

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**MARCH 28, 2007**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 28, 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.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to County Treasurer Beverly Shields who presented Randi Moxham as Employee of the Month.

Ms. Moxham came to work at the Treasurer's Office as a Clerk in November 1999. She was hired to do data entry. Ms. Moxham's dedication led her to begin working on other duties that included tax searches and foreclosures. Today, she is the key person in the foreclosure and installment program. When the foreclosure law changed last fall, Delaware County was already in compliance. This was mainly due to Ms. Moxham due diligence in finding delinquent taxpayers that had moved and left no forwarding address.

Ms. Moxham has been extremely dependable, reliable and capable. She finds satisfaction in helping the taxpayers that come into the office and enjoys working with her co-workers.

Mrs. Shields presented Ms. Moxham with a \$100.00 Savings Bond and thanked her for all she has done for her and the county. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service

Chairman Eisel granted privilege of the floor to Executive Director of Soil and Water Conservation District (SWCD) Richard Weidenbach.

Mr. Weidenbach, referenced an earlier presentation explaining that the United States

Department of Agriculture Natural Resources Conservation Service (NRCS) will be bringing to the county federal dollars through the Emergency Watershed Protection Program (EWP). At the time of the previous presentation, the Supervisors expressed concern over the 25 percent local match, the burden of doing the engineering, including the survey, design, construction, supervision and administration.

Mr. Weidenbach advised that the Governor included the 25 percent match for this program in the 2007 budget. In addition, NRCS will do the design, survey, engineering, administration and the contracting on behalf of the towns and county. The towns and county will continue to be responsible for securing the land rights and permits.

In reply to Mr. Marshfield, Mr. Weidenbach said the engineering will be done by staff personnel supplied by the NRCS in the offices of the SWCD. The program will also include properties approved for the Watershed Agriculture Council (WAC).

In answer to Chairman Eisel, Mr. Weidenbach said that the funding could be applied to private land if it protects public infrastructure but, there has to be a local sponsor.

Mr. Donnelly thanked Mr. Weidenbach for all his help and asked how the program will work. Mr. Weidenbach said that the towns have three choices as it relates to the bidding process. The town could choose to do a force account through the highway superintendent using the towns in-house capabilities and having NRCS reimburse the town when the job is completed. The town could elect to let NRCS do the entire process, or they may choose a combination, using NRCS and the towns services. In his opinion, having the NRCS do the entire process would be less cumbersome and best for the town.

Mr. Marshfield commented that NRCS would have to come up with an acceptable engineering design. Mr. Weidenbach said that once the Damaged Survey Reports are signed if there is a scope of work that needs to be re-examined, NRCS has agreed to re-visit the site.

Mr. Weidenbach said in answer to Mr. Marshfield, that no new projects would be accepted at this time. If new information came forward on a project that was previously looked at that project would be reconsidered.

In response to Mr. Bachler, Mr. Weidenbach said according to Congress this work has to be done by August 17, 2007. In his opinion, if the towns are the ones doing the work, it would be easy for Congress to say "no extensions". However, if the NRCS is doing the work they are in a stronger position to ask for an extension.

Chairman Eisel commented that the Department of Environmental Conservation (DEC) was at the Catskill Watershed Council (CWC) meeting that he attended and they acknowledged the situation the county is in. DEC has said that they would do whatever they could to get us into the streams a little earlier.

Mr. Weidenbach acknowledged DEC as being very instrumental in getting this pushed into the Governor's budget.

Chairman Eisel thanked Mr. Weidenbach and his department for their efforts to bring this program to pass.

Chairman Eisel granted privilege of the floor to Tina Molé who introduced Director of Mental Health Patricia Thompson.

Ms. Thompson explained that Project Recovery is a short term mental health program brought to the county by FEMA to be used to educate and counsel persons on the after effects of trauma as well as to assist in the recovery of bringing people's lives back to normalcy. Project Recovery is operating in six counties declared federal disaster areas, Broome, Chenango, Delaware, Montgomery, Otsego and Tioga. Delaware County sites are lead by team leaders Brian Chanecka serving the Hancock site, Pam Wheaton at the Sidney site and Ed Roche at the Walton site.

Ms. Thompson introduced Delaware County's Project Recovery team leader Ed Roach to provide an update on the program at the Walton site.

Mr. Roche noted that the Broome County team leader handles the Deposit area under the grant and is doing a great job.

