report.

Mr. Finch referenced Broome County's avoidable alarm law noting that in 2001, \$4,950 had been collected in fines and in 2005, \$2,450. He felt that the figures proved the law is working. He suggested mailing a letter out making people aware of the law and using some of the money to offset the cost of the mailing.

In response to Chairman Eisel, Mr. Finch stated that avoidable alarms in Broome County have dropped by approximately half since the inception of the law in 2001.

In answer to Mr. Shelton, Mr. Delameter clarified the definition of avoidable alarms, citing an example of burnt popcorn and explaining that the alarm went off as a result of smoke, the alarm was doing what it was meant to do, therefore, that is not considered an avoidable alarm. An avoidable alarm would be, for example, an alarm that continues to go off because the battery needs to be changed or the system needs a cleaning. He added that people need to maintain and be responsible for their alarm systems.

Mr. Delameter referenced a call to State Police last fall explaining that an electronic intrusion device activated. When the troopers arrived at the scene they found a full blown structure fire. If this had been a situation where troopers had responded in the past to several

avoidable alarms at this location they may not have responded as quickly.

In answer to Chairman Eisel, Mr. Delameter stated that most but, not all intrusion alarms are tied to private services.

Mr. Hynes asked if there were any statistics on 911 hang ups. Mr. Delameter advised there were and stated that 911 hangs also require follow-up by law enforcement. He explained if a caller dialed the wrong number or reached the 911 number in error, they should remain on the line long enough to say that they reached the number in error.

Mr. Maddalone commented that something needs to be done about avoidable alarms but, he is not comfortable with the fees going to the county.

Mr. Rowe commented that he is in agreement with Mr. Maddalone and Mr. Utter, adding that the fees should go to Emergency Services.

Mr. Maddalone remarked that this law is a wake-up call for those that will not fix their alarm systems and is not intended to be a profit maker.

In response to Mr. Marshfield, Chairman Eisel said that a designated reserve fund for the fees collected could be established.

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

**RESOLUTION NO. 34**

**TITLE: PUBLIC HEARING ON LOCAL LAW NO. 1 OF 2006  
SHERIFF'S DEPARTMENT**

**WHEREAS**, Intro. to Local Law No. 1 of 2006 establishing regulations to reduce the incidence of avoidable alarms for Delaware County has been introduced

**NOW, THEREFORE BE IT RESOLVED**, that a public hearing be held on Local Law No. 1 on February 22, 2006 at 12:30 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

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

**RESOLUTION NO. 35**

**TITLE: DELEGATION OF TAX CORRECTION OFFICIAL  
REAL PROPERTY TAX SERVICES**

**WHEREAS**, Real Property Tax Law provides for the annual delegation to an official, the authority to correct tax rolls and authorize refunds of a sum not to exceed \$2,500.00; and

**WHEREAS**, said authority directs procedural disposition and monthly reporting of corrections processed to the Board of Supervisors; and

**WHEREAS**, the administration of corrections will proceed in appropriate compliance of statutorily established time lines

**BE IT RESOLVED** that Michael Sabansky, Director of Real Property Services be delegated as the official to authorize corrections as provided in section 556(9)(a) of the Real Property Tax Law.

The resolution was seconded by Ms. Molé and unanimously adopted.

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

### **RESOLUTION NO. 36**

#### **TITLE: APPOINTMENT SUPERINTENDENT OF BUILDINGS AND GROUNDS BUILDINGS DEPARTMENT**

**BE IT RESOLVED** that Clarence Peter Montgomery is hereby appointed as Superintendent of Buildings and Grounds effective January 31, 2006 at an annual salary of \$46,510.00. Such appointment to be subject to the twenty-six week probationary period provided for in the Delaware County Civil Service Rules.

The resolution was seconded by Mr. Valente.

Mr. Valente stated that Mr. Montgomery's abilities and temperament are good for the position.

