

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 25, 2006

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 25, 2006 at 1:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Donnelly offered the invocation.

Mr. Meredith 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 Sheriff Mills who introduced Gerald DuBois as employee of the month.

Mr. DuBois was hired by the Sheriff's Office in September 1996 as a part-time employee in the correctional division and became a full-time employee in January 1998. Throughout his ten year career with the Sheriff's Office he has assumed the roles of correction officer, dispatcher and quartermaster. In addition, to the contribution he makes to Delaware County, Mr. DuBois is a sergeant in the New York Army National Guard 102nd Division out of Binghamton.

Sheriff Mills praised Mr. DuBois's positive attitude and pleasant demeanor. Mr. DuBois is a team player as well as a leader and is always ready to fill in wherever his talents can best be used. His enthusiasm never waivers and he puts forth his best efforts to each assignment given to him. He stated that Mr. DuBois represents the Sheriff's Office favorably with the general public and truly fits the mold upon which the doctrine of law enforcement is traditionally based: to protect and serve.

Sheriff Mills presented Mr. DuBois with a \$100.00 Savings Bond and thanked him for his dedication. Chairman Eisel presented him with the Certificate of Employee of the Month, thanked him for his dedicated service and said that he was glad to have finally meet the "voice" on the phone. Mr. DuBois replied the reason he works in communication is he has the perfect face for radio.

Mr. DuBois expressed his appreciation and stated he very much enjoys what he does. He said he works with an outstanding group of people and felt the county was very fortunate to have people that represent themselves and the county as honorably as the people he works with in the Public Safety Building.

Chairman Eisel granted privilege of the floor to Tom Hynes who introduced Director of Planning Nicole Franzese, who provided an update on the status of the flood buyout program.

Ms. Franzese advised the paperwork for the FEMA/SEMO buyout program was submitted to New York State by the deadline date. She expressed her appreciation to her staff who managed to make between 70 to 80 site visits throughout the county to complete the paperwork within six weeks. The grant totaled \$4.7 million and included 43 properties. She said a copy of the completed grant application can be reviewed at the Planning Department.

Chairman Eisel thanked Ms. Franzese and her staff for an outstanding job.

Chairman Eisel granted privilege of the floor to Mr. Ryan who introduced South Kortright seniors Juan Romero, George Forte and Nicole Craft. The seniors are participating in what is being called P.I.G., Participation In Government, a program for students wanting to become involved with government and how it works. He felt they should be recognized for their commitment to the future of government.

Chairman Eisel and the Board recognized the seniors with a round of applause.

Chairman Eisel granted privilege of the floor to the Director of Economic Development Glenn Nealis who announced on October 31, 2006 at 11:00 a.m. there will be a ribbon cutting at the Delaware County E-Center, a small business incubator and technology center. Senator Bonacic and other financial supporters of the center will be in attendance.

He also announced there will be a seminar on Empire Zones November 8, 2006 at Farrell Hall on the SUNY Delhi Campus from 4:30 p.m. to 8:00 p.m. A representative from the New York State Tax and Finance Department will be on hand to discuss the benefits a business located in an empire zone can expect to receive and under what conditions. The meeting is open to the public.

Mr. Nealis introduced Delaware County Industrial Development Agency (IDA) Board of Director Joan Lawrence-Bauer to provide a powerpoint presentation. Mrs. Lawrence Bauer also serves as Executive Director of the M-ARK Project in Margaretville, NY and was recently recognized by the Delaware County Chamber of Commerce as the Business Advocate of the Year 2006.

The presentation provided the history of the first Filtration Avoidance Document (FAD), the current issues relating to the renewal of the FAD and the IDA's standpoint on these issues.