Project Recovery is an outreach project designed to address and provide assistance to the human side of the damage created as a result of the June floods. The program that began in November of 2006 and will continue until June 2007 has made presentations to various community groups and schools. The Ready, Set, Go After-School Program is an educational tool to help children become aware of what to do in an emergency. A puppet show presented to approximately 500 kindergarten through twelfth graders at the Walton School was very well received and provided children and adults with educational materials to review at home. Project Recovery workers reported stories of people hugging them while expressing their thanks for the opportunity to talk about what has happened to them.

Mr. Roche thanked the communities for opening their doors to the workers. He thanked the Human Needs Committee for the significant role they play within the Mental Health organization by budgeting for mental health programs. He pointed out that Project Recovery touched the lives of many people, some who might never have taken advantage of a community offered program. In his opinion, Project Recovery helped make talking about mental health a little easier.

Mr. Meredith said that Mr. Roche and Project Recovery worker Ms. Freyer are doing a great job in Walton, and he thanked them very much.

Mr. Maddalone and Mr. Rowe also extended their thanks for a job well done in Hancock and Sidney.

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

Commissioner Frazier referenced the letter sent to each Supervisor and the Board's recommendation that he, Director of Planning Nicole Franzese, and Attorney Kevin Young continue discussions with the New York City Department of Environmental Protection (NYCDEP), the Watershed Protection Partnership Council and Watershed Inspector General James Tierney and other key people.

He stated that what has been negotiated to date is a process that will provide a town or village with more information. It is up to the town or village whether or not they desire to use this process. The Watershed Agriculture Council (WAC) has agreed to follow the provisions of paragraph 71 of the MOA, which is something they are not required to do under the MOA. The agreement provides an opportunity to revisit this document in terms of the process in nine months.

Commissioner Frazier introduced Attorney Kevin Young who provided an update on the Easement Program.

Mr. Young explained that DEC and WAC are able to purchase conservation and agricultural easements. He stated that a piece of property that is not restricted is known as the out-parcel. Prior to the easement NYC has the property appraised and then again after the easement, the difference is what NYC's tax assessment will be based on.

The current process doesn't ensure that the out-parcel is actually a piece of land that could be developed. There have been instances where a property owner will apply for a building permit and the County Planning Department finds the out-parcel doesn't meet the requirements for building.

The towns of Hamden and Kortright adopted local laws which regulated conservation easements and required the purchase to come before the planning board. When it was discovered that the towns were trying to regulate easements there was a strong feeling among DEC, WAC and other environmental land groups that believed conservation easements can't be regulated by local government. Conservation easements are created by a special statute Article 49 of the Environmental Conservation Law. Their thinking is based on some language in Article 49 that gives the impression that Article 49 preempts local law.

As a result of this dilemma, dialog began between NYCDEP, William Harding of the Watershed Protection Partnership Council, Watershed Inspector General James Tierney and others. An agreement has been written that NYC and WAC have agreed to, that will provide the

towns with more information up front as part of the local consultation process on conservation easements. The next step is up to the planning board, they can hold a public hearing and written comment could be issued. If a public hearing is held, NYC and WAC have agreed to come and have agreed to respond in writing to each comment. The comments could be ignored, but the property owner would at least be aware of what impact the sale will have.

What Delaware County is required to do is write a letter to the towns stating that in lieu of adopting a local law we suggest that you follow this procedure. The towns are not obligated to follow this procedure and are free to adopt whatever local law they would like, however, NYC has reserved its rights to be consistent with Article 49.

In Mr. Young's opinion, NYC feels the local laws adopted by the towns of Hamden and Kortright are inconsistent with Article 49 and he suspects that if they don't retract those laws Delaware County might see a lawsuit.

In response to Mr. Marshfield, Mr. Young said what is being recommended is that the town board either by local law or resolution create a procedure that when the notice comes in that it be referred to the planning board and the procedure requires the planning board to review it and issue written comments.

Mr. Young stated in reply to Mr. Marshfield and Mr. Haynes, that the difference between what he just said and the local laws in the towns is that it states NYC must submit this information and can't precede with the closing until such time as it comes before the planning board. The local law being presented regulates the town and the planning board, not NYC.

Mr. Bracci said that he sees this as a step in the right direction. He asked why NYC would include wording that would question the validity of the local laws adopted in Hamden and Kortright. Mr. Young stated that he requested that wording in order not to create any impression that Delaware County supported the position that the local laws adopted by the towns were in any way improper.

