

## ORGANIZATIONAL MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 3, 2007

The organizational meeting of the Delaware County Board of Supervisors was held Wednesday, January 3, 2007 at 1:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The Clerk of the Board, Christa M. Schafer, called the meeting to order and read the Notice of Meeting:

#### TO ALL SUPERVISORS:

Pursuant to County Law, §151 and Board Rule 1, the Organizational Meeting of the Delaware County Board of Supervisors will be held in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York on Wednesday, January 3, 2007 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2007, including election of a Chairman, Vice Chairman, and Clerk. Any other business that may properly be brought before the Board will be conducted.

Christa M. Schafer, Clerk  
Delaware County Board of Supervisors

The Clerk called the roll by towns and the following Supervisors were present:

Martin A. Donnelly	134 Damgaard Road	Andes
Tina B. Molé	P.O. Box 63, Bovina Center	Bovina
Robert A. Homovich	River Street, P.O. Box 137, Downs ville	Colchester
Dennis J. Valente	11600 St. Rt. 23, PO Box 123	Davenport
Peter J. Bracci	931 Dick Mason Road	Delhi
Stanley E. Woodford	668 Old Route 10	Deposit
Donald Smith	21 Bartlett Hollow Road	Franklin
Wayne E. Marshfield	6754 Basin Clove Road	Hamden
James E. Eisel, Sr.	22 Wilcox Road	Harpersfield
George Haynes	Main Street, P.O. Box 752, Bloomville	Kortright
Craig S. DuMond	3613 Pine Swamp Road, Sidney Center	Masonville
Frank Bachler	57 Bachler Road, East Meredith,	Meredith
Leonard Utter	3947 Millbrook Road, Margaretville	Middletown
Thomas S. Hynes	Main Street, P.O. Box 277	Roxbury

Joseph A. Maddalone	6 Weir Street	Sidney
Patrick J. Ryan	1172 Clove Road, Hobart	Stamford
Perry Shelton	P.O. Box 23, Trout Creek	Tompkins
John W. Meredith	129 North Street	Walton

The following Supervisor was absent:

Samuel Rowe, Jr.	661 Main Street	Hancock
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Mr. Donnelly offered the invocation.

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

The Clerk requested nominations for Chairman and upon a nomination by Mr. Donnelly, seconded by Ms. Molé and Mr. Bachler, James Eisel, Sr. was unanimously re-elected to the position.

County Clerk Sharon O'Dell administered the Oath of Office to Mr. Eisel.

Chairman Eisel thanked the Supervisors for their support and said it is a pleasure and honor to be part of this Board. He commented on the Board's achievements in 2006 and noted in particular the downsizing of county government. He encouraged Supervisors on Standing Committees to continue to review department budgets watching the pennies as they turn into dollars and to try and find more efficient ways of doing business. The goal for 2007 is to continue working with Commissioner of Watershed Affairs Dean Frazier, town of Colchester Supervisor Robert Homovich and the Delaware River Basin Commission to try and get the void in the Pepacton, Cannonsville and Neversink reservoirs. Currently the Pepacton is at 93 percent and the Cannonsville is at 95 percent. The temporary release will continue until the three reservoirs average 90 percent. We must do what we can to control mother nature's wrath so we can prevent future disasters.

Upon a nomination by Mr. Donnelly, seconded by Mr. Woodford, Tina Molé was unanimously re-elected as Vice-Chairman.

Upon a nomination by Mr. Utter, seconded by Mr. Smith, Mr. Hynes and Mr. Maddalone Christa Schafer was unanimously re-elected as Clerk of the Board.

Upon a nomination by Mr. Donnelly, seconded by Mr. Bracci and Mr. Homovich John Meredith was unanimously re-elected as Budget Director.

