

## **REGULAR MEETING**

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

**MAY 10, 2006**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 10, 2006 at 7:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Smith and Mr. Rowe.

Mr. Donnelly offered the invocation.

Mr. Haynes 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 Manuel Rodriguez, Board of Directors President of the Delaware County Historical Association thanking the Board of Supervisors for their generous support of their organization.

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

Chairman Eisel granted privilege of the floor to Mr. Maddalone who introduced Treatment Court Coordinator Neil Felber to speak about the Delaware County Drug Court Program.

Mr. Felber stated he was appointed in 2003 by the State Office of Court Administration to work with the Delaware County team that put together the adult treatment court model. The official adult court began in May 2004. In June of 2005 the first two successful participants graduated. These participants had been charged with felony level DWI and had extensive issues within their legal rap sheet however, when given the opportunity to be supervised by the Alcohol and Drug Abuse Clinic, Probation Department, Department of Social Services, the County Court Judge and the Treatment Court these participants became pioneers.

Since 2003, thirty-six individuals have come to the Treatment Court to be considered for the program. Currently, there are twenty-two active drug court participants. Five participants have graduated the program successfully. On May 22, 2006 the Treatment Court will celebrate its second graduation. Mr. Felber noted that May 22<sup>nd</sup> is also the National Drug Treatment Court graduation day, explaining Delaware County is able to add the name of two successful

participants to the list of national graduates.

He pointed out a program of this type is a risk for the municipality as it takes people that are not only involved with the criminal justice system but, have a serious problem with alcohol and/or drugs. Mr. Felber pointed out the program requires its participants to submit to severe supervision and constant monitoring.

In addition to the drug treatment program, Mr. Felber advised that the Office of Court Administration recently approved a Family Treatment Court that will address the devastation that faces many families as a result of dependency on alcohol and/or drugs. The main goal of the program is to take a family in dysfunction, with children at high risk and attempt to address the dependency problem along with the needs of the family through Delaware County programs that will be offered collectively and mesh them together through the Treatment Court.

Mr. Felber stated participants in the program have from 0 to 435 days individually, of ongoing sobriety and abstinence from substances. He pointed that the program is only open to Delaware County residents and the participants are not costing the county any money. The largest percentage of these participants are independently employed and do not place a burden on the social service system. There have been one or two that have required medicaid but, upon graduation all of the participants have become tax paying viable citizens in our communities.

In conclusion, Mr. Felber stated that he would appreciate the opportunity to come to any of the town boards and discuss the program. He invited all in attendance to the Drug Court graduation on May 22, 2006 at 2:00 P.M. on the second floor of the County Courthouse in Delhi.

Chairman Eisel stated that he has attended a Drug Court graduation and was very impressed by what he saw and heard. He commented that the participants work very hard at rehabilitating themselves. He complimented the strong core group that keeps the program working and at no cost to the county.

County Court Judge Carl F. Becker thanked the Board of Supervisors on behalf of the team for making available employees of the county to help use existing services smarter and better. He said the program is working and making a difference.

Chairman Eisel granted privilege of the floor to Ms. Molé who introduced Director of Public Health Bonnie Hamilton.

Mrs. Hamilton explained that Public Health has been charged with coming up with a Pandemic Flu plan. She explained that part of the charge is to carry out periodic drills to test the county's plan. She advised that on Tuesday, May 23, 2006 between 10:00 A.M. and 12:00 P.M. there will be an isolation and quarantine drill. The drill will test a piece of the county's plan that has not been looked at before. Mrs. Hamilton explained that isolation involves taking people who are sick with a disease and physically isolating them. The quarantine will involve taking

people who have been exposed to the disease but, are not yet sick and may not get sick, and putting them in a spot where they are not going to expose other people should they get the disease.

The drill will take place in the town of Delhi and involve the Sheriff's Office, the Special Investigations Unit, Emergency Management, the three in-county hospitals and nursing homes, and eight to fifteen volunteers. The law enforcement officers will be asked to transport the volunteers using personal protective equipment and proper techniques. Mrs. Hamilton noted that the public should be aware that during the drill law enforcement personnel will be wearing safety gear that will look like gas masks.

In conclusion, Mrs. Hamilton advised that Public Health will be having an informational meeting on the Pandemic Flu sometime in July. The Department will be inviting people from area schools, businesses and community.

