

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**FEBRUARY 22, 2006**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 22, 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. Shelton.

Mr. Donnelly offered the invocation.

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

Chairman Eisel commented that Mr. Shelton has a touch of pneumonia and will not be attending today's meeting.

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 Social Services William Moon who presented Mildred Cronk as Employee of the Month.

Ms. Cronk was hired in January, 1977 as a CETA clerk. In 1979 she was promoted to Medical Audit Clerk and retained that title until 1988 when the position was phased out and she was reclassified to Clerk. She provides the department with a variety of support activities that are essential to maintaining smooth operations. Her duties include assisting in the program division, reception unit and records management.

Commissioner Moon said that Ms. Cronk is early to work and late to leave often donating her time to make sure that support activities are done in a timely and precise manner, adding she works seamlessly with the department's receptionist. Ms. Cronk does the little things every day that help the department function properly, adding that Ms. Cronk is equally invaluable to the department staff and the public.

Commissioner Moon presented Ms. Cronk 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.

Ms. Cronk expressed her thanks for this honor.

Chairman Eisel granted privilege of the floor to Tom Soja and Acting County Clerk Sharon O'Dell. He stated that Mr. Soja is here to present the Board of Supervisors and the County Clerk's office with a framed copy of the 1794 Map of the Seventh Allotment of Great Lot No. 3 of the Hardenburgh Patent in memory of his grandparents, Alice and Michael Haider. A copy of the map and a brief explanation was placed on each Supervisors' desk.

Mr. Soja explained that this map shows some of the land in the Town of Hancock and was made before the Villages of Hancock and Fishs Eddy existed. He provided an informative history of Partridge Island, which is an island of about 19 acres located in the East Branch of the Delaware River about one mile downstream from Fishs Eddy in the town of Hancock. The island was the first permanent settlement in the present day Town of Hancock.

He stated that Delaware County was created in 1797 out of parts of Otsego County and Ulster County. The portion of Delaware County which lies south and east of the West Branch of the Delaware River, including all of the Town of Hancock, was part of Ulster County before 1797.

In conclusion, Mr. Soja stated that the original map is on file in Ulster County and asked that this map be displayed in the County Office Building and the County Clerks Office.

Acting County Clerk Mrs. O'Dell stated that the Hardenburgh or Great Patent, is the largest land grant, totaling 1.5 million acres in what was then the counties of Ulster and Albany, made by English royalty in their Province of New York. The first grant was made by Queen Ann on April 20, 1708 and the second grant was made by King George II on June 5, 1751. Mrs. O'Dell pointed out that today the Hardenburgh Patent covers much of the counties of Delaware, Sullivan, Ulster, Greene and a part of Schoharie.

Chairman Eisel, on behalf of the county, thanked Mr. Soja for his gift stating that the map will be put in a place of honor in the Board room and the County Clerk's Office.

For Standing Committee Reports Mr. Bachler, Chairman of Agriculture and Natural Resources referenced the flyer placed on each Supervisors' desk announcing a live faculty conversation from Cornell University with Dr. Ross Greene entitled: Parenting the Explosive Child will be held on Friday, March 3, 2006 from 2:00 to 5:00 P.M. at the Delaware County Resource Center in Hamden.

Chairman Eisel stated that the Department of Health at their December 8, 2005 meeting and the Public Health Council at their meeting on January 20, 2006 approved the sale of Countryside to Leatherstocking Healthcare. He pointed out that Leatherstocking Healthcare has met all of the requirements of the Public Health Council with the exception of a commitment of a long-term guaranteed loan. He explained that Leatherstocking Healthcare has an accountant working to put together a HUD package and is also working with several banks to get approval for a loan to do the renovation. Chairman Eisel noted that Leatherstocking Healthcare did have a bridge loan for \$3.1 million, of which \$2.7 is for the actual sale and \$400,000 for working capital but, the Public Health Council felt the need to request the additional financing. He pointed out that if HUD is used for the financing, Congressman Sweeney has offered to help us get this through as quickly as possible. He noted that Leatherstocking Healthcare is very positive and realizes this is part of the process.

Chairman Eisel thanked Mr. Homovich for requesting information regarding the Local Privacy Notification Policy which must be enacted by April 6, 2006. He advised that Clerk of the Board Schafer and County Attorney Spinney did the research and the information was included in the Supervisors' packet. He encouraged the Supervisors to act on this at their town meetings. He added that anytime the Supervisors see something and would like it researched, Clerk of the Board Schafer and staff will track it.

Chairman Eisel granted privilege of the floor to Mr. Utter who stated that Tom Hilson from the Department of Watershed Affairs has placed a handout on each Supervisors' desk. Mr.

Hilson stated that the handout is a short version of what the department has been working on as far as land acquisition permit, filtration avoidance determination and proposed watershed rules and regulations. In the department's opinion, these three items will have the greatest impact on the future of the watershed communities. He further stated that the department along with the partnering agencies within the county will keep the Board updated.