Chairman Eisel made the following committee appointments:

## **2007 COMMITTEE APPOINTMENTS**

### **AGRICULTURAL AND FARMLAND PROTECTION BOARD**

Supervisor Dennis Valente  
Ken Balcom, Andes  
Gil Boulay, Franklin

### **COMMUNITY SERVICES BOARD**

Joan Hale  
Dr. Michael Freeman  
Jack McCready, Walton  
Patricia Gray, Sidney  
John Cruden, Walton

### **COOPERATIVE EXTENSION SERVICE**

Supervisor Frank Bachler  
Supervisor Donald Smith - alternate  
Supervisor Dennis Valente - alternate

### **DELAWARE COUNTY PLANNING BOARD**

Art Stewart, Hancock  
Pat Meile, Bovina  
Art Edel

### **HEALTH SERVICES ADVISORY BOARD**

Dr. Gary Preiser  
Richard Bell  
Margaret Hume

### **SOIL & WATER CONSERVATION DISTRICT BOARD**

Supervisor Donald Smith  
Supervisor Frank Bachler  
David Taylor, New Kingston

### **YOUTH BOARD**

Supervisor Joe Madalone  
Supervisor Wayne Marshfield  
Joan Joedicke, South Kortright CS Librarian

Chairman Eisel stated that all Oversight Committees will remain the same until the changes are announced at the next Board meeting.

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. Ryan who introduced Director of Economic Development Glen Nealis.

Mr. Nealis stated that on July 30, 2006 Delaware County was approved for an Empire Zone in seven locations throughout the county. In the first five months of administering the Empire Zone eight businesses were certified to receive zone benefits, six of them were new businesses and two are new businesses that moved into the county in 2006. To become certified, the business must demonstrate a new investment and job creation, then the numbers are weighed in a cost benefit analysis. Over the next five years these businesses will invest over \$156 million in Delaware County resulting in the creation of 346 new, full-time jobs. Of the 346 jobs created, 87 will pay annual wages in excess of \$40,000. The total benefit to the area from the wages and benefits paid to new and existing employees of these companies will exceed \$780 million over the next five years. The benefit to these businesses over the same period will be \$29.6 million in potential State tax credits. The potential tax benefits of certification for businesses within an Empire Zone range from investment and employment incentive tax credits, real property tax credits, utility rate savings, wage tax credits and new business refunds.

Mr. Nealis referenced Resolution No. 15 entitled Incorporation of the Office of Employment & Training under the Department of Economic Development which will be introduced later in the meeting. He said that the two departments have worked together in all aspects of economic development with workforce development being the number one need for the county's businesses. He believes it is a positive step to enhance the work of the departments and will provide an efficient and effective means of achieving the reciprocal goals of aiding businesses in finding a well qualified workforce and providing individuals with the skill and training necessary to secure stable and quality employment opportunities. It is our responsibility to help these businesses achieve their goals.

Chairman Eisel pointed out that current Director of Employment & Training Teddie Storey and Mr. Nealis came to him with the idea of merging the departments. The merging of these departments will save the Workforce Investment Board \$40,000, increase efficiency and provide a more professional presence in the county.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier referenced Resolution No. 18 entitled: Authorization to enter into a Tolling Agreement with the New York City Department of Environmental Protection (NYCDEP) which will be introduced later in the meeting. The Tolling Agreement request evolved as an outgrowth of the easements review controversy. Counsel in this matter, Kevin Young, has advised the county to follow the Tolling Agreement as outlined and attached to

Resolution No. 18. Passing this Tolling Agreement represents once again the county's good faith and willingness to work out the situation.

Chairman Eisel said that this is a temporary agreement until April 1, 2007 while the county goes through the negotiation process, and Mr. Young feels it is appropriate for the Board to sign.

County Attorney Richard Spinney raised objection to the tolling agreement stating the county has no liability and feels that the threat of a lawsuit is totally groundless. He pointed out that the agreement offers protection to the towns that have passed local laws that the City wants to challenge but, he doesn't like the way the agreement is written, nor does he feel the county has any liability what so ever in such a lawsuit.

