

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
SEPTEMBER 13, 2006

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 13, 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 Ms. Molé, Mr. Ryan and Mr. Shelton.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Mr. Hynes who introduced Planning Director Nicole Franzese.

Ms. Franzese stated that at the end of August the Planning Department sent a letter of intent and received notice last week from the State Emergency Management Office (SEMO) that Delaware County is eligible for a voluntary flood buyout program. In an effort to get the word out, gather the required information, and answer questions from the property owners interested in the voluntary buyout four public meetings have been set. These meetings will be held in the communities with the greatest number of residential impacts beginning on September 25th and concluding on September 28, 2006. The buyout program is designed to compensate property owners with significantly damaged properties only. This is a new program and is different from any of the programs offered in the past. Ms. Franzese and her staff will be meeting with SEMO representatives to determine what will be required to complete the application. She advised the Supervisors that the grant application requires a massive amount of information and she will need the support of the towns to meet the application deadline of October 18, 2006.

Mr. Homovich asked how much money is allocated to the buyout program and how many homes will be purchased. Ms. Franzese said that information is not known at this time.

Mr. Homovich referenced the last buyout program and asked how much money was allocated and how many homes were purchased. Ms. Franzese said she believed that program was just under 2 million dollars and 28 homes were involved.

Ms. Franzese advised that this program is different since SEMO is going to pay the first 25 percent match but, pointed out there are many questions that will need to be answered.

Mr. Homovich questioned if SEMO is paying the first 25 percent match will New York City end up with the property. Ms. Franzese said that information is unknown at this time as nothing has been discussed or decided yet. Mr. Homovich remarked that we have to be very careful who winds up with the property.

Ms. Franzese said that what happened the last time is that the county did not meet the cost benefit analysis that is done with the traditional flood buyout program. This program will be different, the property has to be significantly damaged to be eligible.

Chairman Eisel granted privilege of the floor to Mr. Rowe who introduced Director of Personnel Lorna Taber.

Mrs. Taber referenced her letter which was placed on each Supervisor desk detailing leave time for breast cancer screening. She advised the Board that the New York State Association of Counties (NYSAC) notified the Personnel Office that a bill mandating all counties provide four hours of leave time per year to public employees for the purposes of breast cancer screening was approved and signed into law by the Governor. The law becomes effective September 15, 2006. The four hours of paid leave time is in addition to any negotiated leave time already provided for county employees and cannot be charged against any accumulated benefit time. A method is in the process of being developed to keep track of the time.

Chairman Eisel granted privilege of the floor to Mr. Bachler who shared with the Board a photo of past Delaware County Board of Supervisors given to him by his friend Cordy Rich who is a collector of civil war memorabilia. The photo is thought to be from 1896.

Chairman Eisel granted privilege of the floor to Mr. Bachler who introduced Executive Director of Soil and Water District Conservation Rick Weidenbach and Stream Program Coordinator Scotty Gladstone who gave a powerpoint presentation on the emergency stream intervention pilot program to protect water quality.

Mr. Weidenbach advised that SWCD is involved with two programs designed for agricultural land, one in the Susquehanna Watershed and the other in the New York City Watershed (NYCW). He pointed out that the NYCW is under the auspice of the Watershed Agricultural Council (WAC) and the Susquehanna Watershed is under SWCD. He noted that the presentation will be about the Susquehanna Watershed.

Through the program, seventy-three priority sites were identified based on the stream being out of its original channel, channel debris causing an immediate threat or the channel capacity being significantly impaired. Mr. Weidenbach outlined the intervention protocol and discussed the necessary regulatory obligations. He said that both the New York State Department of Environmental Conservation (NYSDEC) and the Army Corp. of Engineers (ACOE) were extremely cooperative. He advised that SWCD's deadline for working in the streams was extended from September 30, 2006 to October 15, 2006.

Chairman Eisel said it was his understanding that permits were going to be issued through the end of the year. Mr. Weidenbach replied that from his discussions with NYSDEC they are issuing permits with a September 30, 2006 deadline. If the permit holder is unable to get into the streams by that time the permit will be extended to October 15th. If the stream work has not

been completed the permit will be extended until next year. He said, in his opinion, there will not be wide scale work in the streams very much past September 30, 2006. The Commissioner of NYSDEC has extended the deadline for writing permits until December 31, 2006 but, the language is not clear. The language says writing permits, it is not clear in his opinion, if the permit holder will be allowed to be in the stream.

The presentation included before and after photos of completed sites. Mr. Weidenbach and Mr. Gladstone discussed what methods were used to repair the streambeds.