Mrs. Lawrence-Bauer stated she grew up, lives and works in Delaware County and has never felt more fearful for its future than she does right now. She told a tale of a frog when thrown into a pot of boiling water jumps out but, put a frog in a pot of water the frog will adjust to the gradual increase of heat until the water gets to hot and the frog dies. She compared this to business in Delaware County and how difficult it is for businesses in the county to remain. She said that each year the heat gets hotter and businesses are finding that they can no longer adjust to the heat. Businesses are leaving because they can't survive here and when the businesses leave the tax base gets smaller making it impossible for those remaining to survive. People have been living in a decade of fear and are afraid to act for fear of retribution.

The presentation referenced the onset of the watershed regulations, a few of the horror stories as a result of abuse and interpretation of the FAD, the actions that led up to the development of the Technical Advisory Group (TAG), land acquisition recommendations, and recommended FAD changes.

Mrs. Lawrence-Bauer said the time for action is now while the Department of Environmental Conservation (DEC) is reviewing the Department of Environmental Protection's (DEP) land acquisition permit and before DEP begins acquiring more acreage and the FAD negotiation period ends.

The IDA is committed to helping businesses remain in Delaware County and to that end, is becoming involved and taking action. The IDA will be launching a public awareness campaign which will include the distribution of informational brochures, newsletters and e-mails. There is an online letter to the Catskill of Watershed Towns (CWT) the public can sign onto at the IDA website, www.Delawarecountyida.org.

Mrs. Lawrence-Bauer provided IDA's recommendations that local laws be passed in each town to protect the right to public review of NYC funded land acquisitions and easements, the need to protect our future tax base by classifying land set aside for water quality protection as the most valuable, and that the Delaware County Board of Supervisors and CWT representatives take a leadership role in the process. The IDA is also recommending that CWT immediately write a letter to the DEC regarding changes to the DEP's land acquisition permit and that they meet directly with the Environmental Protection Agency, the Department of Health and the DEC to advocate for inclusion of the recommendations set forth by the TAG, and to have CWT include representatives from Delaware County in meetings with partners and in negotiations with the City.

In conclusion, Mrs. Lawrence-Bauer stated that people tend not to act until a crisis and hoped that action will be taken before it is too late.

Mr. Nealis distributed copies of a brochure developed by IDA which provided an explanation of issues facing the watershed and who to contact with your opinion.

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

RESOLUTION NO. 251

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

WHEREAS, the flood event of late June caused a significant increase in the amount of Capital work needed this year; and

WHEREAS, there is not enough money in the Capital Equipment Rental line (34-15112-55000000) to cover the expenses; and

WHEREAS, due to the light spring snow season there is more than enough money in the Snow Equipment Rental line (24-15142-55000000) to cover expenses for the remainder of the year; and

WHEREAS, this money provides the funding for the Machinery fund.

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

DECREASE APPROPRIATION:

24-15142-55000000	Snow Equip. Rental	\$210,000.00
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DECREASE REVENUE

24-15110-45503100	Interfund Transfer Otr	\$210,000.00
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INCREASE APPROPRIATION

34-15112-55000000	Capital Equipment Rental	\$210,000.00
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INCREASE REVENUE

34-15112-45503100	Interfund Transfer Otr	\$210,000.00
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The resolution was seconded by Mr. Woodford and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 252

**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	\$4,125,000.00
34-15112-43396000	State Emergency Disaster Assistance	\$1,375,000.00

APPROPRIATION ACCOUNT

34-15112-54000000	Contractual Expense	\$5,500,000.00
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The resolution was seconded by Mr. Bachler and Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter replied that these funds are being used to repair the roads and bridges. FEMA representatives have been in to review the paperwork for these projects and reimbursement will be made but, in the meantime contractors will need to be paid for the work that has been done.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 253

**TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE
FIRST INSTANCE 100% OF THE FEDERAL AID-ELIGIBLE COSTS, OF A
TRANSPORTATION FEDERAL-AID EMERGENCY RELIEF PROJECT, TO FULLY
FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE
PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a Project for the Flood of April 2, 2005, County Route 7, Delaware County,

9890.16 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, for Federal Emergency relief that calls for the apportionment of the costs of such project to be borne at the ratio of 100% Federal funds; and

WHEREAS, Delaware County desires to advance the Project by making a commitment of 100% of the Federal share of the costs thereof.