Mr. Marshfield said that the town of Hamden passed a resolution such as this with a vote of 3-2 at their board meeting. He voted against the resolution presented by the Hamden town board. He also believes the County Planning Department acted strictly as an advisor to the town of Hamden. The county gave the town of Hamden information, and the Hamden town board adopted the local ordinance. Considering this resolution from the county's perspective, he stated he does not feel the New York City Department of Environmental Protection has any basis of a lawsuit against the county and will be voting against this resolution as well.

In response to Mr. Homovich, Mr. Spinney replied he is in complete agreement with Mr. Marshfield. The opinion given by the County Planning Department is advisory only, the towns are not required to follow the recommendation provided. The Tolling Agreement would protect the towns from a possible lawsuit by the State and would allow them the opportunity to negotiate to resolve it. Mr. Spinney said that he objects to the agreement as it is presently written regardless of any resolution it is attached too.

Mr. Homovich questioned why the City did not take action against the town of Colchester. Chairman Eisel stated that Colchester's issue was with NYCDEC not New York City. Mr. Marshfield added that the statute of limitations may have run out.

In reply to Mr. Marshfield, Mr. Spinney said that Article 78 Proceedings states the statute of limitations is 90 days from the date of the action.

Mr. Homovich commented that in his opinion the issue falls under home rule. He said the City encouraged the towns to develop better planning boards and procedures and then the town comes up with something the City doesn't like they want to do away with it.

Mr. Spinney said that he would like to see the Tolling Agreement deleted from the resolution so that the county is not bound by what that document states.

Mr. Hynes commented that he would like to hear from Mr. Young. Chairman Eisel said

that Mr. Young had hoped to attend this meeting, but was unable to.

Mr. Bachler suggested the resolution be pulled and there be further conversation between Mr. Spinney and Mr. Young.

Mr. Spinney said that he had spoken with Mr. Young and they have no disagreement over the issue of liability to the county. He said that he has a problem with the language in the Tolling Agreement and it being attached to the resolution. Once the resolution is passed the county is bound by the language of the Tolling Agreement.

In answer to Mr. Marshfield, Commissioner Frazier said that any language agreed upon with staff comes back to this Board for their approval. Mr. Marshfield stated he is not happy with some of the negotiations that are ongoing. He cited conservation easement reviews and said that he would like to see the proposed language of the memorandum of understanding in the local ordinance. The NYCDEP wants to prevent any language that in any way impedes their ability to purchase an easement. Commissioner Frazier replied that what Mr. Marshfield desires is still an option. Mr. Marshfield remarked, in his opinion, the resolution should be pulled or let the City sue the county if that is what they want.

Mr. Utter stated that as the resolution is written right now he would vote against it. In his opinion, the City is so far out in left field.

Chairman Eisel stated the resolution will be pulled when it comes up and requested Commissioner Frazier to discuss this issue with Mr. Young.

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

### **RESOLUTION NO. 1**

#### **TITLE: APPOINTMENT OF DEMOCRATIC ELECTION COMMISSIONER**

**WHEREAS**, Democratic Committee Chairman has certified to this Board that William J. Buccheri has been designated by the Democratic Committee as its choice for Election Commissioner and recommends his appointment;

**NOW, THEREFORE, BE IT RESOLVED** that William J. Buccheri be and he hereby is appointed Democratic Election Commissioner for the County of Delaware for the years 2007 and 2008 at the salary stated in the budget.

The resolution was seconded by Mr. Maddalone and Mr. Bachler.

Mr. Ryan stated he will be voting against this re-appointment. It is his opinion, that both Mr. Buccheri and William Campbell are not properly doing their job. He said that sixty-two

people, all with the same address from Phoenix House completed paperwork to register to vote, the Commissioners rubber stamped the paperwork and 40 of the 62 people voted. It was only after the vote was challenged by the losing candidate that it was discovered that they were non-residents and some of them were registered to vote in other counties. For this reason, he could not in good conscience vote for this re-appointment.