Chairman Eisel questioned if putting the fallen trees back into the streambed would present a problem in the future. Mr. Weidenbach explained that this is a widely used procedure. The trees are put in perpendicular and the root wad is placed against the stream bank, the tree is then buried back into the cornfield and the stream reshaped back in around. Mr. Gladstone said it is a good way to use the trees that are lying around and is a cost effective way to get the job done.

Mr. Weidenbach stated that the SWCD Board provided \$40,000.00 to get the program started which provided leased equipment, hired equipment operators and is helping to staff people to oversee the program. In addition, the Upper Susquehanna Coalition provided \$5,500.00 and an equipment operator. Mr. Weidenbach thanked Director of Emergency Services Nelson Delameter who through SEMO provided equipment. He also thanked Commissioner of Public Works Wayne Reynolds and his department for allowing the SWCD to purchase their fuel through a reimbursement program and for providing the means to move the equipment from site to site. The monthly cost of this program runs \$37,550.00.

In conclusion, Mr. Weidenbach stated future plans are to finish the work next field season and to monitor the work that has been done. He said he intends to explore future funding to continue the program long-term.

In answer to Mr. Marshfield, Mr. Weidenbach said that seventy-three sites have been identified, fifty-three with a high stream rating. Seventeen projects out of the fifty-three are planned, 14 projects are permitted and six projects have been completed.

Mr. Bachler encouraged the Board to support Resolution No. 209. He thanked Mr. Weidenbach and Mr. Gladstone for their efforts and said that what is being done might be laying the ground work for some federal and state grant money.

Mr. Marshfield said that from his visits around Hamden and adjoining towns very few farmers in the New York City Watershed are being helped. He further stated that some of them are operating in a mode of desperation.

In reply, Mr. Weidenbach said he is aware of the difficulties those farmers are facing, but that they are out of SWCD's control. SWCD is providing technical assistance to WAC but, their rules and procurement policy state that they can only work on agricultural land. If the problem is above or below that agricultural land they can't pay for it. In addition, SWCD has been able to get more done because we are able to lease the equipment, hire the operators and get the job done. WAC's procurement policy requires their jobs must go out to bid.

In answer to Chairman Eisel, Mr. Weidenbach said the Emergency Conservation Program was funded for \$770,000.00, 1.1 million dollars was requested. He advised this money is only to be used to repair damaged crop land and is not available for stream stabilization.

Mr. Maddalone referenced a situation in Sidney where a tree fell the wrong way and landed in the creek. The worker put his tractor into the stream to retrieve the tree and was spotted by a NYSDEC officer. The man was given a ticket for \$3,000.00 for having his tractor in the creek.

Mr. Weidenbach replied that he felt the man should fight the ticket and advised that he has a memo from NYSDEC Regional Director - Region 4 Steve Schassler stating that it is perfectly legal for a farmer to get into the stream with a piece of equipment to pull out a tree.

Chairman Eisel suggested Mr. Maddalone provide Mr. Schassler's phone number to the individual that was fined.

Mr. Utter announced that the new county map is out and a copy has been placed on each Supervisor desk. Chairman Eisel advised that each Supervisor is receiving one map at no charge, additional copies can be purchased from the Department of Public Works at a cost of \$3.50 each.

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

RESOLUTION NO. 205

**TITLE: 2006 BUDGET AMENDMENT
WATERSHED ENVIRONMENTAL ASSISTANCE PROGRAM
FORAGE SYSTEMS MANAGEMENT PROJECT PHASE II
WATERSHED AFFAIRS**

WHEREAS, the County has been awarded a \$1,400,000.00 Watershed Environmental Assistance Program grant from the U.S. Army Corp. of Engineers, to implement the Precision Feed Management for Dairy Farms Project Phase II to continue the implementation of the Delaware County Action Plan over a three-year period; and

WHEREAS, the requisite match is identified and committed through in-kind sources from Cornell Cooperative Extension of Delaware County, the Watershed Agricultural Council, Watershed Affairs and Cornell University.

THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors hereby authorizes the Chairman of the Board to enter into a contract, identified as the project cooperation agreement, with the U.S. Army Corp. of Engineers to conduct this work and; enter into a subcontract between Delaware County, Cornell Cooperative Extension of Delaware County and Cornell University; and

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

ESTIMATED REVENUE:

10-18741-44498900/8740021/900 Army Corp. of Engineers \$1,400,000.00

APPROPRIATIONS:

10-18741-51327000/8740021/900	Personal Services	\$13,852.50
10-18741-58300000/8740021/900	Social Security	\$929.70
10-18741-58900000/8740021/900	Medicare	\$217.80
10-18741-54327200/8740021/900	Contractual	\$1,377,337.00
10-18741-54327465/8740021/900	Contingency	\$2,063.00
10-18741-54422000/8740021/900	Outreach	\$1,000.00
10-18741-54327625/8740021/900	Travel	\$1,500.00
10-18741-52200001/8740021/900	Equipment	\$2,500.00
10-18741-54327595/8740021/900	Office Equipment	\$600.00

The resolution was seconded by Mr. Bachler.