NOW, THEREFORE, the Delaware County Board of Supervisors, duly convened does hereby

RESOLVE, that the Delaware County Board of Supervisors hereby approved the Project; and

BE IT FURTHER RESOLVED, that the Delaware County Board hereby authorizes the Delaware County Department of Public Works to pay in the first instance 100% of the Federal Share of the cost of Construction and Construction Inspection work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$35,000.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the Project; and

BE IT FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the Delaware County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid-eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

The resolution was seconded by Mr. Maddalone.

Mr. Utter stated the project has been completed and this resolution is the paperwork trail.

The resolution was adopted by the following vote: Ayes: 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 254

TITLE: SALE OF TAX ACQUIRED PROPERTY

RESOLVED that the following described parcels of tax acquired property be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

ROX04TX.003

ASSESSED TO:

BETTY J BRODT

TOWN OF:	124800:ROXBURY
TAX MAP NO:	157.3-1-53.2
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	88.00'F x 150.00'D: 0.33A ACRES
CONVEYED TO:	TOWN OF ROXBURY 53690 STATE HWY 30 PO BOX 189 ROXBURY NY 12474
CASH CONSIDERATION:	\$2,975.18
TAX DEFICIT:	\$2,337.90

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 255

**TITLE: LICENSING OF ENCROACHMENTS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there are various encroachments on property occupied by the Delaware County Department of Public Works in the Village of Delhi; and

WHEREAS, many of these encroachments have existed for many years and do not affect

the operations of the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the County authorizes the licensing of such encroachments as they do not interfere with the operations of the Department of Public Works and that such licenses shall terminate upon such encroachments being moved, replaced, demolished or destroyed and the Chairman of the Board is authorized to sign any and all documents necessary to effectuate said authority.

The resolution was seconded by Mr. Woodford.

In answer to Mr. Bracci, Mr. Utter explained there are three encroachments on property owned and occupied by the county highway department. One is a television antenna, another is a garage that was built over the line before the county purchased the property and the third is a retaining wall on the side of the Veterans Office. The county is licensing these encroachments as they do not present a hindrance to county operations. The licensing will terminate if the encroachment is moved, replaced, demolished or destroyed.

County Attorney Richard Spinney noted that the property owner can sell the property with the encroachment but, if the encroachment is taken down or removed by the property owner they will not have a license to put it back. He explained that encroachments are transferrable but, licenses are not.

The resolution was unanimously adopted.

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

RESOLUTION NO. 256

TITLE: SALE OF DELAWARE COUNTY RESOURCE CENTER

WHEREAS, the county owns the premises known as the Delaware County Resource Center situated at New York State Route 10 in the town of Hamden; and

WHEREAS, said premises are principally occupied by Delaware County Association for Retarded Children; and

WHEREAS, the Delaware County Association for Retarded Children has made an offer to purchase said premises in the amount of \$1,000,000; and

WHEREAS, said premises are not necessary for public purposes

NOW, THEREFORE, BE IT RESOLVED that the County of Delaware sell the portion of said premises used as the Resource Center and Garages to the Delaware County Association

for Retarded Children for the sum of \$1,000,000 and the Chairman of the Board is authorized to sign any and all documents necessary to effectuate this authority.

The resolution was seconded by Mr. Woodford.

Mr. Donnelly commented that this resolution is in answer to the taxpayers request for the downsizing of government.

Chairman Eisel advised the Fire and Safety Training Center will be divided off the parcel. He explained that the only hold up to the sale is the underground fuel tanks which DPW will be removing and setting above ground. This agreement has been in the works for about two years and with the approval of the Board the sale will happen before the end of the year.