Chairman Eisel referenced his press release on each Supervisors' desk announcing that a public informational meeting on the development of commercial wind generation in our area will be held on February 25, 2006 from 3:00 to 5:00 P.M. at the SUNY Delhi campus in Alumni Hall. The meeting is being co-sponsored by the Delaware County Chamber of Commerce, State University of New York (SUNY) Delhi and the Delaware County Electric Cooperative (REA). He noted this is an important issue and encouraged all to attend.

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

**RESOLUTION NO. 41**

**TITLE: HEALTH EDUCATION INITIATIVES GRANT  
PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, the Office of Rural Health has been awarded a grant for health education initiative for this region; and

**WHEREAS**, the Office of Rural Health will award grant monies in the amount of \$2,937.91 to support this project; and

**WHEREAS**, Delaware County Public Health Nursing Service believes it is important to provide community outreach and education to the community; and

**WHEREAS**, no expenses will be paid until grant money is secured,

**THEREFORE, BE IT RESOLVED** that the 2006 budget be amended as follows:

**INCREASE REVENUE ACCOUNT:**

10-14012-41168900	Other Health Dept. Income	\$2,937.91
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**INCREASE APPROPRIATION ACCOUNT:**

10-14012-54183000	Community Outreach & Education	\$2,937.91
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The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 42**

**TITLE: 2006 BUDGET MODIFICATION  
HOME ENERGY ASSISTANCE PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local

Agency to administer the County's Home Energy Assistance Program (HEAP) for 2004-2005, said monies to be utilized to reimburse the county at 100% of its expenditures:

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

**INCREASE REVENUE ACCOUNT:**

10-16141-44464100/6141006/971	HEAP	\$315,977.00
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**INCREASE APPROPRIATION ACCOUNTS:**

10-16141-54342010/6141006/971	HEAP Emergency	\$75,881.00
10-16141-54200012/6141006/971	HEAP Contracted Services Del. Opp.	\$20,926.00
10-16141-54342030/6141006/971	HEAP PA	\$49,056.00
10-16141-54342040/6141006/971	HEAP NPA	\$170,114.00

The resolution was seconded by Mr. DuMond.

Mr. Bracci in response to Mr. Marshfield, stated this was in addition to the original grant.

In answer to Mr. Bachler, Commissioner Moon explained that this is the first supplemental allocation from the state. The federal government did not amend the HEAP program. Commissioner Moon felt that the allocated HEAP funding should carry the county through April or May of 2006. The county will not be asked to make a local contribution until all of the HEAP funding has been exhausted.

The resolution adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 43**

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945  
CROSS-FARM TIME-SERIES PART III  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under the 2005 Safe Drinking Water Act for Cross-Farm, Time-Series Assessment Database for Phosphorus Management Evaluation, Part III; 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 III’.

**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 2006 budget be amended as follows:

**INCREASE REVENUE:**

10-18741-44498900/8740016/900	NYS Dept. of Environmental Conservation	\$133,500.00
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**INCREASE APPROPRIATIONS:**

10-18741-54327200/8740016/900	Contractual Services	\$130,000.00
10-18741-51000000/8740016/900	Personnel Services	\$3,233.00
10-18741-58300000/8740016/900	Social Security	\$217.00
10-18741-58900000/8740016/900	Medicare	\$50.00

The resolution was seconded by Ms. Molé.

Mr. Homovich commented on the requirements New York City has been placing on the county for the past 15 years. He noted that we need to have some end dates on these requirements. In his opinion, these requirements are a drain on the county’s resources and do not address the real issues such as more people and more jobs.

In answer to Mr. Marshfield, Mr. Hilson stated that these studies are generic to New York State and not specific to Delaware County. Mr. Marshfield commented on the streams in his town and pointed out that they continue to fill up with gravel and soon will be at the same level as roads. He added, it never used to be that way and something needs to be done.

The resolution adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 44**

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945 FOR DEVELOPMENT OF SCIENTIFICALLY-BASED MANAGEMENT GUIDANCE FOR CONTROLLING PATHOGENS THROUGH ANIMAL HEALTH B PHASE 1 WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under the 2001 Safe Drinking Water Act to identify management practices and measures that will limit the occurrence of pathogen populations and the water-borne transfer of pathogens to watercourses; 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 requisite expertise for this project is provided through Cornell University, School of Veterinary Science; and

**WHEREAS**, New York State Department of Environmental Conservation has amended our contract to accept this funding identified as “Scientifically-based Management Guidance for Controlling Pathogens Through Animal Health - Phase 1.”