In reply to Mr. Marshfield, Commissioner of Watershed Affairs Dean Frazier said the county will receive this funding much quicker from ACOE because there is no construction involved.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 206

**TITLE: 2006 BUDGET AMENDMENT
AWARD OF ENFORCEMENT ASSISTANCE DISCRETIONARY GRANT FUNDING
SHERIFF'S OFFICE**

WHEREAS, the Bureau of Justice Assistance, has announced the availability of a congressionally mandated Edward Byrne grant that will subsidize 100% of the cost of purchasing communication-related equipment for the Delaware County Sheriff's Office; and

WHEREAS, this grant is established to accomplish the following goals:

- To upgrade outdated mobile radios; and
- To purchase additional portable radio units; and
- To add telephone "booster" capabilities to our cell phones; and
- Add encryption feature to existing equipment; and
- To purchase drug enforcement specialized equipment; and
- Purchase 3 audio/video dash-mounted cameras with transmitters.

WHEREAS, the Sheriff's Office will not have to supply any matching funds for this grant; and

WHEREAS, at the conclusion of the grant period, the County will be responsible for maintaining the equipment purchased under the terms of this grant.

THEREFORE, BE IT RESOLVED that the Sheriff's Office is given permission to accept grant funding under the grant program identified above.

ESTIMATED REVENUE:

10-13110-44432000/3110110/907	Federal Crime Control	\$49,361.00
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APPROPRIATION:

10-13110-52200001/3110110/907	Equipment Grant	\$49,361.00
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The resolution was seconded by Mr. Rowe and Mr. DuMond and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 207

**TITLE: 2006 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department has received two checks totaling \$133,796.08 from our insurance company for our losses of the Fishs Eddy Patrol Garage; and

WHEREAS, the money is needed to help cover the expense of rebuilding the shop.

NOW, THEREFORE, BE IT RESOLVED that the 2006 County Budget be amended as follows:

INCREASE REVENUE

34-15112-42268000	Insurance Recoveries	\$133,796.08
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INCREASE APPROPRIATION

34-15112-54000000	Capital Expense	\$133,796.08
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The resolution was seconded by Mr. Woodford.

In answer to Mr. Marshfield, Commissioner Reynolds replied the figure is based on the estimated value of repair. The replacement value would be about a quarter of a million dollars.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 208

**TITLE: 2006 BUDGET AMENDMENT
COUNTY HISTORIAN**

WHEREAS, it is the function of the County Historian to preserve the history of this County; and

WHEREAS, additional funding is needed to complete the various projects currently being worked on

THEREFORE, BE IT RESOLVED that the following transfer of funds be authorized:

FROM:

10-11990-54900000	Contingency	\$2,000.00
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TO:

10-17510-54595000	Supplies	\$2,000.00
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The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 209

**TITLE: 2006 BUDGET AMENDMENT
FUNDING FOR STREAM INTERVENTION ON
AGRICULTURAL LANDS IN THE SUSQUEHANNA BASIN**

WHEREAS, the June 28, 2006 flood caused severe damage to, agriculture land and a 40% losses of agricultural crops and caused substantial crop losses throughout Delaware County; and

WHEREAS, agriculture is a critical economic engine for Delaware County; and

WHEREAS, water quality protection is part of the mission of the Delaware County Action Plan while serving agriculture producers; and

WHEREAS, funding for flood mitigation and repair projects is not available in the Susquehanna Basin; and

WHEREAS, the Delaware County Soil and Water Conservation District has committed \$40,000 to stream intervention in the Susquehanna Basin; and

WHEREAS, the Soil and Water Conservation District is working in concert with New York State to develop and establish a model stream corridor maintenance program based on this work.

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors provide matching funding to support Susquehanna Basin work for stream intervention including: agricultural Best Management Practice protection, debris removal and

returning avulsed streams to their natural stream channels on agricultural lands.

BE IT FURTHER RESOLVED, that the following transfer of funds be authorized.

FROM:

10-11990-54900000	Contingency	\$40,000.00
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TO:

10-18730-54581000	Soil and Water Conservation District	\$40,000.00
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The resolution was seconded by Mr. Bachler.

Mr. Rowe commented that a little stream intervention of his own in the town of Hancock got him in a bit of trouble. Hancock is not out of the woods yet, it's not only the farmland that's bad but, there are parts of the state and other infrastructure that almost didn't handle the two inches of rain received ten days ago because the streams are full. After crying the blues for the past three years the town of Hancock finally got sick of waiting and stepped in to do the work themselves. The town of Hancock spent twice the amount of money on stream repair then it did on roads. There is major work to be done and there has to be some leeway. Mr. Rowe stated it's his responsibility as Supervisor to protect public life and property and that is what he is doing.