Mr. Hynes replied that he believes the Board of Elections followed the proper procedure and noted that the matter is under investigation.

The resolution was adopted by the following vote: Ayes 4267, Noes 194 (Ryan), Absent 345 (Rowe).

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

**RESOLUTION NO. 2**

**TITLE: RE-APPOINTMENT DIRECTOR OF EMERGENCY SERVICES**

**BE IT RESOLVED** that Nelson Delameter is hereby reappointed as Director of Emergency Services for a term of four years effective January 1, 2007 and ending December 31, 2010 at the salary contained in the budget.

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

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

**RESOLUTION NO. 3**

**TITLE: RE-APPOINTMENT DIRECTOR OF INFORMATION TECHNOLOGY**

**BE IT RESOLVED** that Joseph deMauro is hereby reappointed as Director of Information Technology for a term of four years effective January 1, 2007 and ending December 31, 2010 at the salary contained in the budget.

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

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

**RESOLUTION NO. 4**

**TITLE: RE-APPOINTMENT DIRECTOR OFFICE FOR THE AGING**

**BE IT RESOLVED** that Thomas Briggs is hereby reappointed as Director of the Office

for the Aging for a term of two years effective January 1, 2007 and ending December 31, 2008 at the salary contained in the budget.

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

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

**RESOLUTION NO. 5**

**TITLE: RE-APPOINTMENT PERSONNEL OFFICER**

**BE IT RESOLVED** that pursuant to Article 2, Section 15 of the Civil Service Law, Lorna Taber is hereby reappointed as Delaware County Personnel Officer for a six year term effective January 8, 2007 and ending January 7, 2013 at the salary contained in the budget.

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

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

**RESOLUTION NO. 6**

**TITLE: RE-APPOINTMENT COMMISSIONER OF PUBLIC WORKS**

**BE IT RESOLVED** that Wayne Reynolds is hereby reappointed as Commissioner of Public Works for a term of four years effective January 1, 2007 and ending December 31, 2010, at the salary contained in the budget, plus expenses.

**BE IT FURTHER RESOLVED** that his bond be fixed at \$0.00 and his expenses be audited by the Board of Supervisors and charged against the County Road Fund.

**BE IT FURTHER RESOLVED** that pursuant to Local Law No. 9 of 1984, he shall have the duties and responsibilities of County Superintendent of Highways, the administration, operation and maintenance of the county Landfill and refuse collection system, County Engineer and such other duties as the Board of Supervisors may from time to time assign to him.

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

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

**RESOLUTION NO. 7**

**TITLE: RE-APPOINTMENT STOP DWI COORDINATOR**

**BE IT RESOLVED** that Lisa Barrows is hereby reappointed as Stop DWI Coordinator for a term of two years effective January 1, 2007 and ending December 31, 2008 at the salary contained in the budget.

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

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

**RESOLUTION NO. 8**

**TITLE: 2006 BUDGET AMENDMENT  
BLOCK GRANT DISASTER 2006  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services has received a Block Grant Disaster 2006 Federal Allocation of \$100,000.00 said monies to be used for flood relief and is 100 percent reimbursed

**NOW, THEREFORE BE IT RESOLVED** that the 2006 budget be amended to establish the following accounts:

**ESTABLISH REVENUE:**

10-16010-44478500/6010603/971	Block Grant Disaster 2006	\$100,000.00
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**ESTABLISH APPROPRIATION:**

10-1601054465001/6010603/971	Block Grant Disaster 2006	\$100,000.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

**RESOLUTION NO. 9**

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

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

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

**FROM:**

10-16102-54200000	MMIS	\$401,400.00
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**TO:**

10-16010-54427019	AOFH-Delaware Opportunities	\$400,000.00
10-16010-51000000	Personal Services	1,400.00

The resolution was seconded by Mr. DuMund.