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Board of Supervisors accept this funding; and

**BE IT FURTHER RESOLVED**, that the 2006 budget be amended as follows:

**ESTIMATED REVENUE:**

10-18741-44498900-8740018-900 NYS Dept. of Environmental Conservation \$108,125.00

**APPROPRIATIONS:**

10-18741-54327200-8740018-900 Contractual \$108,125.00

The resolution was seconded by Mr. Bachler and adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 45**

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945  
FOR THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS FOR THE  
TOWNS OF DELAWARE COUNTY PHASE 1  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under the 2001 Safe Drinking Water Act to develop highway management plans for towns located in the NYC watershed basins of Delaware County; 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 Planning Department and the Delaware County Department of Public Works has the expertise and will partner with individual towns to develop these plans; and

**WHEREAS**, the New York State Department of Environmental Conservation has amended our contract to accept this funding identified as “Highway Management Plans for the Towns of Delaware County Phase 1”.

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Board of

Supervisors accept this funding; and

**BE IT FURTHER RESOLVED**, that the 2006 budget be amended as follows:

**REVENUE:**

10-18741-44498900/8740017/900	NYS Dept. of Environmental Conservation	\$111,667.00
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**APPROPRIATIONS:**

10-18741-51000000/8740017/900	Personal Service	\$74,571.00
10-18741-58300000/8740017/900	Social Security	\$5,006.00
10-18741-58900000/8740017/900	Medicare	\$1,170.00
10-18741-54327625/8740017/900	Travel	\$12,700.00
10-18741-52200001/8740017/900	Equipment	\$17,920.00
10-18741-54327595/8740017/900	Supplies	\$300.00

The resolution was seconded by Mr. DuMond.

Mr. Utter stated that this is part of a larger grant that includes the Planning Department and DPW, adding this is for the development of a highway management plan not only for the county but, the individual towns as well.

Mr. Donnelly pointed out that DPW's hands are tied and questioned what action could be taken to help the city to look at this project realistically when implementing stormwater retrofit projects.

Chairman Eisel remarked that there is plenty of money for studies and plans but, never enough for implementation.

In answer to Mr. Marshfield, Commissioner Reynolds explained that the funding under the 2001 Safe Drinking Water Act will be used to develop highway management plans for towns located in the NYC watershed basins, and will include an inventory of all infrastructure. He added that the Planning department continues to search out future grants for this project.

The resolution was adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 46**

**TITLE: AUTHORIZATION FOR AWARDS  
DELAWARE COUNTY STOP-DWI**

**LETTING OF JANUARY 25, 2006**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the Delaware County Stop-DWI is authorized to make awards to the lowest bidders meeting specifications as follows:

Proposal No. 1-06 SUV Dodge Durango to: Scoville-Meno Chrysler  
18 Union St.

Sidney, NY 13838

Bid Price: \$19,495.00

All original bids are a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 47**

**TITLE: AUTHORIZATION FOR AWARDS  
BUILDING AND MAINTENANCE**

**LETTING OF FEBRUARY 14, 2006**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the Building and Maintenance is authorized to make awards to the lowest bidders meeting specifications as follows:

**PROPOSAL NO. BM1-06 LIMITED USE HYDRAULIC ELEVATOR:**

Mohawk Lift System, Inc.  
2638 Oneida Street  
Sauquoit, NY 13456

Bid Price: \$48,000.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 48**

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

**LETTING OF FEBRUARY 9, 2006**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:



**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 24-06 LOADER/BACKHOE to: Five Star Equipment, Inc.  
1653 NY Rt. 11, Box 383  
Kirkwood, NY 13795

Bid Price w/Trade: \$110,400.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Woodford.

In answer to Mr. Marshfield, Commissioner Reynolds stated that this bid is for a John Deere model 710 backhoe which is a very heavy backhoe. He pointed out that the department has used this equipment successfully in the past and that no other manufacturer makes an equivalent.

Mr. Utter stated in reply to Mr. Bracci that this loader/backhoe has a twenty-year life.

The resolution was adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 49**

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

**LETTING OF FEBRUARY 9, 2006**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 21-06 Longitudinal Glue-Laminated Timber Deck Panels to:

Unadilla Laminated Products  
PO Box K  
Unadilla, NY 13849

Bid Price: \$24,290.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Bachler.

In answer to Mr. Smith, Mr. Utter stated that these panels will be used on pre-fab bridge decks, adding that this is a common practice.

Commissioner Reynolds stated the bid is for six panels and explained that these panels are self supporting structures. He noted that DPW had eight panels in stock and was able to help the town of Colchester by mobilizing four panels right away, adding that through FEMA the town of Colchester will be paying the county back for the four panels. He further stated that DPW's inventory is now depleted.

In answer to Chairman Eisel, Commissioner Reynolds pointed out that we have four portable bridges in the event of an emergency. One was purchased and three were fabricated by DPW, adding the bridges span in size from 45 to 138 foot structures.