Mr. Bachler said it is important that our message gets to our federal legislators. He referenced a meeting with Senator Hilary Clinton. She talked about putting the funding on the defense bill for Iraq because there is no money. Chairman Eisel added another meeting with Senator Clinton was held and she is trying very hard to work with us but, a study by the ACOE has to be done first. It will take time to get things done.

Mr. Marshfield said that he was at a site in Hamden with a contractor hired by the Delaware County Electric Cooperative where trees were laying all over and root balls were sitting right in the middle of the stream. He said he contacted FEMA and they do not want to fund stream cleaning. He questioned what will happen when the streams ice up, there is a potential for further problems.

Mr. Weidenbach commented that Mr. Delameter had set up two different meetings with FEMA and SEMO to request reimbursement for the program SWCD is doing and the answer was "no" because the work being done is too far from bridges and infrastructures, the work has to be within 200 feet from bridges.

Mr. Valente commented it appears it all comes down to money. He noted that the money will come eventually and suggested that the Board might consider stepping up to the plate as they did in 1996 and lend the towns the money to get the necessary work done. He said it is his job to protect public safety and he is not going to worry about the money.

Mr. Valente questioned Mr. Meredith regarding a situation with NYSDEC and the National Guard in Walton. Mr. Meredith said that the Regional Director of the NYSDEC showed up while the National Guard was running bull dozers through the stream.

Mr. Valente remarked that NYSDEC has been very good to Davenport. He said he never

had a problem getting a permit.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 210

**TITLE: 2006 BUDGET AMENDMENT
AMENDMENT TO RESOLUTION NO. 278
SAFE DRINKING WATER ACT 2002
WATERSHED AFFAIRS**

WHEREAS, in Resolution No. 89-04, Delaware County was awarded a Safe Drinking Water Act 2002 grant of \$242,000.00 for monitoring purposes in support of the Delaware County Action Plan; and

WHEREAS, the stormwater event monitoring project portion of the grant did not proceed due to financial constraints involving the infrastructure installations; and

WHEREAS, Delaware County’s Department of Watershed Affairs is in need of equipment upgrades; 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 equipment upgrades; and

THEREFORE, BE IT RESOLVED, that the 2006 budget for the Safe Drinking Water Act 2002 be amended as follows:

FROM:

10-18741-54327422/8740003/900	Outreach	\$100.00
10-18741-54327195/8740003/900	Consultant	\$5,400.00

TO:

10-18741-52200001/8740003/900	_____ Equipment	\$5,500.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 211

**TITLE: 2006 BUDGET AMENDMENT
COUNTY COURT HOLDING FACILITY RENOVATION
BUILDING AND MAINTENANCE**

WHEREAS, it has been determined that the Court House is in need of an area to hold inmates while waiting for their court appearance; and

WHEREAS, the project has been approved by the Unified Court system; and

WHEREAS, the net cost to County will be approximately \$19,000 and the remaining cost of the project will be included in the Unified Court System reimbursement calculations

BE IT RESOLVED, that funding shall be appropriated from the Sales Tax Capital Reserve account to fund said project and that the Sales Tax Capital Reserve account be reimbursed by the Unified Court System

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

DECREASE ACCOUNT

31-00000-34911000	Fund Balance Other Unreserved	\$200,000.00
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ESTABLISH APPROPRIATION

33-11110-52000000/111033/975	Equipment & Capital Outlay - Court House	\$200,000.00
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The resolution was seconded by Mr. Woodford and Mr. Maddalone.

In answer to Mr. Smith, Mr. Haynes said that reimbursement could be expected the beginning of next year. Chairman Eisel added the project is fully reimbursable except for the \$19,000.00 and he anticipated reimbursement would take approximately 18 months.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 212

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

LETTING OF FEBRUARY 21, 2006

WHEREAS, Resolution No. 76 of 2006 made award of Proposal 12-06, Item 1 only to L.B. Foster; and

WHEREAS, due to the flood, Item 2 is required as well.

NOW, THEREFORE, 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. 12-06 Interlocking Steel Sheet Piling, Item 2 to:

L.B. Foster Company
168 South Street
Plainville, MA 02762

Bid Price: \$6.50 per pound

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 213

**TITLE: USE OF GOOD NEIGHBOR FUNDS TO PURCHASE A BUS
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging is in need of a replacement bus for the Delaware County Senior Transportation System; and

WHEREAS, the Delaware County Office for the Aging has secured a member item capital grant of \$9,000.00 through Assemblyman Crouch and Senator Bonacic; and

WHEREAS, funds are available from the Good Neighbor Fund for projects of this nature,

THEREFORE, BE IT RESOLVED, that an amount not to exceed \$55,000.00 be allocated from the Good Neighbor Fund to be used toward the purchase a new bus for the Delaware County Office for the Aging's senior transportation program.