Chairman Eisel stated there has been so much said about this flu that he thinks it is scaring people. Mrs. Hamilton advised that right now there is not a lot of transfer from the bird flu to people. She added Public Health is not alarmed at this time but, is trying to be prepared by advising people to use the same type of precautions used for any type of disease that is transmitted by coughing, sneezing or through the air.

Chairman Eisel granted privilege of the floor to Mr. Utter, who referenced the memo on each Supervisors' desk from Commissioner of Public Works Wayne Reynolds regarding the new county map that has been produced and will be on display at the Clerk of the Board's Office for the next two weeks. Approval for the map will be voted upon at a later date.

He also referenced the Solid Waste Management Center & Compost Facility Recycling Information Facility Guidelines pamphlet placed on each Supervisors' desk.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Director of Watershed Affairs Dean Frazier, Director of Planning Nicole Franzese and GIS Analyst Spencer DeVaul who provided a slide presentation regarding the present and future concerns facing the watershed areas of the county.

Commissioner Frazier reminded the Board the Filtration Avoidance Determination (FAD) is under review for renewal in May 2007 and will not be reviewed again until 2012. He said the West of Hudson Technical Advisory Group has been working on several issues for inclusion in the long term water protection program which is the basis of the next FAD. They include, local initiative programs, community wastewater systems, onsite septic maintenance, land acquisition permits (LAP), watershed rules and regulations, septic issues, phosphorus restricted basins, increased funding for standing Catskill Watershed Coalition (CWC) programs and the addition of some new programs, cooperation and collaboration on environmental and highway management plans, development of an information clearing house, and stream corridor

management.

He stated that comments taken from the various meeting will be put together as part of a multi-county effort and presented at the next Coalition of Towns meeting on Monday, May 15, 2006. He pointed out the comments are still in draft form however, he would be pleased to provide a copy to the Board.

The goals of the West of Hudson Technical Advisory Group he noted, are more empowerment at the local level, more cooperation and acceptance, formal recognition of local water quality protection efforts and expertise, streamline permitting processes and regulatory issues and an emphasis on a basin wide approach.

He advised that the New York City Department of Environmental Protection (NYCDEP) applied to the New York City Department of Environmental Conservation (NYCDEC) for an automatic five year renewal of the LAP. The opinion of the City Council is that acquisition is critical to water protection. The council is seeking more enforcement, tighter funding, land trust involvement, and is requiring NYCDEP to include Council input in the next long term water protection program. He added if NYCDEP does not include their input they must justify their reasons to the City Council. He stated the West of Hudson Technical Advisory Group has prepared positions for the County and the Coalition of Watershed Towns to take into consideration.

Commissioner Frazier pointed out that the Council's vision beyond the LAP, which expires 2102, includes legislation with a goal of acquisition of 75,000 acres in fee and conservation easements over the next ten years. He noted that the goal is for acquisition not for solicitation and that agricultural easements are not part of the 75,000 acres. NYCDEP Commissioner Lloyd is projecting agricultural easements of 4,000 acres per year over the next five years.

He explained the main focus of tonight's presentation is on the LAP which is a critical component of the FAD and will be reviewed for renewal in January 2007.

In conclusion, he stated what needs to be done now is to look ahead and consider the ramifications of these changes to our county's future.

The presentation included visual aides that provided information on Delaware County tax exempt lands, NYCDEP land acquisition, preliminary analysis of building limitations in the towns of Roxbury and Stamford, and NYCDEP projected land acquisitions from 2006 to 2017.

Mr. DeVaul stated as a result of NYCDEP land acquisition and easement programs over the past ten years from pre MOA 1997 to January of 2006 countywide, New York City owns 7 percent of county, the state owns 6 percent, and the towns, villages and county own less than 1 percent. Within the watershed area, New York City owns 12% of the county, the state 4 percent

and, towns, village and county remain the same.

He presented a flip chart and explained that the buildable acreage in the towns of Roxbury and Stamford reflect the natural criteria that NYCDEP uses to purchase land in Delaware County. Noting the criteria used to determine land acquisition as floodplain and slope over 15% within 300 feet of a water course (inclusive of wetlands).

The final map showed a progression of what Delaware County may look like in the next five to ten years if current trends continues. The map displayed buffers around existing NYCDEP lands and conservation/Watershed Agricultural Council (WAC) easements to reflect the amount of acreage that could be in NYCDEP ownership or easement in 2012 and 2017. He explained the projections of this map are based on 40,000 acres through fee or conservation easements and 20,000 acres through WAC easements.