The resolution was adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 50**

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

**LETTING OF FEBRUARY 2, 2006**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 25-06 Miscellaneous Repairs of Bridge 130, Main Street over the Susquehanna River, Village of Sidney to:

Economy Paving Co., Inc.,  
1819 NYS Rt. 13  
Cortland, NY 13045

Bid Price: \$118,205.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

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

In answer to Mr. Smith, Mr. Utter stated that the county has had responsibility for this bridge for about 20 years.

The was adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 51**

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

**LETTING OF FEBRUARY 7, 2006**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 1-06      Rental of Construction Equipment to; Admar Supply Co. Inc., 878 Old Albany Shaker Road, Latham, NY 12110; Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760; Boyle Excavating, Inc., 233 Boyle Road, Harpersfield, N.Y. 13786; Clark Companies, Inc., P.O. Box 427, Delhi, N.Y. 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Contour Construction, LLC, PO Box 534, Binghamton, NY 13902; Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, N.Y. 13753; Robert H. Finke & Sons, Inc., P.O. Box 127, Selkirk, N.Y. 12158; Gorman Brothers, Inc., Church Street, Port of Albany, Albany, NY 12202; LaFever Excavating Inc., 3135 County Highway 6, Bovina Center, N.Y. 13740 ; Oneonta Equipment Rental & Sales, 532, Co. Hwy 58, Oneonta, NY 13820; Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, N.Y. 12491; Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739; Stony Hollow Run Inc. P.O. Box 205, West Hurley, N.Y. 12491; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Sullivan County Paving & Construction Inc., 420 Bernas Road, Cocheton, N.Y.12726; Tracey Road Equipment, Inc., 6803 Manlius Center Road, East Syracuse, NY 13057; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vestal Asphalt, 201 Stage Rd, Vestal, N.Y. 13850.

Bid Price:      See Summary Sheet

PROPOSAL NO. 3-06      Asphalt Concrete & Related Work for Parking Lots, Sidewalks & Misc. Small Jobs to: Contour Construction, PO Box 534, Binghamton, NY 13902; Cobleskill Stone, PO Box 220, Cobleskill, NY 12043

Bid Price:      See Summary Sheet

PROPOSAL NO. 4-06      Cutting and Trimming Trees to: Asplundh Tree Expert Co., 708 Blair Mill Road, Willow Grove, PA 19090-1784

Bid Price:      \$102.00/Hour

PROPOSAL NO. 5-06

Liquid Bituminous Concrete & Related Equipment Bid to:  
Gorman Asphalt DBA American Asphalt, Church Street,  
Port of Albany, Albany, NY 12202; Central Asphalt  
Division of Suit-Kote Corp., 1911 Lorings Crossing Rd.,  
Cortland, N.Y. 13045; Peckham Materials Corp., Foot of  
Union Street, Athens, N.Y. 12015; Vestal Asphalt Inc.,  
201 Stage Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

Towns may participate in these bids.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Maddalone.

In answer to Mr. Marshfield, Commissioner Reynolds explained that at the time the bid is put together the actual amount of material is unknown, therefore, in order to prepare a proposal all of the items are put into one bid and summed up, then the lowest total for that particular region is the awarded bid. He added that this is an equal comparison and works very well.

Commissioner Reynolds stated in response to Mr. Homovich, that seven different documents were sent out and only one bid was received for cutting and trimming trees.

Mr. Homovich remarked he would like to keep the money within the county and state.

The resolution was adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

## **RESOLUTION NO. 52**

### **TITLE: APPROVAL TO SETTLE MEDICAID CLAIM DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the New York State Department of Health has undertaken a project to verify the accuracy of claiming information with the identity of certain Medicaid eligibles who held Chapter 621 status in Delaware County for the period October, 1996 to December, 2005; and

**WHEREAS**, this project has resulted in the creation of an electronic file containing all eligibles both claimed and unclaimed during the project period that has been reviewed by Delaware County Social Services staff; and

**WHEREAS**, the project has found that Delaware County is owed a one time retroactive payment to adjust its Medicaid reimbursement in the amount of \$63,008.00 whose accuracy has been verified by the Commissioner and his staff; and

**WHEREAS**, the New York State Department of Health is requesting that Delaware County sign a legal stipulation that the County will accept a payment in the amount of

\$63,008.00 as final settlement for all Chapter 621 claims retroactive to January, 2006

**NOW, THEREFORE BE IT RESOLVED** that Commissioner William Moon is hereby authorized to execute this stipulation on behalf of the County.

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

Commissioner Moon referenced the memo he placed on each Supervisors' desk and explained that the Department of Health offered to settle all the old Medicaid claims with Delaware County by entering into a one time legal stipulation. He pointed out that \$63,008 in old Medicaid claims has been identified as representing the net amount of funds expended in the past on behalf of the 621 eligible individuals that had not been properly settled and accounted for previously. He stated that he reviewed these claims and concluded that the work of the Department of Health is reflective of the funds owed to Delaware County.