The resolution was seconded by Mr. Donnelly.

In response to Mr. Marshfield, Chairman Eisel said after the purchase of the bus \$207,00.00 will remain in the Good Neighbor Fund. He added the purchase of the bus is money well spent.

In reply to Mr. Marshfield, Mr. Hynes said the new bus is a smaller than the old one. Mr. Bachler added it's an 18 passenger bus with a handicap ramp.

Mr. Bachler commented on the bus system in Schoharie County and said that an intensive study was done for Delaware County but, such a system would not work for us.

Office for the Aging Director Tom Briggs commented the bus will take seven months to receive.

In answer to Mr. Marshfield, Mr. Briggs stated they are getting rid of the big bus and the remaining bus does not have a handicap lift.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé,

Ryan, Shelton).

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

RESOLUTION NO. 214

TITLE: APPROVAL OF DEFERRED COMPENSATION PLAN ADMINISTRATOR PERSONNEL

WHEREAS, Resolution No. 328 of 1989 established a Deferred Compensation Plan for County employees pursuant to Section 457 of the Internal Revenue Code; and

WHEREAS, procedures established by the New York State Deferred Compensation Board require employers to rebid their deferred compensation plan every five years; and

WHEREAS, a request for proposals has been made and six proposals were received which conform with the rules and regulations promulgated by the New York State Deferred Compensation Board and federal and state laws; and

WHEREAS, said proposals have been reviewed and compared by the Personnel Officer in consultation with the Human Resources Committee; and

WHEREAS, as a result of this review, the Personnel Officer and the Human Resources Committee recommend that Nationwide Retirement Solutions continue as the Plan Administrator, Financial Organization and Trustee.

THEREFORE, BE IT RESOLVED THAT:

Nationwide Retirement Solutions shall continue as the Plan Administrator, Financial Organization and Trustee of Delaware County's Deferred Compensation Plan.

The Chairman of the Board is authorized to execute such agreements and contracts as are necessary with Nationwide Retirement Solutions.

The Personnel Officer, under the direction of the Human Resources Committee, is hereby authorized to continue to act as the County Administrator of the Plan to represent and act on behalf of the County to the extent permitted by the applicable law, rules and regulations including the execution of individual employee participation agreements.

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

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

RESOLUTION NO. 215

TITLE: POSITION AUTHORIZATION PERSONNEL OFFICE

WHEREAS the Personnel Officer has indicated that she intends to retire in April of the

year 2007, and

WHEREAS, there is a need for a transition period for the purpose of training a new Personnel Officer.

THEREFORE, BE IT RESOLVED that authorization is hereby given for the creation of a temporary position of Assistant to the Personnel Officer. The duration and salary for said position to be determined by the Human Resource Committee and the Personnel Officer.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield and Mr. Meredith, Personnel Director Lorna Taber explained that advertising will begin upon approval of the resolution. She further stated she hoped to accept applications immediately and begin interviewing sometime in November for a hire date in January of 2007.

The resolution was unanimously adopted.

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

RESOLUTION NO. 216

**TITLE: POSITION REALLOCATION
PERSONNEL**

WHEREAS, the Personnel Officer and the Human Resources Committee have recommended the reallocation of the Accountant position; and

WHEREAS, it is anticipated the sale of the Countryside Care Center may occur prior to January 1, 2007 when relocations are normally effective; and

WHEREAS, in order to meet the terms agreed upon with the incumbent, and the terms and conditions of the CSEA contract, it is necessary to approve the reallocation at the time of the sale rather than the first of the year should the sale take place prior to January 1, 2007.

THEREFORE BE IT RESOLVED that the following reallocation of the Accountant title is hereby approved effective with the sale of the Delaware County Countryside Care Center or January 1, 2007, whichever occurs first:

Accountant

Labor Grade 23 to Labor Grade 30

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

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

RESOLUTION NO. 217

TITLE: 2007 DEPARTMENT HEAD/NONUNION SALARIES

BE IT RESOLVED, that the following 2007 salaries are hereby approved effective January 1, 2007.