In answer to Mr. Bachler, Commissioner of Social Services William Moon stated that AOFH is an acronym for Agency Operated Foster Home.

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

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

**RESOLUTION NO. 10**

**TITLE: 2006 BUDGET AMENDMENT  
RECEIPT OF A GRANT FOR HEALTH EDUCATION INITIATIVE  
PUBLIC HEALTH NURSING**

**WHEREAS**, the Office of Rural Health has been awarded a grant for professional and community health education initiatives for telemedicine for this region; and

**WHEREAS**, the Office of Rural Health will award grant monies in the amount of \$10,000 to support this project; and

**WHEREAS**, the goals of telemedicine technology are to decrease hospitalizations and emergency department visits and to improve care; and

**WHEREAS**, Delaware County Public Health Nursing Service believes it is important to provide telehealth services to appropriate clients; and

**WHEREAS**, no expenses will be paid until grant money is secured

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

**REVENUE ACCOUNT:**

10-14010-43340100	State Public Health	\$10,000.00
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**APPROPRIATION ACCOUNT:**

10-14010-54183000                      Community Outreach & Education                      \$10,000.00

The resolution was seconded by Mr. Donnelly 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. 11**

**TITLE: PAYMENT OF MACHINERY RENTALS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, various authorized expenditures from the Machinery Fund are being made, especially for the purchase of new equipment; and

**WHEREAS**, anticipated rentals earned from the County Road Fund appear insufficient to meet those expenditures during the next several months.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery Fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2007.

The resolution was seconded by Mr. Bachler 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. 12**

**TITLE: APPORTIONMENT OF SURPLUS OF DOG LICENSE  
FEES, PENALTIES AND COSTS 2006  
DEPARTMENT OF FISCAL AFFAIRS**

**WHEREAS**, the report of the Department of Fiscal Affairs to the Board of Supervisors regarding receipts from dog license fees for the year ending December 31, 2006 shows a surplus of \$6,677.64 after payments made to NYS Ag & Markets for dog license/tag fees and dog damage claims of which 75 % of the surplus amounts to \$5,008.23

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Fiscal Affairs shall apportion the 75 % surplus as indicated to the various towns:

<u>REMITTING MUNICIPALITY</u>	<u>AMOUNT REMITTED</u>	<u>SEVENTY-FIVE % OF SURPLUS APPORTIONED</u>
Andes	\$ 277.68	\$ 131.93
Bovina	\$ 169.56	\$ 80.56
Colchester	\$ 680.68	\$ 323.40
Davenport	\$ 273.03	\$ 129.72
Delhi	\$ 1,449.51	\$ 688.68
Deposit	\$ 267.10	\$ 126.90
Franklin	\$ 296.46	\$ 140.85
Hamden	\$ 399.85	\$ 189.97
Hancock	\$ 579.63	\$ 275.39
Harpersfield	\$ 171.91	\$ 81.68
Kortright	\$ 379.88	\$ 180.48
Masonville	\$ 186.01	\$ 88.38
Meredith	\$ 436.33	\$ 207.30
Middletown	\$ 1,113.08	\$ 528.83
Roxbury	\$ 516.19	\$ 245.25
Sidney	\$ 1,145.99	\$ 544.47
Stamford	\$ 376.37	\$ 178.82
Tompkins	\$ 256.52	\$ 121.87
Walton	\$ 1,565.44	\$ 743.75
Totals	<b>\$10,541.22</b>	<b>\$5,008.23</b>

The resolution was seconded by Ms. Molé 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. 13**

**TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, a Project for Corbett Road over East Branch Delaware River (BIN 3352060) in the Town of Colchester, Delaware County, P.I.N. 9752.95 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

**WHEREAS**, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary

Engineering and Right-of Way Incidentals work; and

**WHEREAS**, the County of Delaware has previously executed the Master Federal Aid and Marchiselli Aid Project Agreement (D022237) for the Preliminary Engineering and Right-of Way incidentals work and has appropriated \$205,000.

