

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**NOVEMBER 8, 2006**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 8, 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 except Mr. Rowe.

Mr. Donnelly offered the invocation.

Ms. Molé 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 Commissioner of Watershed Affairs Dean Frazier who referenced the updated version of the Delaware County Action Plan (DCAP) placed on each Supervisor's desk. He advised that a bifold flyer explaining DCAP will be made available to the public.

Chairman Eisel granted privilege of the floor to Mr. Shelton who referenced his recently published book Tompkins the First 200 Years. Anyone interested in purchasing the book should contact Mr. Shelton.

In reply to Chairman Eisel, Mr. Shelton said he wrote the majority of the book. The book includes a few stories written by an elder of the town of Tompkins which in his opinion, is the best part of the book.

Mr. Homovich commented writing the book is important for the preservation of the town of Tompkins history. Mr. Shelton replied the trouble with people and history is they wait a hundred years to long to remember it.

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

**RESOLUTION NO. 259**

**TITLE: 2006 BUDGET AMENDMENT**  
**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 2006-2007, said monies to be utilized to reimburse the county at 100% of its expenditures

**THEREFORE, BE IT RESOLVED** that the 2006 Social Services budget be amended to increase the following accounts:

**REVENUE:**

10-16141-444641000/6141007/971 Federal Aid - HEAP \$1,045,402.00

**APPROPRIATIONS:**

10-16141-54342010/6141007/971	HEAP EMERGENCY	\$227,237.00
10-16141-54342030/6141007/971	HEAP PA	355,748.00
10-16141-54342040/6141007/971	HEAP NPA	462,417.00

The resolution was seconded by Mr. DuMond and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 260**

**TITLE: 2006 BUDGET AMENDMENT  
EMERGENCY MEDICAL SERVICES**

**WHEREAS**, Delaware County Emergency Medical Services is in need of purchasing four AED trainers as the current ones can not be upgraded to meet new State standards; and

**WHEREAS**, Delaware County Emergency Medical Services believes it is important to provide up to date defibrillation equipment to be used for training emergency personnel; and

**WHEREAS**, there is not enough money in the equipment account

**THEREFORE, BE IT RESOLVED** to make the following transfer of funds:

**FROM:**

10-14189-54595220 Medical Supplies \$796.00

**To:**

10-14189-52200000 Equipment \$796.00

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 261**

**TITLE: DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE  
CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME  
HEALTH CARE PROGRAM BILLING RATE INCREASE**

**WHEREAS**, the 2005 Medicaid Cost Report shows costs for certain services have increased; and

**WHEREAS**, the per visit charge for these services must exceed costs;  
and

**WHEREAS**, Medicaid and Medicare reimbursement rates are in accordance “with the lower of cost or charges” principle,

**NOW, THEREFORE, BE IT RESOLVED** that the following billing rate increase be effective January 1, 2007:

Home Health Aides	From \$70.00 to \$85.00
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The resolution was seconded by Mr. DuMond and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 262**

**TITLE: CHANGE ORDER TO THE AGREEMENT BY AND BETWEEN DELAWARE COUNTY AND CONPOREC/S&W SERVICES, INC., A JOINT VENTURE (THE “CONTRACTOR”) FOR THE CONSTRUCTION OF A CO-COMPOSTING FACILITY: SCHEDULE G - VARIABLE COST COMPONENTS AND ALLOWANCES  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 393 of 2000 authorizes the construction of a Co-Composting Facility at the existing Solid Waste Management Center; and

**WHEREAS**, pursuant to this Agreement, Schedule G - Variable Cost Components and Allowances, an itemized rate schedule is specified for post construction services consisting of Section C - Process Startup, Section D - Operations Supervision, and Section E - Performance Demonstration; and

**WHEREAS**, these rate schedules included in Schedule G are obsolete and do not adequately reflect current professional service labor rates; and

**WHEREAS**, the “not-to-exceed” values for the Agreement Schedule G - Sections C, D, and E shall not change and shall remain at the original total costs;

**NOW, THEREFORE, BE IT RESOLVED**, that the Department of Public Works be authorized to execute the change order listed below and as further explained in the Attachment.

Change Order No. V-1  
JV-Variable Rate Modification

The resolution was seconded by Mr. Woodford.

Mr. Utter referenced Commissioner of Public Works Wayne Reynolds memo detailing the revised hourly rate schedule and noted that 35 to 40 percent of the “not-to-exceed” values were used at the start up. He commented that the project may cost a little more down the road but, added not today.

