

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**NOVEMBER 21, 2006**

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 21, 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. DuMond.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk mentioned a get well card for Bert More is being passed around anyone wishing to sign may do so. The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Commissioner of Social Services William Moon who introduced Gerry Mackin as employee of the month.

Mr. Mackin began his employment with the Department of Social Services (DSS) as a Social Services Attorney in May 2001. In this capacity Mr. Mackin appears in Family Court on matters of child support, child neglect or abuse, foster care and adoption, and appears in Supreme Court on matters involving medicaid resource recovery and guardianship. Mr. Mackin also serves as the Deputy County Attorney, in this capacity he appears in Family Court as a prosecutor for juvenile delinquent petitions and Person in Need of Supervision petitions. In addition, he represents the county in workers' compensation cases and various other matters as referred.

Mr. Mackin brings to his position more than 25 years experience as an attorney. He is always helpful and informative. He has become appreciated for his sharp mind, keen sense of fairness and ability to work diligently on behalf of the department and its clients.

Commissioner Moon expressed his appreciation and stated it's wonderful to have a colleague that takes pride and enjoyment in his work. He said that the last five years have been rich and rewarding ones for the department and today's recognition is the department's way of saying thank you to Mr. Mackin for the role that he plays.

Commissioner Moon presented Mr. Mackin with a \$100.00 Savings Bond and thanked him for his dedication.

Chairman Eisel stated that he worked with Mr. Mackin when he was a junior member of the Board. He respects the work Mr. Mackin does, he is for the county and is an all around good guy. He presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Mackin said it has been a pleasure to work for DSS and the county. In his opinion, DSS has a very good legal unit and complimented the support staff, the people who work in the background and those who help put the cases together.

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

**RESOLUTION NO. 274**

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945  
GEOMORPHIC STREAM RESTORATION DESIGNS  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under New York State Watershed Funds for Geomorphic Stream Restoration Designs and/or Retrofits that Protect Water Quality; and

**WHEREAS**, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

**WHEREAS**, said contract permits amendments without the development of a new prime agreement with New York State Department of Environmental Conservation for new funding awards from New York State Watershed Funds; and

**WHEREAS**, the Delaware County Soil and Water Conservation District holds the requisite expertise to conduct this work; and

**WHEREAS**, the New York State Department of Environmental Conservation has amended our contract to accept this funding identified as Project “Geomorphic Stream Restoration Designs and/or Retrofits that Protect Water Quality.”

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Board of Supervisors accept this funding and that the Chairman of the Board of Supervisors be authorized to enter into an amended contract with the Delaware County Soil and Water Conservation District to conduct this work; and

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

**INCREASE REVENUE:**

10-18741-44498900/8740024/900	NYS Dept. of Environmental Conservation	\$50,000.00
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**INCREASE APPROPRIATIONS:**

10-18741-54327200/8740024/900	Contractual Services	\$49,000.00
10-18741-52200001/8740024/900	Equipment	680.00
10-18741-54327595/8740024/900	Supplies	320.00

The resolution was seconded by Mr. Donnelly.

Mr. Homovich stated he had two points to make regarding this resolution. The first being stream restoration and noted that after the last rainfall and flooding in the town of Hancock, he checked the streams in the town of Colchester that had been fixed and realized that stream restoration is one of the few things we can do to help ourselves if we can get the Department of Environmental Conservation (DEC) to work with us. He pointed out that everything that was fixed due to the last flood worked well and prevented flooding in that area.

His second point referenced the Safe Drinking Water Act and DEC's restriction on gravel banks. The results of a study on the flow and quality of the Pepacton Reservoir concluded that the water quality showed greater pollution where large amounts of road salt was used along the state road corridors. The water quality showed less pollution where decreased amounts of salt was used. The use of rock salt will create greater problems due to the cumulative effect. Mr. Homovich stated water is one of Delaware County's greatest assets and problems as well because everyone wants it. He felt that the county should stress the problems regarding the use of rock salt on the roads to DEC in an effort to have them relax their restriction and allow the use of a mixture of deicers.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 275**