**NOW, THEREFORE**, the Delaware County Board, duly convened, does hereby

**RESOLVE**, that the Delaware County Board hereby approves the above subject project; and

**IT IS FURTHER RESOLVED**, that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal and non-Federal share of the Preliminary Engineering and Right-of Way incidentals work for the Project or portions thereof; and

**IT IS FURTHER RESOLVED**, that the sum of \$20,194.72 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and

**IT IS 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 shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

**IT IS 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 and/or Marchiselli 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 and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

**IT IS 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

**IT IS FURTHER RESOLVED**, this Resolution shall take effect immediately.

The resolution was seconded by Mr. Woodford 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. 14**

**TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, a Project for the Flood of June 23 - 29, 2006, Multiple Damaged Sites on County Routes 1, 11, 14, 21 and 23, Delaware County, PIN 9890.37 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds; and

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

**NOW, THEREFOR**, the Delaware County Board, duly convened, does hereby

**RESOLVE**, that the Delaware County Board hereby approves the above subject project; and

**IT IS FURTHER RESOLVED**, that the Delaware County Board hereby authorizes the County of Delaware 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

**IT IS FURTHER RESOLVED**, that the sum of \$667,000 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and

**IT IS 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 shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

**IT IS 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 and/or Marchiselli 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 and State-aid eligible Project costs and all Project costs within appropriations

therefor that are not so eligible; and

**IT IS 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

**IT IS FURTHER RESOLVED**, this Resolution shall take effect immediately.

The resolution was seconded by Mr. Bachler.

In response to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds explained that there are certain roads in the county that meet the federal requirements and would receive federal aid. If a road is eligible to receive federal aid, it cannot also receive FEMA disaster funds.

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

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

#### **RESOLUTION NO. 15**

##### **TITLE: INCORPORATION OF THE OFFICE OF EMPLOYMENT & TRAINING UNDER THE DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the Department of Economic Development and the Office of Employment & Training share a common vision for the improved economic stability and growth of Delaware County; and

**WHEREAS**, the services provided by these Departments to individuals and businesses are integrally related in the promotion and support of economic development; and

**WHEREAS**, workforce development is the number one issue affecting business stability, expansion and growth in Delaware County; and

**WHEREAS**, the integration of the Office of Employment & Training into the Department of Economic Development will provide an efficient and effective means of achieving the reciprocal goals of aiding businesses in finding a well qualified workforce and providing individuals with the skills and training necessary to secure stable and quality employment opportunities; and

**WHEREAS**, such integration of business and workforce development services is an essential function in promoting and facilitating the continued economic vitality and growth of

businesses and Delaware County as a whole.

**NOW, THEREFORE, BE IT RESOLVED** that effective January 4, 2007, the Office of Employment & Training will be incorporated under the Department of Economic Development.

The resolution was seconded by Mr. Shelton.

Mr. Marshfield commended Mr. Nealis and Mrs. Storey for coming up with the idea to integrate the two departments. He said it is another example of a department head taking on additional responsibilities without additional pay, integrating the office provides a savings to the county and is good for the program.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 16**

**TITLE: POSITION REALLOCATION  
OFFICE EMPLOYMENT & TRAINING/ECONOMIC DEVELOPMENT**

**WHEREAS**, the Office of Employment & Training has been incorporated under the Department of Economic Development effective January 4, 2007; and

**WHEREAS**, this change in leadership will involve greater utilization of and increased responsibilities for the Employment & Training Fiscal/Office Manager; and

**WHEREAS**, the additional duties and responsibilities have been reviewed by the Personnel Officer and a salary upgrade for the position is recommended.