In reply to Chairman Eisel, Mr. Utter said the “not-to-exceed” value will remain the same.

Mr. Marshfield asked if Conporec/S&W Services Inc. provides this same service anywhere else. Commissioner Reynolds replied not this particular joint venture however, Conporec services many other locations.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 263**

**TITLE: APPORTIONMENT OF COUNTY SELF INSURANCE  
BUDGET**

RESOLVED that the budget for the County Self Insurance Fund for Workers' Compensation and Volunteer Firemen's Benefits in the total amount of \$1,500,000, as set forth below be accepted as part of the records of this Board.

<u>Participant</u>	<u>Full Value Assessment</u>	<u>Apportioned Amount to Raise</u>
County of Delaware	4,436,305,545	\$694,870.06
<u>Towns</u>		
Andes	302,337,562	\$47,355.92
Bovina	102,029,180	\$15,981.10
Colchester	562,078,998	\$88,039.89
Davenport	164,450,166	\$25,758.26
Delhi	260,705,341	\$40,834.95
Deposit	194,022,877	\$30,390.31
Franklin	172,642,972	\$27,041.52
Hamden	126,520,286	\$19,817.20
Hancock	259,768,410	\$40,688.20
Harpersfield	124,472,523	\$19,496.45
Kortright	125,791,616	\$19,703.07
Masonville	83,436,319	\$13,068.85
Meredith	125,158,360	\$19,603.88
Middletown	581,793,313	\$91,127.80
Roxbury	404,693,991	\$63,388.27

Sidney	247,918,104	\$38,832.06
Stamford	155,870,907	\$24,414.46
Tompkins	143,510,898	\$22,478.48
Walton	299,103,722	\$46,849.39
 <u>Villages</u>		
Delhi	81,114,007	\$12,705.10
Deposit	26,451,099	\$4,143.10
Franklin	15,976,806	\$2,502.49
Hancock	49,455,820	\$7,746.39
Stamford (Harpersfield)	27,639,980	\$4,329.32
Stamford (Stamford)	28,233,924	\$4,422.35
Fleischmanns	33,879,784	\$5,306.68
Sidney	145,963,040	\$22,862.57
Hobart	47,706,576	\$7,472.40
Walton	111,653,337	\$17,488.55
 <u>Fire Districts</u>		
Stamford, Jefferson	20,523,380	\$3,214.63
Stamford, Gilboa	36,616,901	\$5,735.40
Arena, Hardenburgh	14,472,339	\$2,266.84
Midd.-Hard., Hardenburgh	40,599,387	\$6,359.19
Deposit	23,653,268	\$3,704.87
TOTAL	9,576,550,738	\$1,500,000.00

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

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

**RESOLUTION NO. 264**

**TITLE: DIRECT TOWN TAX**

**BE IT RESOLVED** that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$42,317.44 for the assessment rolls, field books, tax bills, etc.; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 265**

**TITLE: RATIFICATION OF BAGS LANDFILL  
BUDGET FOR 2007**

**BE IT RESOLVED** that the 2007 budget for the BAGS Landfill in the total amount of \$153,206.50, with \$44,129.16 the apportioned cost to the Town of Sidney be ratified as presented.

The resolution was seconded by Mr. Utter.

Chairman Eisel stated that this resolution is just a passthrough that is done every year.

In response to Mr. Smith, Mr. Maddalone replied the BAGS resolution will come before the Board until 2011 after which time the town of Sidney will assume responsibility of the apportioned cost.

In answer to Mr. Marshfield, Mr. Maddalone said the money is used for maintenance.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 266**

**TITLE: SUPPORT FOR THE NEW YORK STATE BLUESTONE  
ASSOCIATION**

**WHEREAS**, the Bluestone Industry has existed for over 150 years in Delaware County currently providing employment for over 700 employees generating \$75 to \$100 million in annual sales; and

**WHEREAS**, bluestone is unique to a small geographic area in and

around Delaware County of which the bluestone of Delaware County is of the highest quality; and

**WHEREAS**, the backbone of the bluestone industry, independent quarrymen, are facing ever more hurdles that directly effect their ability to prosper such as:

- The May 2008 sunset clause of the Bluestone Exploratory Authorization that would have a devastating impact on independent quarrymen.
- The major increased cost to purchase mine permit reclamation bonds, instituted by NYSDEC, taking away the purpose of the Exploratory Authorization.
- Compliance with mining policies that are not relevant to the Blue Stone industry, one of the safest mining activities.
- The acquisition of land to date and the proposed acquisition of 75,000 more acres of land by New York City eliminates access to quarries is having and will have a large negative impact on the quarrying industry; and

**WHEREAS**, Delaware County economy and tax base depends on a combination of industries such as quarry laborers, truckers, equipment operators, equipment suppliers, and mechanics of which a strong natural resource based industry is critical.