<u>Name</u>	<u>Title</u>	<u>2007 Salary</u>
Debra Goodrich	Deputy County Clerk	\$35,678.00
Haley Gransbury	2nd Deputy County Clerk	32,523.00
	3rd Deputy County Clerk	30,029.00
Judy Dilorenzo	Account Clerk	25,261.00
Darlene Benson	Accounting Supv Grade A/Dir Fiscal Mngmnt	45,872.00*
Lori Koronowski	Assistant Clerk of the Board	34,564.00
Lisa Reed	Assistant to the Commissioner Public Works	41,400.00
Tom Hilson	Assistant to the Commissioner WSA	43,349.00
John Hubbard	Assistant District Attorney (Chief)	71,000.00
Steven Rothenberg	Assistant District Attorney	51,000.00
Cynthia Heaney	Chemical Dependency Clinic Director	58,602.00*
Dale Downin	Code Enforcement Officer	43,867.00
Wayne Reynolds	Commissioner Public Works (40 Hour Week)	80,965.00
Philip Pierce	Deputy Commissioner of PW Eng. (40 Hour Week)	79,731.00
John Cammer	Deputy Commissioner of PW Rds/Bridges (40 Hour Week)	63,792.00
Susan Aikens	Deputy Commissioner Social Services	55,729.00*
Denise Vandusen	Deputy County Treasurer	44,253.00*
Robin Alger	Deputy Election Commissioner	31,347.00
Janice Burdick	Deputy Election Commissioner	31,347.00
Wayne Shepard	Director of Patient Services	65,027.00
Nelson Delameter	Director Emergency Services	45,872.00*
Joe DeMauro	Director Information Technology	68,607.00
Leonarda Storey	Director OET	56,610.00
Tom Briggs	Director OFA	59,847.00*
Mark Hamilton	Director of Programs	55,729.00*
Jan Schlafer	Fiscal & Information Manager	44,253.00*
Robert Conklin	General Highway Supervisor (40 Hour Week)	42,112.00
Brien Francisco	General Highway Supervisor (40 Hour Week)	46,276.00*
Marsha Muller	Human Resources Clerk	29,392.00
Phylis Sitts	Personnel Clerk	30,700.00*
Lorna Taber	Personnel Officer	58,847.00
Linda Pinner	Personnel Technician	40,104.00*
Terri Theobald	Probation Director II	59,847.00*
Joyce Schultz	Receptionist	25,300.00
Daniel Schlafer	Sealer Weights Measures	39,539.00*
Marlene Dominguez	Secretary to DA (40hr/wk)	30,517.00
Cindy Bauer	Senior Human Resources Clerk II	35,564.00*
F. Gerald Mackin	Social Services Attorney	62,556.00
Porter Kirkwood	Social Services Attorney (Chief)	73,550.00
Susan McIntyre	Solid Waste Director (40 Hour Week)	52,752.00
Brenda Stone	Sr Human Resources Clerk I	31,097.00
Lisa Barrows	Stop DWI Coordinator	34,564.00
Clarence Montgomery	Supt Buildings & Grounds (40 Hour Week)	50,256.00

Douglas Vredenburgh	Undersheriff (40 Hour Week)	54,247.00
Joanne Malino	Workers Compensation Clerk	31,347.00
Christa Schafer	Clerk of the Board	60,729.00*
William Campbell	Election Commissioner	18,537.00
William Buccheri	Election Commissioner	18,537.00
Richard Northrup	District Attorney	119,800.00
Sheriff		62,783.00
County Clerk		55,594.00

* Includes \$1,000 longevity

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

Mr. Rowe introduced Local Law Nos. 25 through 34 of 2006.

LOCAL LAW INTRO NO. 25

TITLE: SALARY INCREASE DIRECTOR OF COMMUNITY MENTAL HEALTH

Section 1. The salary of Patricia Thomson, Delaware County Director of Community Mental Health shall be of Seventy-Nine Thousand, Seven Hundred Thirty One Dollars [\$79,731] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 26

TITLE: SALARY INCREASE DIRECTOR OF VETERANS SERVICE AGENCY

Section 1. The salary of Robert Johnson, Delaware County Director of Veterans Service Agency shall be of Thirty Nine Thousand, Five Hundred Thirty Nine Dollars [\$39,539] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 27

TITLE: SALARY INCREASE DIRECTOR ECONOMIC DEVELOPMENT

Section 1. The salary of Glenn Nealis, Delaware County Director Economic Development shall be of Sixty Six Thousand, Three Hundred Eighty One Dollars [\$66,381] per annum effective

January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 28

TITLE: SALARY INCREASE COMMISSIONER OF WATERSHED AFFAIRS

Section 1. The salary of Dean Frazier, Delaware County Commissioner of Watershed Affairs shall be of Sixty Three Thousand, Seven Hundred Ninety-Two Dollars [\$63,792] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 29

TITLE: SALARY INCREASE DIRECTOR OF REAL PROPERTY TAX SERVICES II

Section 1. The salary of Michael Sabansky, Delaware County Director of Real Property Tax Services II shall be Forty Nine Thousand, Three Hundred Ninety Seven Dollars [\$49,397] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 30

TITLE: SALARY INCREASE COMMISSIONER OF SOCIAL SERVICES

Section 1. The salary of William Moon, Delaware County Commissioner of Social Services shall be of Eighty Eight Thousand, One Hundred Thirty Six Dollars [\$88,136] per annum effective January 1, 2007.

