

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**FEBRUARY 21, 2007**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 21, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Donnelly, Mr. Valente and Mr. Maddalone.

Chairman Eisel advised that Mr. Donnelly, Mr. Valente, and Mr. Maddalone are attending meetings in New York City.

Mr. Marshfield offered the invocation.

Mr. Smith 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 thanked the highway and town crews throughout the county for all the time and effort put forth during the recent snowstorm to keep the roads safe for travel.

Chairman Eisel granted privilege of the floor to Mr. Bachler who introduced Executive Director of Soil and Water Conservation District (SWCD) Richard Weidenbach to discuss the funding coming from the United States Department of Agriculture Natural Resources Conservation Service (NRCS).

Mr. Weidenbach provided an update to last months presentation on the Emergency Watershed Protection Program (EWP). SWCD has assessed seventy one sites for a total project cost of \$8.3 million dollars. These are all eligible sites meaning that approximately \$6 million will be coming from the federal government and 25 percent of that figure, approximately \$2 million dollars, still needs to be raised by local sponsors. He referenced his first of three handouts placed on each Supervisors desk entitled: EWP 2006 Township Damage Survey Report (DSR) Sites for Delaware County and pointed out that the town could estimate their 25 percent from the column entitled DSR Cost Estimate.

He referred to his second handout, a memo to Governor Elliot Spitzer, Senator John

Bonacic, Assemblyman Clifford Crouch and Assemblyman Peter Lopez requesting their assistance in securing the local match. He encouraged the Supervisors to contact the people listed on the memo to let them know how important it is to the county to receive the additional funding to cover the 25 percent match. In 1996, a precedent was set when the State government provided an additional 12.5 percent, reducing the match to 12.5 percent. In his opinion, this flood was of a greater magnitude than that of 1996.

Chairman Eisel stated that Congresswoman Kirsten E. Gillibrand visited Delaware County in early February and this issue was discussed. She is aware of the desperate straights this county is in and indicated that she would immediately go to work to get the county the 25 percent match. In addition, she said that she would like to have the funding expand to include private property.

Mr. Bachler said that he is very impressed with how many sites are eligible but, the town of Meredith had requested four sites and none of them appear on the EWP 2006 Township DSR Sites for Delaware County.

In response to Mr. Bachler, Mr. Weidenbach suggested that he contact the SWCD for information as to why the sites failed and if he believes those sites should have been eligible begin an appeal process.

Mr. Weidenbach said that a new precedent has been set with this project. For the first time, private property farm lands have become eligible. Four farms participating with the Watershed Agricultural Council (WAC) and located in the NYC Watershed have been identified. Together, the lands are eligible for \$450,000 worth of work and WAC has offered to pick up the 25 percent on these properties. He explained that WAC has a two step approval process, step one is approval through its executive committee and that is complete. The second step is to be approved through its entire council. If it is approved, SWCD will be asking the county to be the municipal sponsor.

In reply to Mr. Marshfield, Mr. Weidenbach confirmed that the 25 percent match could be used as in-kind services.

Mr. Marshfield questioned how NRCS would regulate the hourly labor rate. Commissioner of Public Works Wayne Reynolds responded stating that the State rate would be used for reimbursement purposes.

Mr. Weidenbach noted that towns could request a reimbursement of what was actually spent. He advised that the federal government is requiring that the towns do their own design work and are willing to pay 7.5 percent of whatever the project installation costs are.

In response to Mr. Hynes, Mr. Weidenbach referenced his third handout, a copy of a letter from District Conservationist Mike Clifford of NRCS, Walton USDA Service Center, stating that

the February 28<sup>th</sup> submission date has been extended to March 14, 2007.

Chairman Eisel requested that Commissioner Reynolds send each of the town Supervisors a copy of the State rates.

Mr. Marshfield commented that the NRCS presentation led him to believe that funding would be available for private property and businesses if their life and property was damaged or threatened, however, NRCS has indicated to him that this is not the case.