In answer to Mr. Marshfield, Commissioner Moon explained that the Medicaid adjustments for the 621 individuals was up to December 31, 2005. He pointed out that these individuals will continue to receive Medicaid benefits, however, as a result of the adjustments these individuals will no longer inflate the Medicaid numbers.

Commissioner Moon stated that the department had the best year that he has ever had as Commissioner in terms of collections, awards and incentives that our staff got by hard work. He stated that our excess revenues are about \$1.1 million over, adding this combined with only spending about 93 percent of our budget has added in excess of \$2.5 million to the county's fund balance.

The resolution was unanimously adopted.

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

**RESOLUTION NO: 53**

**TITLE: STIPULATION WITH VILLAGES IN  
TAX FORECLOSURE PROCEEDING  
COUNTY TREASURER**

**WHEREAS**, the County of Delaware has commenced a tax foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law of the State of New York and said proceeding is returnable before the New York State Supreme Court Delaware County, April 7, 2006; and

**WHEREAS**, said proceeding effects tax liens of both the County and several villages of Delaware County

**NOW, THEREFORE, BE IT RESOLVED** the County Attorney is authorized to stipulate with said villages that the County of Delaware will take title to such properties that upon sale of said properties the County will divide with the appropriate village the proceeds of said sale in proportion to the agreement upon "Notice of Stipulation"

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

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

**RESOLUTION NO. 54**

**TITLE: CHANGE ORDERS TO PROPOSAL NO. SW5-05 CONTRACT 1G  
GENERAL CONSTRUCTION, CELL 5 LANDFILL EXTENSION  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 137 of 2005 authorized the Public Works Department to make award to Marcy Excavating, Inc. for the general construction of landfill Cell 6 at the Delaware County Solid Waste Management Center; and

**WHEREAS**, Resolution No. 243 of 2005 authorized the execution of Change Orders 1 & 2 for a net decrease of \$24,019.49 reducing the total contract amount to \$1,814,787.01; and

**WHEREAS**, due to field conditions the contract completion date needs to be extended from December 15, 2005 to May 20, 2006 at no additional cost; and

**WHEREAS**, an added condensate knock-out, HDPE pipe modifications due to field condition changes, Cell 6 tee/gate modifications and substitutions for connectors in the pump station sumps have resulted in increases of \$14,596.48 bringing the final contact value to \$1,829,383.49.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works be authorized to execute Change Orders No. 3 & No. 4 totaling a net increase of \$14,596.48 and extending the project completion date to May 20, 2006.

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

In answer to Mr. Marshfield, Director of Solid Waste Susan McIntyre stated this modular does not have to be approved by the Department of Environmental Conservation.

The resolution was adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

**RESOLUTION NO. 55**

**TITLE: CHANGE ORDERS TO PROPOSAL NO. SW5-05 CONTRACT 1E  
GENERAL CONSTRUCTION, CELL 5 LANDFILL EXTENSION  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 137 of 2005 authorized the Public Works Department to make award to Freer Electric, Inc. for the electrical work of landfill Cell 6 at the Delaware County Solid Waste Management Center; and

**WHEREAS**, field conditions have resulted in changes in plans for the construction Cell 6 requiring the completion date to be extended from December 15, 2005 to May 20, 2006 at no cost; and

**WHEREAS**, changes in the design to include a viewing glass at pump station 8, additional controls at pump stations 6 and 7 to allow simultaneous operation of old and new pumps, replacement of the control cabinet at pump station 6 to accommodate the new controls and a push pole brace to support an added power pole have resulted in increases in the contract

price.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works be authorized to execute Change Orders No. 1 & No. 2 totaling a net increase of \$5,439.40 for these change orders and extending the project completion date to May 20, 2006.

The resolution was seconded by Mr. Woodford and Mr. Bachler and adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

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

### **RESOLUTION NO. 56**

#### **TITLE: AUTHORIZATION TO SIGN AGREEMENT COMMUNICATION TOWERS DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, there is a need to improve the current communications in Delaware County; and

**WHEREAS**, JNS Enterprises has met with the county to offer their services to construct communication towers on county owned property; and

**WHEREAS**, JNS enterprises will be responsible for construction, maintenance, and management of said towers

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board of Supervisors is authorized to enter into an agreement with JNS Enterprises, Inc. located at 5 Corporate Drive, Suite 103, Central Valley, NY 10917 for the purpose of enhancing communications throughout the county.

The resolution was seconded by Mr. Utter.

Director of Emergency Services Nelson Delameter stated that JNS Enterprises had previously made a presentation to the Board regarding municipal tower ownership. He noted that timing is of the utmost importance right now and explained that the program will not cost the county anything. He pointed out that JNS will pay to put the towers up on municipal owned property, will solicit tenants for the tower and pay for the maintenance and upkeep. Mr. Delameter said that once the capital expenses on the towers are met, JNS and the county will begin to share the revenue.