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945  
FOLLOW-UP SEPTIC SYSTEM COMPONENT  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under New York State Watershed Funds for Follow-Up of the Septic System Component of Groundwater Phosphorus Assessment project in, Delaware County, NY; and

**WHEREAS**, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

**WHEREAS**, said contract permits amendments without the development of a new prime agreement with New York State Department of Environmental Conservation for new funding awards from the New York State Watershed Funds; and

**WHEREAS**, the Delaware County Soil and Water Conservation District and the NYS Water Resources Institute at Cornell University holds the requisite expertise to conduct this work; and

**WHEREAS**, New York State Department of Environmental Conservation has amended our contract to accept this funding identified as Project “State Funding; Follow-Up of Septic System Component of Groundwater Phosphorus Assessment, Delaware County, NY”

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Board of Supervisors accept this funding and that the Chairman of the Board of Supervisors be authorized to enter into an amended contract with the Delaware County Soil and Water Conservation District and Cornell University to conduct this work; and

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

**INCREASE REVENUE:**

10-18741-44498900/8740022/900	NYS Dept. of Environmental Conservation	\$35,077.00
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**INCREASE APPROPRIATIONS:**

10-18741-54327200/8740022/900	Contractual Services	\$35,077.00
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The resolution was seconded by Mr. Bachler and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 276**

**TITLE: AMENDMENT TO SAFE DRINKING WATER ACT CONTRACT C301945  
DATABASE DEVELOPMENT FOR THE WATERSHED  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under the New York State Watershed Funds for Database development to the Cornell Cannonsville Basin Simulation Models; and

**WHEREAS**, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

**WHEREAS**, said contract permits amendments without the development of a new prime agreement with New York State Department of Environmental Conservation for new funding awards from New York State Watershed Funds; and

**WHEREAS**, the NYS Water Resources Institute at Cornell University holds the requisite expertise to conduct this work; and

**WHEREAS**, New York State Department of Environmental Conservation has amended our contract to accept this funding identified as Project, "Database Development to the Cornell Cannonsville Basin Simulation Models."

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Board of Supervisors accept this funding and that the Chairman of the Board of Supervisors be authorized to enter into an amended contract with Cornell University to conduct this work; and

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

**INCREASE REVENUE:**

10-18741-44498900/8740023/900	NYS Dept. of Environmental Conservation	\$14,923.00
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**INCREASE APPROPRIATIONS:**

10-18741-54327200/8740023/900	Contractual Services	\$14,923.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 277**

**TITLE: 2006 BUDGET AMENDMENT  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the following 2006 appropriation accounts are in need of funds

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

**FROM:**

10-16109-54113000	Family Assistance	\$337,000.00
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**TO:**

10-16010-51000000	DSS Personal Services	\$60,000.00
10-16010-58100000	State Retirement System	200,000.00
10-17310-51000000	YB Personal Services	77,000.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4665, Noes 0, Absent 141(DuMond).

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

**RESOLUTION NO. 278**

**TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 48-06  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 171 of 2006 authorized the Department of Public Works to make award of Proposal No. 48-06 to New Century Construction, LLC for Emergency Bridge Repairs No. 1 including bridges numbered 37, 45, 116 and 16-2; and

**WHEREAS**, the original contracts did not include quantities for heavy stone fill around the abutments; and

**WHEREAS**, the heavy stone fill is required to guard against future scour of the abutments

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to execute the Change Orders as follows:

	Change Order #1	Revised Total
	<u>Amount</u>	<u>Amount</u>
Bridge Number 37	\$5,016.00	\$326,780.48
Bridge Number 45	\$7,392.00	\$522,516.48
Bridge Number 116	\$2,340.00	\$346,083.20
Bridge Number 16-2	\$3,920.00	\$419,689.12

The resolution was seconded by Mr. Maddalone.