Section 2. The salary of \$88,136 shall consist of the following: 1] Regular Commissioner of Social Services duties, \$79,636; 2] Position as the Delaware County Youth Bureau Director, \$8,500, which shall be contingent on the continued assignment of this responsibility.

Section 3. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 31

TITLE: SALARY INCREASE COUNTY PLANNING DIRECTOR

Section 1. The salary of Nicole Franzese, Delaware County Planning Director shall be of Sixty Seven Thousand, Five Hundred Dollars [\$67,500] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 32

TITLE: SALARY INCREASE PUBLIC HEALTH DIRECTOR

Section 1. The salary of Bonnie Hamilton, Delaware County Public Health Director shall be of Sixty Nine Thousand, One Hundred Ninety Five Dollars [\$69,195] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 33

TITLE: SALARY INCREASE COUNTY ATTORNEY

Section 1. The salary of Richard Spinney, Delaware County Attorney shall be of Sixty Eight Thousand, Six Hundred Sixty Eight Dollars [\$68,668] per annum effective January 1, 2007.

Section 2. The salary of \$68,668 shall consist of the following: 1] Regular County Attorney duties, \$50,256; 2] Representation of the Delaware County Self-Insurance Fund, \$18,412, which shall be contingent on the continued assignment of this responsibility.

Section 3. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Law shall take effect forty five (45) days after it shall be adopted.

LOCAL LAW INTRO NO. 34

TITLE: SALARY INCREASE COUNTY TREASURER

Section 1. The salary of Beverly Shields, Delaware County Treasurer shall be of Fifty Four

Thousand, Four Dollars [\$54,004] per annum effective January 1, 2007.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty five (45) days after it shall be adopted.

The local laws were seconded by Mr. Haynes.

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

RESOLUTION NO. 218

TITLE: PUBLIC HEARING ON LOCAL LAWS NO. 25 - 34 OF 2006

WHEREAS, Local Laws Intro. Nos. 25 through 34 have been introduced to increase the salaries of **Non-Elected**: Patricia Thomson, Delaware County Director of Community Mental Health, Robert Johnson, Delaware County Director of Veterans Service Agency, Glen Nealis, Delaware County Director Economic Development, Dean Frazier, Delaware County Commissioner of Watershed Affairs, Michael Sabansky, Delaware County Director of Real Property Tax, William Moon, Delaware County Commissioner of Social Services, Nicole Franzese, Delaware County Planning Director, Bonnie Hamilton, Delaware County Public Health Director, Richard Spinney, Delaware County Attorney. **Elected**: Beverly J. Shields, County Treasurer.

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on Local Laws Intro Nos. 25 through 34 on the 27th day of September at 12:45 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

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

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

RESOLUTION NO. 219

**TITLE: 2006 BUDGET AMENDMENT
LONG TERM CARE DEVELOPMENT GRANT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, New York State desires to implement in each county a Long Term Care Point of Entry system that is county specific and is financially supported by federal funds; and

WHEREAS, Delaware County has been provided with an initial grant of \$52,000.00 for the development of a Long Term Care Point of Entry System as a collaboration among the County Departments of Aging, Public Health and Social Services

NOW, THEREFORE BE IT RESOLVED, that the Department of Social Services is authorized to accept a \$52,000.00 grant, as shown below, on behalf of the County to develop Delaware's Long Term Care Point of Entry system for the period October 1, 2006 to September 30, 2007.

ESTABLISH REVENUE ACCOUNT

10-16010-44461001	Federal LTC Dev Grant	\$52,000.00
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ESTABLISH APPROPRIATION ACCOUNT

10-16010-54200024	Contracted Services LTC Dev Grant	\$52,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 220

**TITLE: 2006 BUDGET MODIFICATION
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, during the flood of June 26 - July 7, 2006 the County infrastructure suffered significant damage; and

WHEREAS, the cost to repair said damages are 100% reimbursable, 75% by the Federal Emergency Management Agency (FEMA) and 25% by the New York State Emergency Management Office (SEMO).

NOW, THEREFORE, BE IT RESOLVED that the 2006 County Budget be amended as follows:

INCREASE REVENUE

34-15112-44496000	Federal Emergency Disaster Assistance	\$567,750.00
34-15112-43396000	State Emergency Disaster Assistance	\$189,250.00

APPROPRIATION ACCOUNT

34-15112-54000000	Contractual Expense	\$757,000.00
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The resolution was seconded by Mr. Rowe and Mr. Bachler.