Mr. Meredith stated that the Walton Town Board will be meeting with JNS on Monday, February 27, 2006, adding he contacted JNS after their presentation to the Board. He said in his opinion, contracting with JNS is good for the county and for the towns.

In answer to Chairman Eisel, Mr. Delameter stated that the county has provided the GIS information to JNS.

Mr. Meredith commented that he understood that JNS will split the revenue immediately. Mr. Delameter replied that discussion with existing partners of JNS indicate that revenue will be split 50/50 after JNS's capital costs have been met, he added that, in his opinion, JNS has been ambiguous with regard to the revenue.

In answer to Chairman Eisel, Mr. Delameter stated that he does not have a time frame as to receipt of revenue.

In response to Mr. Hynes, Mr. Delameter stated that the locations for towers have not yet been determined, adding once the agreement is signed JNS will meet with us again and begin to discuss proposed sites for the county.

Mr. Marshfield commented that it would make good sense for JNS to use existing tower sites. Mr. Delameter explained that there is a difference between placement of towers for cell coverage and for radio communications.

Mr. Spinney stated in answer to Mr. Marshfield, that if the county was building the tower they could override the town ordinances but, since JNS is building the towers they are bound by local ordinances.

The resolution was unanimous adopted.

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

**RESOLUTION NO. 57**  
**TITLE: APPROPRIATION OF SURPLUS**  
**ROAD & BRIDGE CAPITAL PROJECTS**

**WHEREAS**, the Department of Public Works building on Page Avenue is in excess of 100 years old and in need of a new roof; and

**WHEREAS**, there is insufficient room on the existing property to build a new shop while continuing to use the existing facilities; and

**WHEREAS**, property adjacent to the DPW property has come up for sale and said property would allow for room for a phased replacement of the existing shop; and

**WHEREAS**, there are insufficient funds appropriated in the 2006 budget to purchase the property; and

**WHEREAS**, the fund balance for the capital road and bridge fund is in excess of \$2,000,000.00

**NOW, THEREFORE, BE IT RESOLVED**, that \$430,000 of the surplus be appropriated to account 34-15112-54000000.

The resolution was seconded by Mr. Rowe.

Mr. Bracci thanked the members of the Public Works committee for meeting with him and addressing the concerns of the village and town of Delhi. Speaking as the town of Delhi Supervisor, Mr. Bracci stated that he will be voting against Resolution Numbers 57, 58 and 59 pointing out that the purchase of the Wickham property by the county will increase the amount of tax exempt property in the village and town of Delhi. With the help of a visual aid, Mr. Bracci, showed that 70 percent of the property in the village of Delhi is already tax exempt.

Speaking as a member of the Board, he stated that he feels it is too premature for the county to engage in this project. He noted that the county is already \$31 million in debt with the jail and composting and questioned how much more was going to be added to the figure. In



addition, Mr. Bracci pointed out that there are private parties interested in looking at the site.

Mr. Bachler remarked that he felt the committee went the extra mile to accommodate the village and the town by amending the resolution to state that the property would be returned for private use.

Mr. Rowe commented that in his opinion, purchasing the property for \$420,000 makes better sense than spending \$1 million to put a roof on a building that is over 100 years old, adding that there are rain gutters inside the building at this point. He believes the decision to purchase the Wickham property is responsible government. He added this is one decision that he will fight for.

Mr. Utter explained that even before the Wickham property became available the county had been doing serious studies about what to do with this building. He added the building was built as a silk mill not a garage. He noted that the committee was torn between putting a new roof on an old building or seeking another facility. He said it was during this time that the Wickham offer came in. He pointed out that there are no plans for DPW to get bigger, only to have a building that is safe.

Mr. Bracci stated that he agrees something needs to be done, however, he said we disagree on how to do it. He added a long range plan is needed, we need to know where we are going.

Mr. Bachler stated that previously Commissioner Reynolds reduced the department by at least 10 percent, adding the only way to downsize further would be for the villages and towns to take over county roads.

Mr. Meredith remarked he also is against the next three resolutions, adding that at the Association of Towns meeting shared highway services was discussed. He said he is in agreement with the towns taking over some responsibilities and encouraged the Public Works Committee to move forward with the idea.

Mr. Maddalone stated that the condition of the building leaves us no time to delay.

Mr. Valenti stated that he is inclined to support this resolution, but he is not ready to tear down or build a new building on a new site somewhere else. He added that the purchase is a good investment that will pay off for the county.

Mr. Marshfield stated that the Wickham property is an ideal location and the most efficient spot. He pointed out the advantages of the county purchasing the Wickham property adding that if DPW relocated, there would be a loss of economy to the village and town and an additional expense to the taxpayers. The new site is higher in elevation and less prone to flooding problems and the county DPW complex would be all together and more efficient. In addition, there are potential contamination problems that DPW is capable of dealing with. Further adding, his town is not willing to take over county roads.