Mr. Utter said that the figures on this resolution and the next two are all FEMA eligible amounts.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 279**

**TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 49-06  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 171 of 2006 authorized the Department of Public Works to make award of Proposal No. 49-06 to New Century Construction, LLC for Emergency Bridge Repairs No. 2 including bridges numbered 118, 174 & 67-18; and

**WHEREAS**, the original contracts did not include quantities for heavy stone fill around the abutments; and

**WHEREAS**, the heavy stone fill is required to guard against future scour of the abutments.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to execute the Change Order No. 1 for Bridge #118 in the amount of \$20,400 increasing the total project cost to \$494,450.72.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 280**

**TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 50-06  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 171 of 2006 authorized the Department of Public Works to make award of Proposal No. 50-06 to F.P. Kane Construction for making Emergency Bridge Repairs to numerous flood damaged bridges in the County; and

**WHEREAS**, six of the scour damaged structures required unique abutment and wingwall repairs which included, as well as other work, hand placement of stone walls and doweling stones together with steel pins; and

**WHEREAS**, each of the six bridges required varying degrees of complexity to perform the required work.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is

authorized to execute the Change Order No. 1 which adds six unique item numbers at a total increase in cost of \$113,840.41.

The resolution was seconded by Mr. Haynes and Mr. Bachler and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 281**

**TITLE: AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH.  
THOMAS ENGELS, ENGELS CABINET SHOP  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution Number 59 of 2006 authorized the Chairman of the Board to enter into an agreement with Mr. and Mrs. Richard Wickham for the purchase of the Wickham property on 2 Bridge Street in the Village of Delhi; and

**WHEREAS**, the County purchased the property on October 16, 2006; and

**WHEREAS**, Thomas J. Engels, Engels Cabinet, has leased a building on the Wickham property since 2002 to operate a cabinet shop; and

**WHEREAS**, the building in question is not currently conflicting with DPW operations

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is hereby authorized to enter into a lease agreement with Thomas J Engels, Engels Cabinet Shop, for the use of the Cabinet Shop/Car Wash subject to a legal review by the County Attorney.

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

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

**RESOLUTION NO. 282**

**TITLE: LEVY OF TOWN ACCOUNTS**

**WHEREAS**, there has been presented to the Board of Supervisors the County Treasurer's 2006 Preliminary Report with the following amounts to be charged to the several towns:

<u>TOWNS</u>	<u>CHARGES</u>	<u>CREDIT</u>
Andes	\$2,817.32	



Bovina		\$1,776.14
Colchester	\$3,164.26	
Davenport	\$4,084.11	
Delhi	\$737.36	
Deposit	\$1,719.80	
Franklin		\$1,533.42
Hamden		\$2,494.44
Hancock		\$17,196.72
Harpersfield	\$2,132.31	
Kortright	\$2,521.02	
Masonville	\$1,529.53	
Meredith	\$1,178.07	
Middletown	\$1,361.41	
Roxbury	\$752.58	
Sidney	\$1,063.73	
Stamford		\$3,055.10
Tompkins		\$4,800.09
Walton		\$1,331.80

The resolution was seconded Ms. Molé and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

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

**RESOLUTION NO. 283**

**TITLE: 2006 BUDGET AMENDMENT  
TREASURER'S OFFICE**

**WHEREAS**, the following 2006 appropriation account is in need of funds

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

**FROM:**

10-11990-54900000                      Contingency                      \$45,000.00

**TO:**

10-12490-54184000                      Community College Tuition                      \$45,000.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 284**

**TITLE: POSITIONS ALLOCATION/REALLOCATION  
PERSONNEL DEPARTMENT**

**BE IT RESOLVED** that the following allocation/reallocation of positions is hereby approved effective January 1, 2007:

Reallocation of existing CSEA position:

Program Coordinator                      Labor Grade 23 to Labor Grade 28  
Add the following titles to the CSEA salary schedule:

Communications Supervisor                      Labor Grade 21  
Network Manager                      Labor Grade 32

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 285**

**TITLE: MODIFICATION OF SALARY SCHEDULE  
FOR DEPARTMENT HEADS AND OTHER NON-UNION PERSONNEL  
PERSONNEL DEPARTMENT**

**BE IT RESOLVED** that pursuant to the policies and procedures contained in Resolution No. 288 of 1992 the salary schedule for department heads and other non-union personnel established by Resolution No. 252 of 1999 as modified, is hereby modified effective January 1,

2007 by

1. Add the following titles to the non union salary schedule:

Human Resources Clerk	Labor Grade 15
Sr. Human Resources Clerk	Labor Grade 17.1
Sr. Human Resources Clerk II	Labor Grade 19

2. Upgrade the 2007 salary ranges for the following positions as indicated:

Director of Public Health	Labor Grade 45 to Labor Grade 51
Undersheriff	Labor Grade 33 to Labor Grade 37
Asst to Commissioner of DPW	Labor Grade 23 to Labor Grade 26
Personnel Technician	Labor Grade 22 to Labor Grade 25

The resolution was seconded by Mr. Haynes.