Mr. DeVaul stated that if acquisitions occur based on the percent of Delaware County that makes up the West of Hudson Watershed, then it is very likely that NYCDEP would purchase 40,000 acres of the proposed 75,000 acres in Delaware County. He explained NYCDEP currently owns 12 percent of land within the watershed, projecting in 2012 they will own 18 percent and in 2017 they will own 25 percent. He stated he felt these numbers were under estimated based on the buffer overlay.

In answer to Mr. Utter, Mr. DeVaul clarified that the 12 percent figure includes the reservoir land owned by the City in the watershed area.

Ms. Franzese commented she received and read through the City Council Transcripts, and in her opinion, the document presented acquisition as the answer to all problems. Even when NYCDEP suggested that acquisition was not the only answer to a particular water quality issue, the Council's feeling was the more land they own the better. Ms. Franzese stated the report was very intense and that many points in the document are alarming and suggested the Supervisors read the transcripts.

Mr. Homovich questioned how much acreage is buildable in the town of Roxbury. Mr. DeVaul replied approximately 4,000 acres out of 55,000 acres.

Ms. Franzese explained even if acreage is buildable, it is more expensive to build in the watershed. She commented that the Planning Department goes out and does a site visit and will fight the City on anything that does not exist.

Mr. DeVaul and Ms. Franzese stated that an important issue is why in the LAP the City can purchase land within 300 feet of a water course but, under the MOA you cannot build on an impervious surface within a 100 feet of the watercourse.

Commissioner Frazier advised the site maps will be on display in the lobby after the

meeting for review and that he, Mr. DeVaul and Ms. Franzese will be on hand to answer any questions.

Commissioner Frazier explained that Resolution No. 132 entitled “Analysis of the New York City Land Acquisition Permit on Delaware County” being presented for adoption is in sync with the Coalition Watershed Towns. The resolution suggests that all City owned land be opened for recreational uses and managed consistent with state law.

Mr. Bachler asked how can we fight this projected 75,000 acre acquisition. Commissioner Frazier replied that this is what the City Council is seeking to acquire. Commissioner Frazier stated that he is not sure what options are available. An appeal to the Environmental Protection Agency (EPA) that the purchase criteria eliminates the need for more acquisition. Ms. Franzese remarked that the NYCDEP desires to acquire 8,000 acres a year over the next five years. Commissioner Frazier added that a lot of people are not familiar with the testimony. Part of the agreement is willing seller/willing buyer which was put in place instead of eminent domain and it is the Board’s choice whether or not to fight.

Chairman Eisel stated the flip chart providing all the lands with easements taken and plan to take and the regulations that stop us from building on some of this land will be a good visual for the EPA public hearing as the EPA is the driving force behind the land acquisitions. If we can convince EPA at this public hearing that quite a bit of this land has already been taken and that there is no need for more acquisition and at the same time if they would free up this land for recreational use, which is our right since we live here, that would be quite an achievement. That is what is needed to bring across to EPA at the public hearing on Wednesday, May 17<sup>th</sup> . He questioned if the City is trying to buy us out of here as it doesn’t make sense anymore.

Mr. Homovich commented that we need to remind EPA that the City’s biggest selling point on this was that tourism would be our future then they abandoned that. He questioned how realistic is it for them to obtain this acreage of land with willing sellers, at what point in time does that change. Commissioner Frazier replied that he has read that the real estate market may be fading but, right now he is more concerned about easements then the acquisition for fee. This poses as big of a risk or challenge. Ms. Franzese remarked that there is 22,000 acres waiting to be purchased and they have 14,500 acres now.

Mr. Homovich pointed out that the City’s history shows they will buy from the willing seller then eminent domain will come to play, as it is 5-7% cheaper to buy then to condemn.

Mr. Utter stated in his opinion, the purchase of this land is just the tip of the iceberg. The town of Middletown is in court with the City right now. He explained the City built a \$35 million sewer plant which the town of Middletown assessed at \$30 million, now the City is asking for a \$15 million assessment. He said he foresees twenty years down the road when the City will go to the boards and ask for their land values to be dropped and it won’t be for the sewer plants, it will be the thousands of acres they purchased.

Mr. Utter read a letter from The Walton Reporter's 100 years ago section. He stated the words written 100 years ago are as true now as they were then. The caption on the article is "The Farmers are Mad." The article speaks of the inconsiderate and insolent behavior of New York City representatives to the locals, the devastation the City created in pursuit of their goal, and their belief that this behavior is acceptable because New York City will own all the watershed land some day.