In reply Mr. Bracci stated he had a different philosophy than Mr. Marshfield. He pointed out that government does not create jobs, DPW money means taxes not income, the loss is not the property tax, but the potential.

In reply to Mr. Homovich, Commissioner Reynolds stated that the village wrote a letter outlining their concerns and that the committee spoke with Mr. Bracci. Mr. Homovich pointed out that the purchase impacts the village and town of Delhi and in his opinion, there should have

been dialogue prior to this meeting.

Mr. Donnelly stated that similar conversation took place when the county was looking for a home for the new jail. He pointed out that when it became known, the town of Walton wanted the jail, the town of Delhi had a change of heart. This is a case where the property is available now and in his opinion, we should purchase the property.

Mr. Ryan pointed out that having employees in town will not necessarily increase housing or raise rents, adding they might buy coffee on their way to work. He noted that Hobart has 200 new employees in town and not one of them bought a home in Hobart.

Chairman Eisel stated that we have a building that is in total disrepair. He pointed out that the county is in the best position to clean up the property and if at some point in the future the decision is made to build elsewhere we have a viable property to sell.

The resolution was adopted by the following vote: Ayes 3671, Noes 1024 (Bracci, Meredith), Absent 111 (Shelton).

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

**RESOLUTION NO. 58**

**TITLE: NOTICE OF LEAD AGENCY FOR THE CONSTRUCTION OF A DEPARTMENT OF PUBLIC WORKS HIGHWAY GARAGE**

**WHEREAS**, the Delaware County Board of Supervisors is planning for the purchase of property and ultimate construction of a new highway garage; and

**WHEREAS**, the Board of Supervisors is desirous of assuming the status of Lead Agency in accordance with 6 NYCRR Part 617 State Environmental Quality Review Act for the Environmental review of the project.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors herewith assumes Lead Agency status pursuant to Part 617 for the project and authorizes the Public Works Committee to fulfill all the obligations and responsibilities associated with assuming that role.

The resolution was seconded by Mr. Bachler and adopted by the following vote: Ayes 3671, Noes 1024 (Bracci, Meredith), Absent 111 (Shelton).

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

**RESOLUTION NO. 59**

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH PURCHASE OF PROPERTY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Department of Public Works building on Page Avenue is in excess of 100 years old and in need of a new roof; and

**WHEREAS**, the Public Works Committee has considered relocating the main shop to some other location in the County and has identified a number of disadvantages to this option;

and

**WHEREAS**, Mr. & Mrs. Richard Wickham properties on Page Avenue include 3.05 acres identified as Village of Delhi Tax Map #171.7-4-3, 171.7-4-4, 171.7-4-5 and 171.7-6-5 are available for sale and are directly adjacent to DPW property; and

**WHEREAS**, an environmental review shall be performed by any purchaser to identify and clean up any environmental contamination before assuming ownership of the property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of the Board is hereby authorized to enter into an agreement with the Wickhams for the purchase the property and to access the property for an environmental review and reasonable cleanup to clear the property of any environmental encumbrances at a price not to exceed \$420,000.00; and

**BE IT FURTHER RESOLVED**, that the Department of Public Works is herewith authorized to initiate a capital planning effort to identify the future needs of the Department's main shop and material/equipment storage on the Page Avenue properties and identify which properties are necessary for DPW operations.

**BE IT FURTHER RESOLVED**, that parcel 171.7-4-5 be returned for private use allowing for DPW access.

**BE IT FURTHER RESOLVED**, that the portion of parcel 171.7-4-3 currently occupied by the Wickham shop will also be returned for private use once the County has determined said parcel is no longer needed.

The resolution was seconded by Mr. Bachler.

Mr. Utter explained that the word "access" in this statement means that DPW in times of flooding is provided with a way of getting to Main Street without having to go through water.

In answer to Mr. Marshfield, Mr. Utter explained that parcel 171.7-4-5 is the corner parcel which fronts Main and Bridge Streets.

Commissioner Reynolds explained that his desire is to develop and structure the site to gain dry access to Main Street.

The resolution was adopted by the following vote: Ayes 3420, Noes 1,275 (Bracci, Hynes, Meredith), Absent 111 (Shelton).

Mr. Rowe offered the following resolution and moved its adoption

#### **RESOLUTION NO. 60**

#### **TITLE: RESOLUTION ELECTING A 25 YEAR RETIREMENT PLAN WITH ADDITIONAL 1/60S ACCORDING TO ARTICLE 14-B OF THE RETIREMENT AND SOCIAL SECURITY LAW FOR THE SHERIFF, UNDERSHERIFF AND CERTAIN DEPUTY SHERIFFS**

**BE IT RESOLVED** that the Board of Supervisors of the County of Delaware does hereby elect to assume the entire additional cost required to provide the twenty five year retirement plan, provided in section 551 and 551(e) under Article 14-B, of the Retirement and Social Security Law, for its sheriff, undersheriff and deputy sheriffs whose duties include at least

50 percent criminal law enforcement, pursuant to Chapter 165 of the Laws of 1995.