Mr. Marshfield stated that he is not in agreement with all of the changes listed in this resolution and for that reason he will be voting against this resolution.

The resolution was adopted by the following vote: Ayes 4537, Noes 128 (Marshfield), Absent 141 (DuMond).

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

**RESOLUTION NO. 286**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,615,429.58 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	\$359,383.43
Countryside Care Center	\$86,990.24
Jail	\$60,336.25
OET	\$3,577.50
Highway Audits, as Follows:	
Road	\$10,824.69

Machinery	\$51,593.34
Capital Road & Bridge	\$859,216.43
Capital Solid Waste	\$70,698.23
Solid Waste/Landfill	\$112,809.47

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Chairman Eisel granted privilege of the floor to Budget Director John Meredith.

Mr. Meredith stated the Budget Oversight Committee has completed all the changes to the budget. The adjustments, mostly minor, included a change in the retirement and health insurance lines throughout the budget to reflect a savings. Some of the adjustments were offset by revenue errors, or revenue errors were fixed by increases or decreases of appropriations. Overall revenues went down by \$551,315 and appropriations went up \$580,844.

The estimated real estate tax levy for 2007 is \$23,108,870 which is an increase of 0.8990 percent change in levy from 2006. He referenced Exhibit A - Summary of Budgets and stated that the total appropriations, excluding inter-fund items is \$86,726,759 and the estimated revenues, excluding inter-fund items is \$58,478,889. A total of \$5,139,000 of surplus being used, from the General Fund Surplus \$4,600,000, Road Fund Surplus \$250,000, Capital Road and Bridge Fund Surplus \$289,000.

In reply to Mr. Marshfield, Mr. Meredith stated the 2007 budget used \$200,000 more of the General Fund Surplus than last year. He also pointed out there was an increase in the amount of Capital Road and Bridge Fund Surplus used due to the Department of Public Works priorities for 2007.

Chairman Eisel noted that sales tax revenue was not overstated so if we have a good year in 2007 we have a cushion there.

Mr. Meredith stated that the county is in good financial shape and it should be the same for 2008.

In answer to Mr. Marshfield, Mr. Meredith stated that the revenue from the sale of county owned buildings have not been included in this budget.

In reply to Mr. Hynes, Mr. Meredith advised that the \$250 cut from Planning's budget was not reinstated, however, Director of Planning Nicole Franzese is happy with the budget as it is. Chairman Eisel remarked that Ms. Franzese and her staff do an outstanding job and if there is a problem with finances it will be taken care of.

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

**RESOLUTION NO. 287**

**TITLE: ADOPTION OF 2007 DELAWARE COUNTY BUDGET**

**WHEREAS**, the Tentative Budget for the year 2007 has been presented to the Board by the Budget Director and duly discussed and a public hearing having been held thereon as required by law;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to §360 of the County Law, the Tentative Budget, as amended, for 2007 be adopted.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 288**

**TITLE: APPROPRIATION RESOLUTION**

**WHEREAS**, this Board by Resolution No. 287, dated November 16, 2006 adopted a budget for the fiscal year 2007;

**RESOLVED** that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified, effective January 1, 2007.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Chairman Eisel thanked Mr. Meredith, the Budget Oversight Committee and department heads for their time spent on the budgets. He said it seems the budget process went smoothly and everyone is happy with the 2007 levy of .08990 per cent.

Mr. Marshfield stated that it could mean a reduction in county taxes once the full value assessment are figured throughout the towns.

Chairman Eisel thanked Nicole Franzese's mother, Angela Rossi for the delicious cookies enjoyed by everyone.

Upon a motion, the meeting was adjourned at 1:35 P.M.