For Standing Committee Reports, Mr. Donnelly as Chairman of the Finance Committee advised that it is the recommendation of the Finance Committee to follow the state's lead and offer the four percent sales tax exemption on clothing and footwear items costing less than \$110 per item.

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

**RESOLUTION NO. 115**

**TITLE: DRUG COURT MONTH IN DELAWARE COUNTY**

**WHEREAS**, drug courts combine judicial accountability and evidenced-based treatment to effectively intervene against substance abuse and related crime; and

**WHEREAS**, results of more than 100 program evaluations and at least three experimental studies have yielded definitive evidence that drug courts increase treatment retention and reduce substance abuse and crime among drug-involved individuals before the court; and

**WHEREAS**, the judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement and community supervision personnel, researchers and educators, national and community leaders, and others dedicated to the movement have had a profound impact within their communities; and

**WHEREAS**, the drug court movement has grown from the 12 original drug courts in 1994 to 1,753 operational drug courts as of December 2005; and

**WHEREAS**, Delaware County is proud to be a part of this National Initiative supporting the Delaware County Adult Treatment Court since May, 2004, and Delaware County Family Treatment Court since April 2006; and

**WHEREAS**, the week of May 22 - 26, 2006 marks National Drug Court Commencement Week, which celebrates the promise of recovery, restoring hope to drug court graduates and their families

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

declares that a "Drug Court Month" be established during the month of May 2006 recognizing the practitioners and participants who make drug courts work and the significant contributions that drug courts have made, and continues to make, in reducing drug usage and crime.

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

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

**RESOLUTION NO. 116**

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

**WHEREAS**, donations in the amount of \$5,000.00, as listed below, have been received by the Delaware County Social Services to be used for camperships for foster children as selected by the department:

Robinson-Broadhurst	\$2,000.00
O'Connor Foundation	\$3,000.00

**THEREFORE, BE IT RESOLVED**, that the 2006 budget modification be made:

**INCREASE REVENUE**

10-16119-44270500	Foster Children Camperships	\$5,000.00
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**INCREASE APPROPRIATION**

10-1611954313200	Foster Children Camperships	\$5,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 117**

**TITLE: HOME ENERGY ASSISTANCE PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local Agency to administer the county's Home Energy Assistance Program (HEAP) for 2005-2006,

said monies to be utilized to reimburse the county at 100% of its expenditures

**THEREFORE, BE IT RESOLVED** that the following 2006 budget modification be made:

**INCREASE REVENUE ACCOUNT:**

10-16141-44464100/6141006/971	HEAP	\$147,556.00
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**INCREASE APPROPRIATION ACCOUNT:**

10-16141-54200012/614006/971	HEAP Administration	\$11,588.00
10-16141-5432010/6141006/971	HEAP Emergency	\$135,968.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 118**

**TITLE: AMENDMENT TO RESOLUTION NO. 44-2006  
DEVELOPMENT OF SCIENTIFICALLY-BASED MANAGEMENT GUIDANCE FOR  
CONTROLLING PATHOGENS THROUGH ANIMAL HEALTH - PHASE 1  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, in Resolution No. 44, Delaware County was awarded funding under the 2001 Safe Drinking Water Act in the amount of \$108,125 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**, the expertise for this project is provided through Cornell University, School of Veterinary Science; and

**WHEREAS**, the New York State Department of Environmental Conservation recently adjusted the award to add an additional amount of \$32,450; and

**WHEREAS**, the additional monies will be contractual expenses used to cover recent changes required for Cornell University to complete the project; 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 2006 budget for Controlling

Pathogens Through Animal - Phase 1 be amended as follows:

**ESTIMATED REVENUE:**

10-18741-44498900-8740018-900 NYS Dept. Of Environmental Conversation \$32,450.00

**APPROPRIATION:**

10-18741-54327200-8740018-900 Contractual \$32,450.00

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 119**

**TITLE: BUDGET AMENDMENT  
SAFE DRINKING WATER ACT 2002  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, in Resolution No. 89-04, Delaware County was awarded \$242,000 under the Safe Drinking Water Act 2002 for monitoring purposes in support of the Delaware County Action Plan; and

**WHEREAS**, storm water event monitoring, described as a project funded by Safe Drinking Water Act 2002 could not proceed due to financial constraints involving the infrastructure installations; and

**WHEREAS**, Delaware County's Geographic Information System (GIS) and Global Positioning System (GPS) are in dire need of upgrading; and

**WHEREAS**, these two systems are an integral part of DCAP and a significant portion of the County's GIS and GPS work is water quality related; and