**NOW THEREFORE, BE IT RESOLVED**, the Delaware County Board of Supervisors supports making the Bluestone Exploratory Authorization permanent, opening of City lands to all historical uses including bluestone quarrying, a retraction by NYSDEC to reduce the coverage of reclamation bond amounts to \$1,500 per acre and the NYS Bluestone Association's efforts to mitigate the unintended consequences on bluestone quarrying of the Mine Safety and Health Administration regulations.

**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, Senate Majority Leader Joseph Bruno, New York State Assemblymen Clifford Crouch and Dainel Hooker, New York State Assembly Speaker Sheldon Silver, Patrick Meehan Chairman, Coalition of Watershed Towns, Denise Sheehan New York State Department of Environmental Conservation Commissioner, New York City Council and New York City DEP Commissioner Emily Lloyd and the New York State Blue Stone Association.

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

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

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

**RESOLUTION NO. 267**

**TITLE: 2006 BUDGET AMENDMENT  
BOARD OF ELECTIONS**

**WHEREAS**, in accordance with Resolution No. 101 of 2006, the Board of Elections is required to reimburse towns for their payments to elections inspectors, custodians and polling places incurred during the Primary and General Elections; and

**WHEREAS**, funding is needed in order to reimburse towns for said expenses; and

**WHEREAS**, the foregoing expenses shall not be a chargeback to towns pursuant to Resolution No. 101 of 2006 to the extent of said Resolution is inconsistent herewith is amended in accordance with the Resolution; and

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

FROM:

10-11650-54180000	Central Communications	\$100,000.00
10-11990-54900000	Contingency	5,000.00

TO:

10-11450-54567000	Reimbursement - Election Costs	\$105,000.00
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The resolution was seconded by Mr. Maddalone.

In answer to Mr. Ryan, County Attorney Richard Spinney explained that the Board previously passed Resolution No. 101 of 2006 which authorized the county to chargeback to the towns their portion of the election expense. It was decided that for this year, 2006, the expense will be a county charge and not a chargeback to the towns.

In reply to Mr. Meredith, Mr. Spinney stated this resolution is amending Resolution No. 101 of 2006. He pointed out that at any time a subsequent resolution can change a prior resolution. He further stated he expects New York State will likely make changes to the current rules.

Mr. Bachler asked if the towns should budget for their election expense in 2007. Chairman Eisel replied the town of Harpersfield budgeted the election expense and he encouraged each town to do the same.

Mr. Homovich stated he will support this resolution with the understanding that it is amending 2006 only. He further stated that in his opinion, a chargeback system to the towns is the only fair way.

The resolution was adopted by the following vote Ayes 4806, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 268**

**TITLE: 2006 BUDGET MODIFICATION  
COUNTRYSIDE CARE CENTER**

**WHEREAS**, the Contractual Services account is in need of funding to meet 2006 obligations

**THEREFORE, BE IT RESOLVED** that the following transfer be made:

**FROM:**  
42-66010-5110000      Personal Services      \$600,000.00

**TO:**  
42-68350-5420000      Contracted Services Admin      \$600,000.00

The resolution was seconded by Mr. Marshfield and adopted by adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 269**

**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 September 30, 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	\$15,919.79	\$15,919.79	
Bovina	\$17,223.90	\$17,223.90	
Colchester	\$24,452.61	\$24,452.61	
Davenport	\$27,599.51	\$27,599.51	
Delhi	\$47,829.08	\$40,388.48	\$7,440.60
Deposit	\$9,852.77	\$9,181.16	\$671.61
Franklin	\$30,491.87	\$29,080.97	\$1,410.90

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Hamden	\$16,002.42	\$16,002.42	
Hancock	\$32,670.61	\$29,560.62	\$3,109.99
Harpersfield	\$14,049.14	\$12,489.29	\$1,559.85
Kortright	\$33,910.70	\$33,910.70	
Masonville	\$12,002.04	\$12,002.04	
Meredith	\$24,662.38	\$24,662.38	
Middletown	\$85,154.17	\$74,609.77	FL \$2,479.41 MV \$8,064.99
Roxbury	\$63,649.75	\$63,649.75	
Sidney	\$41,857.69	\$29,535.73	\$12,321.96
Stamford	\$43,440.28	\$32,858.20	ST \$3,934.31 HO \$6,647.77
Tompkins	\$17,748.14	\$17,748.14	
Walton	\$65,593.05	\$53,350.34	\$12,242.71
Totals ...	\$624,109.90	\$564,225.80	\$59,884.10