In response to Mr. Bachler, Chairman Eisel assured that ARC Chief Executive Officer George Suess has no plan to expand into the space occupied by Cornell Cooperative Extension and Alcohol and Drug Abuse Council.

Mr. Marshfield noted that he contacted Mr. Suess to confirm for himself that this sale was a viable situation for all concerned. He said that Mr. Suess provided him the same assurance, that Cornell Cooperative Extension and Alcohol and Drug Abuse Council are a secure rental until such time as they decide to relocate. He said he is in favor of this resolution for the following reasons: the rentals are secure, county government is downsizing, and the ARC does a tremendous job for people with disabilities. He said he is very proud that the ARC will have a permanent home in the town of Hamden.

In answer to Mr. Hynes, Mr. Spinney said ARC is a 501-C3 tax exempt organization.

Mr. Bracci stated he also supports this resolution as it will reduce the burden on our taxpayers, it's downsizing county government and it's a move in the right direction.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 257

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,166,573.24 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	\$775,343.61
Countryside Care Center	\$81,096.53
Jail	\$11,453.32
OET	\$16,784.48
Highway Audits, as Follows:	
Road	\$24,168.18
Machinery	\$53,798.22
Capital Road & Bridge	\$799,681.56
Capital Solid Waste	\$315,026.22
Solid Waste/Landfill	\$89,221.12

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 258

**TITLE: AUTHORIZATION TO ENTER INTO AGREEMENT
WITH NEW YORK CITY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Chase Brook Road in the Town of Tompkins was damaged during the flood of June 26, 2006 causing hardship for a number of County residences and a County business; and

WHEREAS, Chase Brook Road is owned by the City of New York who is desirous of contracting with Delaware County Department of Public Works for the relocation of the road around the failure area.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Delaware County Board of Supervisors be authorized to enter into an agreement with the City of New York once it has been approved by the County Attorney.

The resolution was seconded by Mr. Woodford.

Mr. Utter explained that during the June flood there was a section of the Chase Brook Road in the town of Tompkins that was compromised by the high water of the Cannonsville

Reservoir and closed by NYC. The City has asked Commissioner of Public Works Wayne Reynolds if DPW would again work with them to rebuild this section of the road. The City estimates the cost of the project to be \$6 million, DPW has agreed to do the project at a cost of \$4 million and is able to proceed immediately. If the City were to do the job they could not proceed immediately, and a temporary road would not be provided. DPW can begin construction immediately and a single lane temporary road will be open for residents while the construction is being done.

In answer to Mr. Marshfield, Mr. Utter said the job will be contracted out.

Chairman Eisel said the City would have to bid the job out making it impossible for them to start the project immediately. He felt this resolution should be passed today in order for the County to proceed as soon as they are contacted.

Mr. Shelton thanked Commissioner Reynolds for coming up with the idea of the City contracting with DPW for this project. He felt providing the single lane road for the residents and business was essential. In addition, DPW hopes to have the project completed before the snow flies.

Mr. Marshfield questioned why the City couldn't do the project. Mr. Utter replied that DPW has the ability to function immediately as they do not have the layers of bureaucracy the City has.

Mr. Utter asked Mr. Shelton how far out of the way the town plow trucks would have to go if Chase Brook Road were closed. Mr. Shelton replied the trucks would have to go to the town of Hancock which is approximately 30 miles out of the way.

The resolution was unanimously adopted.

Mr. Marshfield remarked that Mrs. Lawrence-Bauer hit the nail right on the head with today's presentation. Having a working relationship or partnership with the City is very important. Many good things have happened this year but, everyday there are problems. He said the town of Hamden adopted an amendment to their subdivision regulations that calls for the review of purchases and conservation easements. Within a short time, the town received a Freedom of Information letter from DEP. In his opinion, DEP does not want the towns to review the conservation easements. In addition, the hamlets of Hamden and Delancey have lost land due to conservation easements and for various reasons were denied permission by the DEP to redesignate the acreage that was lost. Property used previously for recreational use by ATV's and snowmobiles is no longer permitted. Neighbors who hunted on property for years are no longer allowed. He thanked Mrs. Lawrence-Bauer for her presentation.