Mr. Weidenbach said that's allowed in the federal program rules, but it has never been done in New York State.

Mr. Marshfield explained that he was in hopes that some of Hamden's businesses that suffered millions of dollars in damage could use some of this funding to alleviate the next event.

Mr. Weidenbach said the businesses could become eligible if the town agrees to be the sponsor. Mr. Marshfield asked if the businesses could pay their 25 percent. Mr. Weidenbach said the businesses would have to be sponsored, therefore, the town of Hamden would have to pay the 25 percent.

Mr. Bachler said that when Congresswoman Gillibrand visited she talked about changing some of the rules so that the county could take advantage of this funding. He commented that one of the projects the town of Meredith looked at is a farm that is in danger.

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

**RESOLUTION NO. 47**

**TITLE: 2007 BUDGET AMENDMENT  
FLOOD CASE MANAGEMENT GRANT  
MENTAL HEALTH DEPARTMENT**

**WHEREAS**, the Mental Health Clinic applied for and received funding to provide Case Management services to individuals affected by the flood of 2006

**THEREFORE, BE IT RESOLVED** that the 2007 budget be amended to establish the following accounts:

**REVENUE ACCOUNT:**

|                   |           |              |
|-------------------|-----------|--------------|
| 10-14311-43349051 | State Aid | \$115,000.00 |
|-------------------|-----------|--------------|

**APPROPRIATION ACCOUNT:**

|                   |                       |              |
|-------------------|-----------------------|--------------|
| 10-14311-54200041 | Flood Case Management | \$115,000.00 |
|-------------------|-----------------------|--------------|

The resolution was seconded by Mr. DuMond and adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 48**

**TITLE: 2007 BUDGET AMENDMENT  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, the State of New York has provided funding to support emergency management and disaster preparedness initiatives; and

**WHEREAS**, the Department of Emergency Services plans to improve the capabilities of the Emergency Operations Center

**THEREFORE, BE IT RESOLVED** that the Delaware County Department of Emergency Services be authorized to accept this funding and that the 2007 budget be amended as follows:

**INCREASE REVENUE ACCOUNT:**

|                  |                     |             |
|------------------|---------------------|-------------|
| 10-3640-43330500 | State Civil Defense | \$14,416.50 |
|------------------|---------------------|-------------|

**INCREASE APPROPRIATION ACCOUNT:**

|                   |           |             |
|-------------------|-----------|-------------|
| 10-13640-52200000 | Equipment | \$14,416.50 |
|-------------------|-----------|-------------|

The resolution was seconded by Mr. DuMond.

In response to Mr. Marshfield, 911 Coordinator Steve Finch advised that the Sidney Emergency Operation Center is looking to upgrade their wireless capabilities to accommodate outside State resources that come in.

The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 49**

**TITLE: 2007 BUDGET AMENDMENT  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, the Delaware County HazMat team responded to a motor vehicle accident involving a large fuel spill on October 28, 2006; and

**WHEREAS**, the County HazMat team used supplies from the County HazMat trailer;  
and

**WHEREAS**, the Department of Emergency Services has received reimbursement for the supplies used at this incident in the amount of \$5,246.01

**THEREFORE, BE IT RESOLVED** that the 2007 budget be amended as follows:

**INCREASE REVENUE ACCOUNT:**

|                   |                      |            |
|-------------------|----------------------|------------|
| 10-13640-42268000 | Insurance Recoveries | \$5,246.01 |
|-------------------|----------------------|------------|

**INCREASE APPROPRIATION ACCOUNT:**

|                   |                      |            |
|-------------------|----------------------|------------|
| 10-13640-54415030 | Maintenance & Repair | \$5,246.01 |
|-------------------|----------------------|------------|

The resolution was seconded by Mr. DuMond and Mr. Bachler and adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 50**

**TITLE: 2007 BUDGET AMENDMENT**

**ACCEPTANCE OF GRANT MONEY FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE & MARKETS FOR FARMLAND VIABILITY GRANT PROJECT PLANNING DEPARTMENT**