**THEREFORE BE IT RESOLVED** that the following reallocation of the Employment & Training Fiscal/Office Manager title is hereby approved effective January 4, 2007:

Employment & Training Fiscal/Office Manager      Labor Grade 23 to Labor Grade 25

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. 17**

**TITLE: DESIGNATION OF DEPOSITORY FOR DELAWARE COUNTY FUNDS**

**BE IT RESOLVED** that, pursuant to Section 212 of the County Law, as amended and now in force, the bank hereinafter specified is hereby designated as a depository for County Funds, together with the maximum amount that may be kept on deposit therein at any on time, and the County Treasurer is hereby authorized and directed to deposit County monies in the bank herein designated.

**BE IT RESOLVED** the County Treasurer is authorized to wire funds and use electronic transfer of funds (ACH) from or to each facility.

**BE IT FURTHER RESOLVED** that one certified copy of the resolution shall be filed in the office of the County Clerk, one in the office of the State Comptroller and two in the office of the County Treasurer by the Clerk of the Board of Supervisors.

The National Bank of Delaware County	\$17,500,000.00
The Delaware National Bank of Delhi	\$5,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$5,000,000.00
The National Bank and Trust Company	\$40,000,000.00
The National Bank of Stamford	\$10,000,000.00
Wilber National Bank	\$10,000,000.00

The resolution was seconded by Mr. Maddalone.

Mr. Marshfield questioned if the resolution would need to be altered if the Stamford Bank were to merge with another bank. Mr. Spinney replied that he has heard talk of a merger, however, nothing has been announced. If the bank was to merge with a bank on the list it could make a difference because you would have to raise that banks limit.

In answer to Mr. Marshfield, Mr. Spinney said these banks pledge securities over and above FDIC insurance of \$100,000.

In reply to Mr. Bachler, Chairman Eisel stated that the resolution reflects the ceiling of what the county can deposit into these institutions.

The resolution was unanimously adopted.

Mr. Smith withdrew Resolution No. 18 entitled: Authorization To Enter Into A Tolling Agreement With New York City Department of Environmental Protection.

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

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

**RESOLUTION NO. 19**

**TITLE: AMENDMENT TO GRANT FUNDING FOR 2006  
STATE DISASTER RELIEF PROGRAM**

**WHEREAS**, Delaware County has received a grant through the New York State Governor's Office for Small Cities under the Community Development Block Grant program for disaster recovery assistance (Grant #317IT198-06), and

**WHEREAS**, in the operation of the program, the identified local needs require a broader response than originally established; and

**WHEREAS**, Delaware County wishes to amend its original application to limit the relocation/displacement assistance originally established.

**NOW THEREFORE BE IT RESOLVED**, that Delaware County authorizes an amendment to the above referenced grant agreement to establish a limit for the original grant purposes to an amount of \$89,583 (inclusive of \$3,583 in program delivery and administration costs); and

**BE IT FURTHER RESOLVED**, that Delaware County authorizes the referenced amendment to allocate the remaining amount of \$160,417 for housing rehabilitation of property owners living at or below 80% of median income suffering flood damages from the flood disaster of June of 2006 (inclusive of \$28,875 or 18% for program delivery and administrative costs); and

**BE IT FURTHER RESOLVED**, that James E. Eisel Sr., Chairman of the Delaware County Board of Supervisors is authorized and directed to sign such contractual and other documents necessary to achieve the above referenced grant amendment.

The resolution was seconded by Mr. Utter 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. 20**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,872,889.45 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	\$688,044.42
Countryside Care Center	\$91,221.65
Jail	\$21,645.08
OET	\$52,048.90
Highway Audits, as Follows:	
Road	\$21,971.81
Machinery	\$77,607.98
Capital Road & Bridge	\$742,136.49
Capital Solid Waste	\$20,303.03
Solid Waste/Landfill	\$157,910.09

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

Upon a motion, the meeting was adjourned at 1:55 P.M.