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 270**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,295,279.73 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	\$723,673.51
Countryside Care Center	\$156,782.83
Jail	\$19,372.89
OET	\$20,851.81
Highway Audits, as Follows:	
Road	\$4,641.15

Machinery	\$50,928.20
Capital Road & Bridge	\$1,245,253.29
Capital Solid Waste	\$47,220.38
Solid Waste/Landfill	\$26,555.67

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

Chairman Eisel appointed Suzanne Swantak to the Youth Bureau Board of Directors.

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

**RESOLUTION NO. 271**

**TITTLE: EXECUTIVE SESSION**

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

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

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

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

**RESOLUTION NO. 272**

**TITLE: APPROVAL TENTATIVE AGREEMENT DEPUTY SHERIFFS PERSONNEL**

**WHEREAS**, the Human Resources Committee has reached a tentative agreement with the Delaware County Deputy Sheriffs Police Benevolent Association for the terms and conditions of employment for the years 2006, 2007 and 2008

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

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

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

Chairman Eisel granted privilege of the floor to Budget Director John Meredith who said he is in the process of making corrections to the proposed 2007 tentative budget introduced at the October 25 Board meeting. He noted that even with the corrections, the county is still looking at a proposed tax levy of around 1 percent. Once changes are complete, the budget will be printed and copies of the amended 2007 tentative budget will be made available

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

**RESOLUTION NO. 273**

**TITLE: PUBLIC HEARING - 2007 TENTATIVE BUDGET**

**BE IT RESOLVED** a public hearing will be held on the 21<sup>st</sup> day of November, 2006 at 10:00 A.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. DuMond and unanimously adopted.

Chairman Eisel granted privilege of the floor to Commissioner of Watershed Affairs Dean Frazier, Assistant Commissioner of Watershed Affairs Tom Hilson, Director of Planning Nicole Franzese and Attorney Kevin Young.

Commissioner Frazier referenced a letter written by Mark Hoffer, General Counsel for the New York City Department of Environmental Protection (NYCDEP) which was sent to the Watershed Protection and Partnership Council. The letter threatened to take legal action against any town passing a local law that would require a review of conservation or agricultural easements, before their local town planning board. In addition, the letter made mention that the NYCDEP would discontinue any future funding and would require those towns to repay all past funding.

Commissioner Frazier referenced the difficulties experienced by the town of Hamden as a result of their effort to adopt an amendment to their subdivision regulations calling for the review of purchases and conservation easements. It was noted that prior to Mr. Hoffer's letter, the town of Hamden was voluntarily redrafting their language to meet the concerns of the NYCDEP technical staff.

The discussion pointed out that the purchase of an easement is a legal transaction that if finalized without review may create legal ramifications to the seller, as well as the town, County Real Property Tax Services Department and the town assessors. Paragraph 71 of the MOA states that the town or village will have 120 days to review and assess the information contained in the City's submission; conduct public review where so desired by the town or village and submit comments to the City". It was also noted in paragraph 71 that "the town or village review may include consistency with the Natural Features Criteria; consistency with local land use laws, plans and policies" as part of that assessment. The City advises notice of an impending easement after the contract is signed by the landowner, but subject to pending municipal feedback before closing. New York State Environmental Conservation Law does not allow local

actions that impede an easement. Staff and Supervisors agree that the Land Acquisition Permit should be amended to require the Watershed Agriculture Council (WAC) and the NYCDEP provide notification prior to the signing of the easement contract.

Discussion of the alternatives included: authoring local laws that provide for a non-binding review by local planning boards; signing a memorandum of understanding with the NYCDEP and WAC to provide for local review; issue a press releases to notify the general public about the considerations when selling an easement; provide an outreach notification with annual tax bills; and/or lastly let the City sue the towns and see what happens.

After the presentation the Board recommended that Commissioner Frazier, Ms. Franzese and Mr. Young continue discussions with NYCDEP, William Harding of the Watershed Protection Partnership Council, Watershed Inspector General James Tierney as well as other key state agencies in an attempt to resolve this issue amicably.

Upon a motion, the meeting was adjourned at 4:00 P.M.