**WHEREAS**, the New York State Department of Environmental Conservation has approved this amendment to the SDWA 2002 budget that provides the requisite funding of the system upgrades; and

**WHEREAS**, Resolution No. 278-05 was erroneously approved for the amendment of said grant and needs to be rescinded

**NOW, THEREFORE, BE IT RESOLVED** that Resolution No. 278-05 is hereby rescinded and the following budgetary adjustment for said project is authorized:

**FROM:**

10-18741-51327000/8740003/900	Salary	\$4,385.00
10-18741-58000000/8740003/900	Benefits	5,985.00
10-18741-54327200/8740003/900	Contractual	18,500.00

**TO:**

10-18741-52200001/8740003/900	Equipment	\$28,870.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 120**

**TITLE: BUDGET AMENDMENT  
SAFE DRINKING WATER ACT  
CONTRACT C301945 FOR PROJECT NO2003WQI6176  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, Resolution No. 240 of 2004 was approved by the Delaware County Board of Supervisors that authorized the acceptance of \$44,500 for Project No 20003WQI6176 from the Safe Drinking Water Act Grant; and

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

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

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

**WHEREAS**, New York State Department of Environmental Conservation has approved this budget amendment; and

**WHEREAS**, Resolution No. 194 of 2005 was erroneously approved for the amendment of said grant and needs to be rescinded

**THEREFORE, BE IT RESOLVED** that Resolution No. 194 of 2005 is hereby rescinded and the following budgetary adjustment for Project No. 2003WQI6176 is authorized:

**FROM:**

10-18741-51000000/8740008/900	Personal Services	\$13,967.00
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10-18741-58000000/8740008/900 Fringe Benefits \$2,583.00

**TO:**

10-18741-5220000/87400008/900 Equipment \$16,550.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 121**

**TITLE: BUDGET AMENDMENT  
SAFE DRINKING WATER ACT 2003  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, in Resolution No. 239-04, Delaware County was awarded \$50,000 under the Safe Drinking Water Act Project No. 2003WQI6179 to cover monitoring costs at a lowland farm in the Cannonsville Basin; and

**WHEREAS**, the New York State Department of Environmental Conservation recently adjusted the award to add an additional amount of \$16,691; and

**WHEREAS**, Resolution No. 279-2005 was erroneously approved for the amendment of said grant and needs to be rescinded

**NOW, THEREFORE BE IT RESOLVED**, that Resolution No. 279-2005 is hereby rescinded and the following budgetary adjustment for Project No. 2003WQI6179 is authorized as follows:

**ESTIMATED REVENUE:**

10-18741-44498900/8740011/900 NYS Dept. of Environmental Conservation \$16,691.00

**APPROPRIATIONS:**

10-18741-54327200/8740011/900 Contractual \$16,691.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 122**

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

**LETTING OF APRIL 27, 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. 26-06      Retaining Wall Replacement, CR 22, East Brook Rd.,  
Town of Walton to:  
New Century Construction, LLC  
PO Box 9144  
Albany, NY 12209

Bid Price:      \$563,999.61

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.

Mr. Utter in answer to Chairman Eisel, stated that the county will front the money and FEMA will fully reimburse the county.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 123**

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

**LETTING OF APRIL 27, 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. 38-06 3 Ton Vibratory Roller to: S.C, Hansen, Inc.  
6936 Rt. 434  
Apalachin, NY 13732

Bid Price: \$25,168.00

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.

Mr. Utter stated this is a budgeted item.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 124**

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

**LETTING OF APRIL 27, 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. 39-06 5 Ton Equipment Trailer to: Bill's Trailer Sales  
37126 St. Hwy. 10  
Hamden, NY 13782

Bid Price: \$4,901.00

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. Maddalone.

Chairman Eisel said he was glad to see the winning bidder was a local company. Mr. Utter agreed, adding there was a good array of bidders.

Mr. Utter pointed out the bids on this item and the one previous came in at less than what was budgeted saving the county about \$16,000.

The resolution was adopted by the following vote: Ayes 3995, Noes 204 (Homovich), Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 125**

**TITLE: APPROPRIATION OF SURPLUS  
SOLID WASTE CAPITAL**

**WHEREAS**, the 2006 Budget for Solid Waste included the purchase of one tandem axle tilt frame truck for \$130,000; and

**WHEREAS**, Resolution No. 111 of 2006 authorized award of Proposal SW2-06 for the purchase of one or more trucks at a price of \$114,615; and

**WHEREAS**, industry literature projects the purchase price of large trucks to increase approximately \$10,000 in 2007 due to EPA emission changes; and

**WHEREAS**, the purchase of a second truck in 2006 would negate the need to purchase one in 2007 and result in the savings of approximately \$10,000 on the purchase price; and

**WHEREAS**, the housing on the portable leachate pump at the Solid Waste Management Center has broken and a replacement pump needs to be purchased.