In answer to Mr. Marshfield, Mr. Utter said these funds are for a project in the town of Colchester on CR 17.

Chairman Eisel said this resolution is moving money for the next resolution.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 221

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

LETTING OF SEPTEMBER 11, 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. 54-06 EMERGENCY FLOOD REPAIRS to: F.P. Kane Const. Inc.
137 Washington Ave.
Endicott, NY 13760

Bid Price: \$757,000.00

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. Woodford and Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter said this bridge is located on the Beaverkill in the Horton area just below the Chiloway bridge on Cty. Rt. 17. He said that across from that spot you can see the trouble Colchester has been having on the Chiloway Road.

The resolution was adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

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

RESOLUTION NO. 222

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,212,432.25 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 \$890,697.86

Countryside Care Center	\$209,107.71
Jail	\$2,868.76
OET	\$17,660.01

Highway Audits, as Follows:

Road	\$229,968.46
Machinery	\$123,920.76
Capital Road & Bridge	\$1,601,370.50
Capital Solid Waste	\$87,303.13
Solid Waste/Landfill	\$49,535.06

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4435, Noes 0, Absent 371 (Molé, Ryan, Shelton).

Mr. Homovich recalled Local Law No 23. The local law was seconded by Mr. Maddalone and unanimously approved.

Mr. Donnelly withdrew his motion to approve Local Law No. 24 of 2006. Mr. Marshfield and Mr. Rowe withdrew their second.

Upon a motion the meeting was adjourned for a short recess and reconvened with all Supervisors present except Ms. Molé, Mr. Ryan and Mr. Shelton.

Chairman Eisel made the following appointments to the Zone Administrative Board (ZBA). The ZBA was established to oversee the operation and management of the Delaware County Empire Zone.

Committee Chairman:	Supervisor Pat Ryan
Community Organization Representative:	James Thomson
Business Representative:	Marybeth Silano
Local Financial Institution Representative:	Scott White
Local Education Institution:	Brian Hutzley
Organized Labor Representative:	Joseph Greenfield
Zone Resident:	Dean Frazier, Commissioner of Watershed Affairs

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

RESOLUTION NO. 223

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to negotiate purchasing property.

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

The meeting reconvened in regular session with all Supervisors present except Ms. Molé,

Mr. Ryan and Mr. Shelton.

Commissioner of Social Services Bill Moon thanked the Board of Supervisors for their support. He said we have a program in the town of Kortright that works, but he would like to find a permanent place.

Chairman Eisel asked Commissioner Moon to let his counterparts in Schoharie know of the Board's decision. Commissioner Moon said he would prepare a release and leave a copy with the Clerk of the Board Christa Schafer.

Mr. Donnelly referenced a letter placed on each Supervisor desk from Commissioner of the NYSDEC Denise M. Sheehan stating that NYSDEC has authorized the issuance of general permits shall expire on December 31, 2006, unless further extended. He advised anyone having difficulties must contact NYSDEC Regional Director - Region 4 Steven Schassler at 518-357-2068 before September 30, 2006. Mr. Donnelly said that NYSDEC is allowing us to be in the streams but, they are waiting for the first permit violation to occur because that will give them a leg to sue and win.

Mr. Homovich said that right now things are going very good. In his opinion, the time is now to develop a comprehensive stream management plan. He further stated if one town gets in trouble we all need to back them. He believes there should be a blanket permit so that each town does not have to go through the trouble of getting individual permits.

Mr. Valente agreed there should be a county wide comprehensive stream management plan. He said he is paying to have his trees taken out of the stream and doesn't want to pay to remove another town's trees.

Chairman Eisel said that Senator Clinton is working for a comprehensive plan but, the ACOE needs to do a study.

Mr. Homovich said in July of 1993 the ACOE was given control over all waters in the United States.

Mr. Spinney agreed but said ACOE basically gives up that authority on minor matters to the state.

Mr. Homovich said that in order to receive a check from FEMA the ACOE has to sign off on every project.

Mr. Valente said that he has filed for his permits with the NYSDEC and is getting his work done. He said he is working with a September 30th deadline and he can't get involved with the conflicts between NYSDEC and ACOE. Chairman Eisel advised that Mr. Valente keep NYSDEC Region 4 advised of what he is doing. Mr. Valente said he does and they advised him not to worry about the ACOE at this time.

Chairman Eisel said that he would work with the County Attorney to develop a unified Delaware County plan.

Mr. Homovich commented that as Supervisors they are all responsible for the life and property of the residences of Delaware County.

Chairman Eisel said that the NYSDEC recognizes the problem and is working to devise a comprehensive stream maintenance plan. He said that Senator Clinton is already working with ACOE on our behalf.

Upon a motion, the meeting was adjourned at 9:20 P.M.