Chairman Eisel commented that Mr. Montgomery will be a good replacement for Mr. Beers who is retiring.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 37**

**TITLE: EXPENDITURE FREEZE FOR 2006 BUDGET**

**WHEREAS**, the County is desirous of capping expenditures in an attempt to avoid financial problems

**THEREFORE**, the following cost saving measures are to be implemented to address the County's financial situation

**BE IT RESOLVED** to continue a freeze on new hires, and a freeze on all currently vacant positions that are funded in the 2006 Budget; and

**BE IT FURTHER RESOLVED** to curtail travel requests to seminars and training conferences; and

**BE IT FURTHER RESOLVED** there will be no equipment purchases and only contractual purchases that are absolutely necessary to conduct County business; and

**BE IT FURTHER RESOLVED** that exceptions must be thoroughly substantiated by the department head prior to presentation to the department's oversight committee for approval; and

**BE IT FURTHER RESOLVED** that exceptions to the above must also receive approval of the Budget Oversight and Finance Committees or in the case of an emergency by the Chairman of the Board.

The resolution was seconded by Mr. Marshfield.

Mr. Bachler questioned if a piece of equipment is approved through the committee would it still have to follow the outlined procedure. Chairman Eisel stated that even though the purchase was approved and is listed in the budget the authorization process must still be followed.

Mr. Hynes stated that in his opinion this resolution bypasses the oversight committee. He said that oversight committees think these requests through and questioned why the Budget Oversight and the Finance Committees have to approve a decision made by the Supervisors in committee. Chairman Eisel said that he did not think a request would be denied but, said it is good for discussion purposes and it helps to have everyone know what is going on. He further stated that this is part of the package the county has put together to oversee spending.

Mr. Hynes commented that the requests were approved by the oversight committee when the departments put their budget together. Mr. Marshfield stated that unexpected things come up which may cause a change to the spending plan.

Mr. Meredith commented that this resolution ensures departments are buying what they are supposed to.

In answer to Mr. Rowe, Chairman Eisel stated that a blanket request could be submitted by Department of Public Works.

Chairman Eisel stated in response to Mr. Valente that mandated or required travel must also come before the committees.

The resolution was adopted by the following vote: Ayes 4,419, Noes 251 (Hynes), Absent 136 (Donnelly).

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

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

**RESOLUTION NO. 38**

**TITLE: NYS DIVISION OF CRIMINAL JUSTICE SERVICES  
HOMELAND SECURITY PROGRAM GRANT  
EMERGENCY SERVICES**

**WHEREAS**, the Emergency Services Department has received a grant from the NYS Division of Criminal Justice Services (Number WM05838650) to help the county with the development and implementation of a Homeland Security Program and;

**WHEREAS**, the funding covers a period of October 01, 2004 through March 31, 2007 and was received on December 27, 2005

**NOW, THEREFORE BE IT RESOLVED**, that the following budget modification be made to allow the department to utilize these funds.

**INCREASE REVENUE:**

10-13640-43338900/3640032/902	State Otr Public Safety	\$32,676.00
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**INCREASE APPROPRIATION:**

10-13640-52200000/3640032/902	Equipment	\$32,676.00
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

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

**RESOLUTION NO. 39**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,501,946.59 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	\$1,419,644.43
Countryside Care Center	\$237,902.46
Jail	\$3,713.44
OET	\$2,799.47
Highway Audits, as Follows:	
Road	\$100,327.43
Machinery	\$58,278.34
Capital Road & Bridge	\$259,107.59
Capital Solid Waste	\$319,334.26
Solid Waste/Landfill	\$100,839.17

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

Chairman Eisel granted privilege of the floor to Mr. Bracci who introduced Commissioner of Social Services William Moon.

Commissioner Moon referenced the Delaware County Department of Social Services Commissioner's Summary report for the period covering November 22, 2005 to January 24, 2006 placed on each Supervisors' desk. He noted the recent media attention surrounding some of his cases and encouraged the Supervisors to feel free to call him with any questions or concerns they may have when cases become public.

He called the Board's attention to the mentally disabled settlement of \$62,760.00 that the New York State Department of Health is offering Delaware County as a final payment. He noted County Attorney Richard Spinney felt that accepting this settlement was the appropriate action to take and stated that further information and a resolution will be presented at the

February 22, 2006 meeting.

In closing, the Commissioner pointed out that the financial reports do not include the state and federal claims, adding the picture will be even better.

Mr. Homovich, referenced the article in Town Topics regarding a local privacy notification act and asked if any town had adopted such a policy. Mr. Maddalone commented the act is to protect employees against identity theft. Chairman Eisel stated the matter will be researched and reported back to the Board.

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

**RESOLUTION NO. 40**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss negotiations and land acquisitions.

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

Upon a motion, the meeting was adjourned at 4:20 P.M.