**NOW, THEREFORE, BE IT RESOLVED**, that \$125,000 of surplus be appropriated as follows:

**INCREASE APPROPRIATION**

32-18161-52000000                      Equipment & Capital Outlay                      \$125,000.00

**DECREASE**

32-00000-34911000                      Fund Balance Other Unreserved                      \$125,000.00

The resolution was seconded by Mr. Woodford and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 126**

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

**WHEREAS**, County Bridge 169 on Readburn Road over Read Creek in the Town of Hancock was damaged by flooding in April of 2005; and

**WHEREAS**, the Department of Public Works has designed a replacement structure on an improved alignment, to be built this year; and

**WHEREAS**, the new structure and highway alignment requires additional right-of-way; and

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

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

Map No. 1, Parcel No. A, 0.08 Acre James Irwin & Wendy Stoddard                      Fee    \$240.00

Map No. 2, Parcel No. B, 0.11 Acre Deanna L. Gates    Fee        \$0.00

**BE IT FURTHER RESOLVED**, that at the completion of the project, Map No. 3, Parcel No. C, 0.13 Acres, being right-of-way no longer needed for highway purposes shall be abandoned to Deanna L. Gates by quit claim deed pursuant to the provisions of Section 118-a of the Highway Law of the State of New York.

The resolution was seconded by Mr. Woodford and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 127**

**TITLE: APPORTIONMENT OF MORTGAGE TAX**

**WHEREAS**, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending March 31, 2006;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261.

**BE IT FURTHER RESOLVED** that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$28,876.22	\$28,876.22	
Bovina	\$21,529.46	\$21,529.46	
Colchester	\$32,247.23	\$32,247.23	
Davenport	\$37,472.64	\$37,472.64	
Delhi	\$58,379.17	\$49,613.86	\$8,765.31
Deposit	\$13,685.39	\$12,746.75	\$938.64
Franklin	\$33,662.78	\$32,094.81	\$1,567.97
Hamden	\$16,099.90	\$16,099.90	
Hancock	\$38,156.20	\$34,482.08	\$3,674.12
Harpersfield	\$32,267.51	\$28,658.08	\$3,609.43
Kortright	\$21,773.10	\$21,773.10	
Masonville	\$12,191.16	\$12,191.16	
Meredith	\$24,435.84	\$24,435.84	
Middletown	\$77,254.43	\$67,707.22	Fl \$2,300.06
			Mv \$7,247.15
Roxbury	\$59,235.64	\$59,235.64	
Sidney	\$33,529.35	\$23,611.48	\$9,917.87
Stamford	\$28,848.29	\$21,864.26	St \$2,647.62
			Ho \$4,336.41

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Tompkins	\$11,044.69	\$11,044.69	
Walton	\$61,558.57	\$49,960.93	\$11,597.64
Totals ...	\$642,247.57	\$585,645.35	\$56,602.22

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 128**

**TITLE: NEW POSITION APPROVALS  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Department of Social Services has had consistent high turnover among its child welfare caseworker positions and an overall loss of 16 caseworkers during the past 17 months; and

**WHEREAS**, this high attrition rate has contributed to the rapid growth in the number of children in foster care which now number 99 and include significant related foster care cost increases bring the total Delaware County cost for foster care during 2005 to more than \$1.4M.

**NOW, THEREFORE, BE IT RESOLVED** that the Board approves the addition of four new caseworker positions to be added to the 2006 Social Services budget provided however, that such position increases shall not exceed the budgeted allocation for Social Services in the 2006 County budget.

The resolution was seconded by Mr. Marshfield.

Mr. Bracci explained this resolution references Department of Social Services Commissioner Moon's presentation at the April 26, 2006 Board Meeting.

Chairman Eisel noted this resolution does not change the budget line items but, creates a pool of five additional employees to replace those that leave.