**BE IT FURTHER RESOLVED** that the effective date of this plan shall be the 23<sup>rd</sup> day of February 2006.

The resolution was seconded by Mr. Maddalone.

Mr. Rowe stated that in accordance with the "Opinion & Award" from the Binding Arbitration Panel in order to be in compliance with the required changes to the Section 551(E) retirement plan the county had to pay the past service cost of \$37,719 by February 1, 2006, adding that seventy-five percent, \$28,289 was paid out of 2005 funds and that twenty-five percent, \$9430 was paid out of 2006 funds.

In answer to Mr. Marshfield, Mr. Rowe stated that this is mandatory.

Personnel Director Lorna Taber explained that the deputies are currently in the same plan as all other county employees.

Mr. Bracci stated that he believes this is a worthy resolution. He feels we need to bring our deputy sheriffs up to standards. It is also very good from the standpoint of attracting new applicants to the job. He stated he is in support of this resolution.

The resolution was unanimously adopted.

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

#### **RESOLUTION NO. 61**

##### **TITLE: APPROVAL TENTATIVE AGREEMENT CSEA PERSONNEL DEPARTMENT**

**WHEREAS**, the Human Resources Committee has reached a tentative agreement with the CSEA for the terms and conditions of employment for the years 2006, 2007, 2008, and 2009

**NOW, THEREFORE, BE IT RESOLVED** that said tentative agreement is hereby approved as presented to the Board; and

**BE IT FURTHER RESOLVED** that the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

The resolution was seconded by Mr. Utter.

Mr. Ryan stated that he will vote yes on this resolution but, would like to express his dissatisfaction with treating department heads as union employees. He pointed out that they do not have any of the benefits of union membership and despite their performance will receive the same percentage raise. In his opinion, at the supervisory level raises should be determined on merit and not be given perfunctory. He suggest that in the future years we set up a Board of Merit that says if you're a non-union employee you will have to make a case for a raise. Chairman Eisel replied that this might be something Personnel could look at.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 62**

**TITLE: MODIFICATION OF POLICIES DEPARTMENT HEADS/NONUNION PERSONNEL DEPARTMENT**

**WHEREAS**, the County and CSEA have approved a new collective bargaining agreement for the years 2006 - 2009; and

**WHEREAS**, said agreement includes a wage increase and changes in policies, procedures, benefits involving sick leave and bereavement; and

**WHEREAS**, it is deemed desirable to maintain uniform policies and benefits for union and non-union personnel.

**NOW, THEREFORE, BE IT RESOLVED** that the following changes in policies and benefits for Department Heads and other non-union personnel are hereby approved to be effective February 23, 2006:

1. All Department Heads not subject to a local law and all non union employees will receive a 3.5% wage increase plus increments as recommended effective 1/1/06.
2. The provision contained in the 2006-2009 agreement pertaining to bereavement shall apply to Department Heads and non union personnel.
3. The provision contained in the 2006-2009 agreement pertaining to maximum number of sick days shall apply to Department Heads and non union personnel.

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

Mr. Rowe withdrew Local Law Intros. No. 2 through 22 and Resolution No. 63 entitled: Public Hearing On Local Laws No. 2-22 of 2006 and stated they would be brought up at the March 8, 2006 Board meeting.

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. 63**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,683,853.59 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	\$1,451,392.09
Countryside Care Center	\$236,737.22
Jail	\$8,248.84

Highway Audits, as Follows:

Road	\$200,488.84
Machinery	\$157,513.45
Capital Road & Bridge	\$80,667.58
Capital Solid Waste	\$421,053.01
Solid Waste/Landfill	\$127,752.56

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4695, Noes 0, Absent 161 (Shelton).

Chairman Eisel made the following appointments:

CDO Workforce:

Tess Jerome, Field Supervisor, Experience Works

Youth Bureau Board of Directors:

Lisa Huyck, Treadwell

James Tweedie, Tri Town Boys & Girls Club

Laura Balcom, Delaware Opportunities

Soil & Water Conservation District Board:

Don Smith, Supervisor Town of Franklin

Frank Bachler, Supervisor Town of Meredith

Chairman Eisel announced a resident council meeting will be held at Countryside Care Center on March 1, 2006 at 10:00 A.M. He encouraged the Supervisors to attend.

Mr. Marshfield commented that he will be suggesting to the Finance Committee that the county hire a consultant to review the effect the closing of Countryside will have on the county.

Upon a motion, the meeting was adjourned at 3:40 P.M.