**WHEREAS**, the Delaware County Agriculture & Farmland Protection Board applied for funds from the NYS Department of Agriculture & Markets Farmland Viability grant program to perform a study on the reduction of Taxes and Increasing Community Support for Farmland Viability; and

**WHEREAS**, the Delaware County Agriculture & Farmland Protection Board was awarded a \$15,000.00 grant from the NYS Department of Agriculture & Markets Farmland Viability grant program to perform a study on the reduction of Taxes and Increasing Community Support for Farmland Viability; and

**WHEREAS**, the Delaware County Board of Supervisors accepts these grant moneys on behalf of the Delaware County Agriculture & Farmland Protection Board

**NOW, THEREFORE, BE IT RESOLVED**, that the 2007 budget be amended as follows:

**INCREASE REVENUES:**

|                               |                |             |
|-------------------------------|----------------|-------------|
| 101-8020-43358901/8020015/908 | NYS Dept Grant | \$15,000.00 |
|-------------------------------|----------------|-------------|

**INCREASE APPROPRIATIONS:**

|                               |                 |             |
|-------------------------------|-----------------|-------------|
| 101-8020-54327535/8020015/908 | Grant Prof Fees | \$15,000.00 |
|-------------------------------|-----------------|-------------|

The resolution was seconded by Mr. Smith.

Mr. Bachler stated that this is the grant Agricultural Consultant Amy Kenyon, sought, worked on and will follow through on from the New York State Department of Agriculture & Markets.

The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 51**

**TITLE: 2007 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 2007 budget be amended as follows:

**INCREASE REVENUE:**

|                               |      |            |
|-------------------------------|------|------------|
| 10-16141-44464100/6141007/971 | HEAP | \$2,000.00 |
|-------------------------------|------|------------|

**INCREASE APPROPRIATIONS:**

|                               |                |            |
|-------------------------------|----------------|------------|
| 10-16141-52000000/6141007/971 | HEAP Equipment | \$2,000.00 |
|-------------------------------|----------------|------------|

The resolution was seconded by Mr. DuMond.

In answer to Mr. Marshfield, Commissioner of Social Services William Moon stated that he believes the money has been designated for the purchase a copier.

The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 52**

**TITLE: 2007 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 2007 Social Services budget be amended as follows:

**INCREASE REVENUE:**

|                               |      |              |
|-------------------------------|------|--------------|
| 10-16141-44464100/6141007/971 | HEAP | \$101,000.00 |
|-------------------------------|------|--------------|

**INCREASE APPROPRIATIONS:**

|                               |          |              |
|-------------------------------|----------|--------------|
| 10-16141-54342040/6141007/971 | HEAP NPA | \$101,000.00 |
|-------------------------------|----------|--------------|

The resolution was seconded by Mr. Hynes.

In response to Chairman Eisel, Commissioner Moon explained that the State identifies a ceiling for the county and the process of reimbursement is predicated on how quickly the county expends the money and requests reimbursement.

In answer to Mr. Bachler, Commissioner Moon said NPA is an acronym for non-public assistance and represents individuals who do not qualify for food stamps or public assistance.

The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 53**

**TITLE: 2006 BUDGET AMENDMENT  
CONTRIBUTIONS FOR YOUTH AWARDS FOR 2006  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, contributions in the amount of \$2,875.00 has been received by the Delaware County Youth Bureau to be used for Youth Awards

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

follows:

**INCREASE REVENUE:**

|                   |                                      |            |
|-------------------|--------------------------------------|------------|
| 10-17310-42207000 | Contributions Private Agencies Youth | \$2,875.00 |
|-------------------|--------------------------------------|------------|

**INCREASE APPROPRIATION:**

|                   |              |            |
|-------------------|--------------|------------|
| 10-17310-54663000 | Youth Awards | \$2,875.00 |
|-------------------|--------------|------------|

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 54**

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

**LETTING OF FEBRUARY 7, 2007**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW2-07 to: Poly-Flex Inc.  
2000 West Marshall Drive  
Grand Prairie, TX 75051

Bid Price: \$35,372.26

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Woodford.