Mr. Hynes commented that a great deal of work went into the creation of the MOA. He understands there are problems with it but, wonders where the county would be today without it.

Chairman Eisel thanked Mrs. Lawrence-Bauer for a very informative presentation. He noted there have been several presentations on issues relating to FAD that are now being brought up as part of the TAG movement. He agreed with the land acquisition recommendation requiring that 85 percent of the acreage on acquired lands meet eligibility criteria and in his opinion, he sees no reason why the City needs to purchase another piece of land.

Mr. Utter said he knows as a member of the CWC Board that everything the Board knows to do has been done. He remarked that he is always open to new ideas and would be happy to hear any. In his opinion, this is all part of the City's plan to depopulate the Catskills.

Chairman Eisel stated, "we are not leaving." Mr. Utter replied, "we are leaving, one by one," and referenced a business in Bloomville going out of business specifically due to the watershed regulations. He noted that the CWC gave the business a loan but, not enough to cover the regulations businesses in the watershed must meet.

Mr. Marshfield thanked the entire CWC Board for their efforts and encouraged them not to give up.

Mr. Hynes referenced Ms. Franzese announcement and commented that the Planning, Recreation, Culture & Community Committee is very proud of the work done by the professional staff of the Planning Department to meet the flood buyout grant deadline.

Mr. Donnelly commented that for a small department, the Planning Department does an amazing amount of work. Further stating, not only do they do what is required of them well, they exceed our expectations.

Chairman Eisel agreed stating that there is a great deal of pressure put on the department and they do a good job.

Mr. Maddalone remarked, in his opinion, the entire department should get the Employee of the Month, they put together a huge document quickly, efficiently and happily.

Mr. Hynes announced that the Commissioners of the Board of Elections have not yet decided on which voting machine but, will provide a committee report very soon. He also advised that letters received by the Supervisors requesting permission to address the Board regarding the voting machines should be referred to the Board of Elections Committee for review.

Chairman Eisel announced that refreshments have been set up in the lobby by Judy diLorenzo from the Self Insurance office.

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

Budget Director John Meredith announced the 2007 budget has been completed by the Budget Oversight Committee and reviewed by the Finance Committee. He thanked the committee members and department heads for their work on the budget.

The total proposed tax levy for 2007 is \$22,921,407 which is an increase of 0.0807 over the 2006 levy of \$22,902,981.

He pointed out there were many unknowns going into this budget and more still to come. The Board of Elections was not certain how the HAVA legislation would affect their budget so a contingency line was established in case additional monies were needed. A budget was not established for Countryside Care Center as Chairman Eisel is working diligently with the buyers to schedule a closing before the end of the year. If the sale goes into 2007, the county anticipates receiving about \$300,000 in IGT funds which can be used to offset the expense. In addition, the contingency account was increased by \$200,000 to cover the unknowns.

There are nine additional positions added to the budget, two civilian dispatchers for the Sheriff's Office, one technician for Information Technology, one part-time administrative aide for Buildings, one part-time employee for Probation, two bridge construction mechanics for DPW, one part-time employee for Emergency Services under Public Health which is 30 percent reimbursable, and one attorney for Department of Social Services which is fully reimbursable. The budget also includes all the raises for union and non-union employees.

Mr. Meredith suggested the Supervisors and department heads review the budget and contact him with any errors, questions, suggestions or comments.

Chairman Eisel thanked Mr. Meredith for his work on the budget and thought that a budget workshop may not be necessary as this budget is calling for a less than 1/10th of 1 percent increase in taxes for 2007. If this is the case a time and date for the public hearing will be set at the November 8th Board of Supervisors meeting.

Upon a motion, the meeting was adjourned at 3:00 P.M.