Mr. Donnelly stated this resolution is not hiring new employees, it is replacing the employees that have left.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 129**

**TITLE: BENEFITS FOR ACTIVE DUTY RESERVISTS  
PERSONNEL DEPARTMENT**

**WHEREAS**, a limited number of County employees who are military reservists may be called to active duty as a result of the war with Iraq; and

**WHEREAS**, Military Law §242, ¶5 ensures the employee will be paid his/her salary and other compensation for not more than a total of thirty (30) days in a calendar year; and

**WHEREAS**, it may be difficult for some employees to provide adequate and convenient health insurance coverage for the members of their families while on active duty; and

**WHEREAS**, some employees may suffer a loss of income while on active duty.

**THEREFORE, BE IT RESOLVED** that those County employees called to active duty in conjunction with the current crisis the County will, inclusive of the time allowed by §242 of the Military Law:

- 1.) Pay for the cost of County family health insurance coverage up to a maximum of one year. If an employee is called up for longer than one year the employee may continue County family coverage at their own expense for the duration of their active duty.
- 2.) Pay the difference between the employee's military pay and their regular County pay up to a maximum of one year provided proper documentation is submitted.

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

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

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

**RESOLUTION NO. 130**

**TITLE: 2005 BUDGET MODIFICATION  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, after the April 2005 storm, Delaware County received a Presidential Disaster Declaration; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) occupied space in the Public Safety Facility to offer assistance; and

**WHEREAS**, FEMA owed two months rent; and

**WHEREAS**, costs associated with use of the Department of Emergency Services copier exceeded the existing contract

**THEREFORE, BE IT RESOLVED**, that the following 2005 budget modification be made:

**INCREASE REVENUE ACCOUNT:**

10-13640-42241200	Rental of Real Property OTR Gov	\$2,000.00
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**INCREASE APPROPRIATION ACCOUNT:**

10-13640-54415030	Maintenance & Repair of Equipment	\$2,000.00
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The resolution was seconded by Mr. DuMond and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 131**

**TITLE: REVISION TO STATE HOMELAND SECURITY PROGRAM  
SHERIFF'S OFFICE**

**WHEREAS**, Resolution No. 63 of 2005 was issued by the Delaware County Board of Supervisors on March 9, 2005, because the New York State Division of Criminal Justice Services ("DCJS"), under the guidelines of the State Homeland Security Program, had awarded the Delaware County Sheriff's Office grant funding to subsidize 100% of the cost of supporting a rapid response security team; and

**WHEREAS**, the Sheriff has accepted a grant in the amount of \$20,000.00 to fulfill the goals as stated in said Resolution; and

**WHEREAS**, once work commenced, it was determined that it is necessary to redistribute the funding in order to provide more funds for equipment; and reduce the amount allocated for personal services; and

**WHEREAS**, permission is being sought to affect a budget modification.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Sheriff's Office be given permission to perform a budget modification to this program as indicated below:

**FROM:**

10-13110-43330500/3110009/907	State Civil Defense	\$20,000.00
10-13110-51327000/3110009/907	Personal Services Expense	\$8,500.00
10-13110-58332700/3110009/907	Social Security	\$527.00
10-13110-58932700/3110009/907	Medicare	\$124.00
10-13110-52200001/3110009/907	Equipment	\$10,000.00
10-13110-58132700/3110009/907	State Retirement System	\$849.00

**TO:**

10-13110-43330500/3110011/907	State Civil Defense	\$20,000.00
10-13110-52200001/3110011/907	Equipment	\$18,735.00
10-13110-54327615/3110011/907	Grant Training	\$1,265.00

The resolution was seconded by Mr. DuMond.

Sheriff Mills stated in answer to Mr. Marshfield, the funds will be used to purchase ballistic shields that will be shared with other departments in the county.

The resolution was adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

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

**RESOLUTION NO. 132**

**TITLE: ANALYSIS OF THE NEW YORK CITY LAND ACQUISITION PERMIT ON  
DELAWARE COUNTY  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, the New York City Land Acquisition Permit (LAP) is in the process of review for renewal; and

**WHEREAS**, the LAP is a critical component of the Filtration Avoidance Determination which is pending review and renewal in 2007; and

**WHEREAS**, both are components of the Memorandum of Agreement of which Delaware County is a signatory; and

**WHEREAS**, Delaware County through the Delaware County Action Plan has made significant commitments to the protection of the water supply; and

**WHEREAS**, estimated projections for proportional acquisitions in Delaware County based on goals established by legislation of the New York City Council for future purchases in fee or as conservation easements of 75,000 acres over the next ten years and New York City DEP Commissioner Lloyd's estimate of 4,000 acres per year over the next five years acquired as agricultural easements by the Watershed Agriculture Council in the Catskill/Delaware System basins, poses serious concern about restricting opportunities for future economic development and prosperity; and