In response to Chairman Eisel, Mr. Utter said the material will be used on the sides of cell 6. Bids were sent to the three suppliers of the product. One was not returned, another was received late. He pointed out that the price for this material was less than what the engineer projected, in part due to the dropping price of crude oil.



The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 55**

**TITLE: CHANGE ORDER NO. 3, PROPOSAL 29-05  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 93 of 2006 authorized the Department of Public Works to make award to R. DeVincentis Construction Inc., for the rehabilitation of Bridge 5, Corbett Road over East Branch Delaware River, Prop. 29-05 in the amount of \$583,000.00; and

**WHEREAS**, Resolution No. 239 of 2006 authorized the Department to execute Change Order No. 1 representing an increase of \$74,748.00 bringing the contract amount to \$657,748.00; and

**WHEREAS**, Resolution No. 304 of 2006 authorized the Department to execute Change Order No. 2 representing a no cost extension of the contract; and

**WHEREAS**, the contractor has completed the work and the final quantities have been calculated by the engineer and the quantities vary from the original estimates.

**NOW, THEREFORE, BE IT RESOLVED**, that the Department of Public Works is herewith authorized to execute Change Order No. 3 representing a decrease of \$31,294.10 bringing the final contract amount to \$626,453.90.

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

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

**RESOLUTION NO. 56**

**TITLE: PURCHASE OF HIGHWAY RIGHT OF WAY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Department of Public Works has entered into an agreement with the New York State Department of Transportation to receive federal aid under PIN 9753.05 for the reconstruction of County Bridge # 9, BIN 3352730, and its approaches; and

**WHEREAS**, the new structures and highway realignment will require additional right of way; and

**WHEREAS**, the Department of Public Works has followed all the federal requirements for acquiring highway right of way including certified appraisals and appraisal reviews;

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Department of Public Works is authorized to purchase the following parcels in the town of Hancock for the respective amounts including damages.

|                              |             |                |
|------------------------------|-------------|----------------|
| Map No. 3 Parcel No. 4       | 0.43 Acres  | Fee            |
| Map No. 4 Parcel No. 6       | 1.77 Acres  | Temp. Easement |
| Samuel H. Pellissier         | \$13,569.13 |                |
| Map No. 5 Parcel No. 7       | 0.14 Acres  | Fee            |
| Map No. 6 Parcel No. 8       | 0.13 Acres  | Temp. Easement |
| Catherine and Jerry VanMater | \$2,731.00  |                |

The resolution was seconded by Mr. Bachler.

In answer to Mr. Marshfield, Mr. Utter said that once the project is completed the property will go back to the owner.

Commissioner of Public Works Wayne Reynolds explained in response to Mr. Marshfield since this is a federal aid project the financial compensation paid to the owners must be done by a licensed appraiser. Included in the financial compensation are damages to whatever was impacted by the project such as, trees, shrubs or fences.

The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

#### **RESOLUTION NO. 57**

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

**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

**THEREFORE, BE IT RESOLVED** to approve the increase of the following billing rates effective April 1, 2007:

|                         |                           |
|-------------------------|---------------------------|
| Speech Therapists       | From \$110.00 to \$114.00 |
| Medical Social Worker   | From \$110.00 to \$114.00 |
| Nutritional Therapists  | From \$110.00 to \$114.00 |
| Respiratory Therapists  | From \$110.00 to \$114.00 |
| Physical Therapists     | From \$110.00 to \$114.00 |
| Occupational Therapists | From \$110.00 to \$114.00 |

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

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

**RESOLUTION NO. 58**

**TITLE: FLOOD MITIGATION AND WATERSHED MANAGEMENT PLAN FOR  
THIRD BROOK, TOWN OF WALTON  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, the June 26-28, 2006 flood caused severe damage to businesses, municipal infrastructure as well as residential property located within the Third Brook watershed in the town and village of Walton; and

**WHEREAS**, a preliminary study of the Third Brook flood damage was completed as a result of the Delaware County Board of Supervisors Resolution No. 300-2006; and

**WHEREAS**, the study provided a list of sites, along with recommended assessments that must be completed to implement a prudent fiscal plan and to seek future grant funds.

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors has authorized the Chairman of the Board of Supervisors to apply for a Local Technical Assistance Program grant from the Catskill Watershed Corporation in the amount of \$50,000.00 for the purposes of developing a Flood Mitigation / Watershed Management Plan for Third Brook.

The resolution was seconded by Ms. Molé.

In answer to Mr. Marshfield, Mr. Meredith stated that three sites have been identified for funding from NRCS.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 59**

**TITLE: AUTHORIZATION TO ENTER INTO AGREEMENT WITH THE TOWN OF COLCHESTER FOR THE TAKE OVER OF A NEW BRIDGE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the town of Colchester has suffered significant damage to Chiloway Road as a result of scour from the Beaverkill River during the federally declared events of January 19, 1996, November 9, 1996, September 18, 2004, April 2, 2005, June 26, 2006 and November 16, 2006; and

**WHEREAS**, the town has already undertaken one major construction project in the winter of 2004/2005 using Federal funding in an attempt to stabilize the road and make it safe for the traveling public; and

**WHEREAS**, the stabilized section was re-damaged in the April 2005 event and further damaged by subsequent events which have dramatically increased the magnitude of the road failure; and

**WHEREAS**, Chiloway Road is the sole access point for approximately 6 full time residences and 20 seasonal residences; and

**WHEREAS**, the town of Colchester retained a consulting engineering firm in 2005 to evaluate feasible alternatives to the repair of the existing roadway to ensure safe, efficient access to the affected landowners; and

**WHEREAS**, the feasibility study included the options of: repair of existing roadway slope, relocation of the roadway to the south and further away from the river, construction of a new road on new location in the town of Hancock, and finally the construction of a new bridge across the Beaverkill River west of the slope failure; and

**WHEREAS**, the two best alternatives were the bridge and the new road in the town of Hancock; and

**WHEREAS**, the new road would have to be owned and maintained by the town of Hancock, which is unacceptable to the town of Hancock

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is herewith authorized to enter into an agreement with the town of Colchester accepting the bridge as a county bridge after the Town has constructed it in accordance with the Department of Public Works Bridge Standards at town of Colchester expense.

The resolution was seconded by Mr. Bachler.

Mr. Utter commented that building a bridge across the Beaverkill seems to be to the only solution to this problem. The construction of the bridge will be funded by FEMA and SEMO and there will be no cost to the town of Colchester or the county.

Mr. Homovich said there would be a cost to the town of Colchester. He pointed out that the town of Colchester will need to borrow \$4.5 million dollars and anything extra incurred by the county over this amount will be paid by the town. The town of Colchester already has \$900,000 in this section of the road and the next flood will create new damage. He explained that the rock ledge is so close to the river that it is impossible to get a good slope to hold. Several options were considered, but none have proven suitable. The town of Colchester is legally bound to keep this section of the road accessible. In addition to the \$4.5 million, there will be a cost of approximately \$600,000 to stabilize a one lane road while the bridge is under construction. This new bridge will make three bridges within about a half mile distance.

In answer to Chairman Eisel, Mr. Utter said that the bridge will span 300 feet.

Mr. Utter advised that DPW is in receipt of the resolution passed by the Colchester Town Board asking the county to build this bridge. He explained there will be three bridges because the State Office of Historical Preservation (SHPO) felt that the old bridge which was replaced by a new bridge above it had to remain and be maintained as part of the town's history. He recommended the passage of this resolution.

Mr. Marshfield said it is too bad it has to come to this because we do not need any more bridges. He said it is not uncommon to have a town support a road where the tax revenue comes from a different town. He questioned why there was not more cooperation from the town of Hancock in trying to get a road over land which was one of the options.