**WHEREAS**, the combination of the acquisition goals noted above with the Watershed Rules and Regulations limiting setbacks from a watercourse, percent slope and unsuitable soils, and with land currently owned by the City and State as well as land trusts and others, severely limits development on over 50% of watershed lands in Delaware County

**THEREFORE, BE IT RESOLVED**, that given all the lands the City has acquired and is likely to acquire in the future it is critical that all City owned land, that is acquired consistent with the local consultation process, be opened for recreational uses (fishing, hiking hunting camping, snowmobiling, etc.) and managed consistent with State law without requirement of a separate City permit for continued Delaware County support of future acquisitions.

**BE IT FURTHER RESOLVED**, that the Department of Watershed Affairs and the Delaware County Planning Department present this information to the United States Environmental Protection Agency on May 17, 2006, forward copies of this information to Denise Sheehan New York State Department of Environmental Conservation Commissioner, New York City Council and New York City DEP Commissioner Emily Lloyd.

**BE IT FURTHER RESOLVED**, that this resolution be sent to United States Senators Charles Schumer and Hillary Clinton, United States Congressmen John Sweeney, and Maurice Hinchey, Governor George Pataki, New York State Senator John Bonacic, New York State Assemblymen Clifford Crouch and Patrick Meehan Chairman, Coalition of Watershed Towns.

The resolution was seconded by Ms. Molé.

Mr. Bracci stated the town of Delhi received another land acquisition demand. He said it is very important the Board support this resolution and realize with the FAD the county has a lot

more say than what most people think. In his opinion, there is a way to make a difference and it is through the FAD.

Chairman Eisel agreed, adding he thinks it is important the Board members be at the public hearing to state their concerns.

Mr. Utter commented that in his time on the Coalition of Watershed Towns Executive Committee the only time he felt he saw New York City a little bit nervous was five years ago when the Coalition put their foot down and made some demands.

Mr. Bracci pointed out that this is all about money.

Chairman Eisel stated we have the City in the same situation again.

Mr. Marshfield remarked that he is very much in support of this resolution. He advised that the town of Hamden board passed a similar resolution geared toward the City's purchase of agricultural land and their historical uses. The resolution urged the NYCDEP to open up more lands for agriculture, not only in the Town of Hamden, but throughout Delaware County.

He asked that the Legislative Committee review the town of Hamden's resolution and consider coming back to the Board with a similar one.

Mr. Utter stated the town of Middletown had an agricultural parcel of 11 acres purchased by the City which became restricted for the once historical use of farming. The town received a letter from the City that would allow historical use on April 17<sup>th</sup>. The letter stated that the application along with all the permitting and a nutrient plan had to be submitted by April 25<sup>th</sup>. He said the City opened the land up for historical use but, in his opinion, he did not think anyone could take advantage of the offer.

Mr. Donnelly said it is very important for the Board to support this resolution. He referenced meetings he attended where people felt it was unfair to criticize New York City. He pointed out that finally after years of fighting the City agreed to open up more land for small game hunting and activities in the reservoir. In his opinion, the goal of the City is to get rid of the people that live here.

Commissioner Frazier advised in reply to Mr. Donnelly, that the City has only agreed to a pilot program. He added that the Coalition's definition of hunting is all hunting not just small game.

Mr. Donnelly remarked the City's game is to wear us down and wear us out.

Mr. Ryan commented he received a letter from the City opening up 165 City owned acres in the town of Stamford for camping and hunting. The following day he received a letter from an

attorney stating that the town of Stamford is creating an attractive nuisance which invites an assortment of rowdy type of people. In the writer's opinion, hunting should not be allowed on City owned property. Mr. Ryan pointed out the town of Stamford is now going to be sued because they are allowing these activities. He thanked the Planning Department for responding to the letter.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 133**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,561,921.81 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	\$1,101,613.73
Countryside Care Center	\$165,670.53
Jail	\$6,012.76
OET	\$1,767.52
Highway Audits, as Follows:	
Road	\$19,798.56
Machinery	\$182,289.91
Capital Road & Bridge	\$59,942.63
Capital Solid Waste	\$3,443.20
Solid Waste/Landfill	\$21,382.97

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4199, Noes 0, Absent 607 (Smith, Rowe).

Chairman Eisel reminded the Board that Commissioner Frazier and his team have a display in the lobby and will be available for questions.

Upon a motion, the meeting was adjourned at 8:30 P.M.