In answer to Mr. Marshfield, Mr. Homovich said he was not certain when the railroad was built, but the town of Colchester took the road over about 1953. The road is owned by the town of Colchester and for the next three years while the bridge is being built the town will be responsible to keep the road stabilized and provide emergency work. In his opinion, this is a waste of taxpayers money when the problem could be fixed for less than \$500,000.

The total cost to build the bridge could be around \$5 million. He said the town of Colchester has already spent \$200,000 plus of their taxpayers money already to keep the road stabilized. By the time the project is completed the town will have between five to six hundred

thousand dollars of their own taxpayers money into this project. The town of Colchester can't afford this.

In reply to Mr. Marshfield, Commissioner Reynolds said this will be a fifty year bridge which will most likely serve seventy years. Maintenance for the first five to seven years should be less than \$5,000 a year to keep the bridge washed and cleaned. The deck will need to be replaced in about forty-five years. This will be a high profile bridge because the bridge is located on the Beaverkill and there are a number of inspectors that will keep an eye on it.

Commissioner Reynolds said the town of Colchester has gone above and beyond in its search for alternatives. The town has respected DPW's desire to consider building a bridge only as a last resort.

Mr. Smith questioned how a road was provided to the residents when the railroad was there. Mr. Homovich thought there was a path besides the railroad track that was used as a road. Then below the town line a subdivision was put in. This subdivision is not a good one and it makes a strong point for regulations and planning of subdivisions.

Commissioner Reynolds added that it really could not be called a road, it is more like a goat path which was used in horse and buggy days, but to the best of his understanding was the access road prior to the railroad coming in.

Mr. Rowe said the subdivision was put in when his mother was the town of Hancock's Supervisor before she put in the moratorium on roads and subdivisions. There are five subdivisions built on a side hill with nothing but glorified goat paths for roads. He said he has seen better snowmobile trails.

Initially, he went to the meetings with the town of Colchester as a team player, saying he would do whatever he could to help reduce the cost and do the right thing. One meeting in early summer the group took four wheel drive vehicles to the subdivision. In his opinion, there is no way this road could be made wide enough to be a town road.

He said he feels terrible about this situation, but, he is only one person. He brought the information back to the Hancock Town Board and it was decided that they did not want to take on another town road. He said that upon review of the subdivision plans it was felt that the roads were to be abandoned by the town once they were done with them. He did not recall any talk of the town of Hancock taking them over. He offered to present this information to the town of Hancock Board again if there is time.

Mr. Rowe stated that the \$500,000 Mr. Homovich is talking about is just the section of the road from Bessy Road to connect into the subdivision. A little piece of road to connect the town of Hancock with the existing subdivision. The town of Hancock would own that road. The people who are on the bottom side and live on Chiloway Road are full time residents owning

\$500,000 homes. These people would have to drive through the private subdivision to get up to the Hancock town road in order to get out of there.

Mr. Homovich commented it would still be cheaper to condemn the back side. Mr. Rowe said he never saw that as an option, adding you can't just condemn homes.

Mr. Marshfield asked if FEMA would agree to pay for the 1,500 feet plus update the subdivision road. Mr. Rowe said he feels the Board is thinking there will be a brand new road from one side to the other side. He urged them to remember that there would be 1,500 feet of new road and then it goes into a tiny little goat path. It would be impossible to provide emergency services to the full time people that live there.

Mr. Hynes asked if the bridge would solve the problem. Mr. Rowe replied that he thinks the bridge would tie them into the spot below the failure, but added he has not seen the map in a long time and he is not sure in his own mind where the bridge goes in. Mr. Homovich said it would be just over the town line below the damaged area.

Mr. Hynes asked if the bridge is going to be a county bridge in the end, why doesn't the county get involved right now. Commissioner Reynolds explained the owner at this time is the town of Colchester and they have to come up with solutions in accordance with FEMA regulations. In the past the county has taken over numerous structures post flood events and on each of them the county was involved in the design standards as an oversight. There were no county dollars involved in the initial construction.

The resolution was adopted by the following vote: Ayes 3654, Noes 128 (Marshfield), Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 60**

**TITLE: THROUGH WITH CHEW WEEK FEBRUARY 18 - 24, 2007  
DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, Public Health is concerned about the health and welfare of families in Delaware County; and

**WHEREAS**, youth and adults are known to use chew (spit) tobacco; and

**WHEREAS**, spit tobacco contains 28 known carcinogens and is not a safe alternative to using cigarettes; and,

**WHEREAS**, spit tobacco users are up to 50 times more likely to get oral cancer than

non-users; and

**WHEREAS**, spit tobacco use has been shown to increase the risk of cardiovascular disease, heart attack, and stroke; and

**WHEREAS**, people who consume 8 to 10 dips or chews per day receive the same amount of nicotine as a heavy smoker who smokes 30 to 40 cigarettes a day

**NOW, THEREFORE BE IT RESOLVED**, that Delaware County recognizes the week of February 18 - 24, 2007 as Through with Chew Week; and

**BE IT FURTHER RESOLVED**, that Thursday February 22<sup>nd</sup> be recognized as the Great American Spit Out, where in people who chew are urged to quit for the day.

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

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

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

**RESOLUTION NO. 61**

**TITLE: AUTHORIZATION OF AWARDS  
PUBLIC HEALTH NURSING SERVICE**

**LETTING OF FEBRUARY 16, 2007**

WHEREAS, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by Richard B. Spinney, Esq., Delaware County Attorney

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Public Health Nursing Service awards to the lowest bidders meeting specifications as follows:

PROPOSAL: 4-Wheel Drive Sport Utility Vehicle to:

DeLacy Ford  
3061 Transit Rd.  
Elma, NY 14059  
Bid Price: \$27,410.00

All original bids and a summary sheet of the bids received are on file for inspection



at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. DuMond.

In answer to Mr. Bracci, Emergency Management Coordinator Richard Bell said that this vehicle will replace his current vehicle which is beginning to have problems and has well over a hundred thousand miles. The price of this new vehicle is \$600 under last year's State contract pricing.

The resolution was adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

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

**RESOLUTION NO. 62**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,881,341.18 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                | \$1,193,390.41 |
| Countryside Care Center     | \$95,733.87    |
| Jail                        | \$18,991.91    |
| OET                         | \$59,848.80    |
| Highway Audits, as Follows: |                |
| Road                        | \$158,532.55   |
| Machinery                   | \$134,127.25   |
| Capital Road & Bridge       | \$138,233.09   |
| Capital Solid Waste         | \$5,559.20     |
| Solid Waste/Landfill        | \$76,924.10    |

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 3782, Noes 0, Absent 1024 (Donnelly, Valente, Maddalone).

Chairman Eisel stated that he has established a Records Management Committee to evaluate the county's needs for record storage space. The committee will do a survey of the

storage requirements within the county and report back to the Board with their findings in May.

Chairman Eisel appointed the following people to the Records Management Committee:

Sharon O'Dell, County Clerk

Nicole Franzese, Planning Director

William Moon, Commissioner of Social Services

Chairman Eisel reminded the Supervisors to complete the ballot they received from the Coalition of Watershed Towns (CWT). The first three names on the regular list are Mr. Utter, Mr. Meredith and Mr. Bachler, and Mr. Bracci as the alternate. He pointed out that in error Mr. Haynes' name is on the ballot as both a regular and as an alternate. He advised that Mr. Haynes would be unable to serve on CWT due to the fact that the meeting dates are in conflict with the town of Kortright Board meetings.

Mr. Hynes announced that there will be a ribbon cutting celebrating the purchase of the new bus for the Office of the Aging sometime in March.

Upon a motion, the meeting was adjourned at 2:25 P.M.