Mr. Valente commented that there still is no chance that the deal can be broken by the landowner. Mr. Young said the idea of being notified before contract was off the table, so all the information received is post contract. He agreed with Mr. Valente that the landowner could be committed to the contract even if the out-parcel was not developable, unless the contract was negotiated with a contingency.

In answer to Chairman Eisel, Mr. Young explained that if the landowner's attorney did not make the contingency stipulating that the out-parcel must be developable, the landowner is bound by the contract.

Mr. Young explained in regard to Mr. Valente's question that negotiating with NYC is never easy. He said that he hasn't negotiated an easement with NYC and isn't familiar with their

contracts. However, if there is a model contract he believed the county could FOIL it. He agreed that a copy would be useful, but cautioned against the county using it as an advisory tool.

In response to Mr. Homovich, Mr. Young said that the reason NYC did not challenge Colchester's local law is because it was adopted two years ago and that the statute of limitations has expired.

Mr. Homovich said he doesn't see what this process will accomplish. Mr. Young answered that the process can't hurt. He explained if the planning board does issue something in writing which indicates that the out-parcel truly isn't developable then the landowner could go back to NYC. It also will tell us what kind of partner NYC really is if the out-parcel is determined undevelopable and NYC still compels the closing.

Chairman Eisel commented that he feels the county has made some strides with these negotiations in terms of getting WAC to come to the table.

Mr. Marshfield remarked that we were able to get WAC to come to the table because of what we did. If they would have been willing before, there wouldn't have been a need for these negotiations. He believed we forced them to come to the table.

Mr. Young said that WAC was not part of the MOA so they didn't have to abide by the MOA.

Mr. Hynes asked if there was a model resolution for the towns to follow. Mr. Young said that he would draft one.

In response to Mr. Meredith, Mr. Young said the document places the burden on the Delaware County Planning Department to notify either DEP or WAC if a town issues a public notice scheduling a hearing on a local law that will regulate conservation easements. This provides an opportunity for them to attend the public hearing and explain their position.

Chairman Eisel suggested the towns work through this process with the understanding that this will be revisited again in nine months.

Mr. Young answered in reply to Mr. Marshfield that at first NYC resisted offering this plan to all the towns in the watershed. The Coalition of Watershed Towns was on board immediately. The Coalition authorized Delaware County to sit on their behalf provided the towns are willing to write the same letter.

Mr. Shelton said, in his opinion, it is a case of educating the landowners and suggested that letters be written educating the landowners of what is required to obtain a building permit. He felt in this way, the landowner could go into negotiations with NYC with some knowledge.

Mr. Young said prior to 1983 it was not certain that conservation easements were even enforceable. Article 49 was created by NYC legislature in order to have a procedure to follow when an easement was being considered. In that law there is some indication that the wording will preempt anyone else from regulating easements. There is very little case law challenging easements.

Mr. Utter asked the difference between a conservation easements and the county buying development rights from a landowner. Mr. Young replied that there is no difference.

In answer to Mr. Ryan, Mr. Young said that NYC did not agree, and in his opinion will not agree that the creation of an out-parcel is a subdivision.

Mr. Young said the negotiations enhanced what NYC has been obligated to do under the MOA and we have made WAC subjected to it.

Mr. Utter asked if he were to sell a piece of land to NYC and he retains an out-parcel does the tax roll show one or two tax parcels. Mr. Young said there would be two tax parcels.

Mr. Marshfield remarked that makes it a subdivision. Mr. Spinney said it isn't a subdivision and explained that there are two tax parcels because now one is taxed to NYC and the other to landowner. It is the same as when an easement is given to a utility. Mr. Utter said that when he gives an easement to a utility another tax parcel isn't created. Mr. Spinney said that to his knowledge no one has considered the granting of an easement as being a sub-division.

Mr. Marshfield commented that the utility pays on the poles and wires but they do not pay a tax on the land.

Mr. Donnelly said a letter needs to go out to every parcel owner in Delaware County urging them to be aware of building requirements prior to signing a contract with NYC.

Mr. Young said in conclusion that this plan is what is being offered. It is up to the towns to accept it or not. He strongly urges the towns to buy into the plan.

Chairman Eisel requested that Commissioner Frazier draft a letter to be sent to landowners.

Chairman Eisel advised that Commissioner Frazier attended a presentation at the Lake Wallenpaupack Environmental Learning Center on March 27<sup>th</sup> regarding the proposed 1954 Supreme Court Decree Amendments. He referenced a copy of the letter placed on each Supervisor's desk detailing comments on behalf of Delaware County. He felt having the signatures of each Supervisor makes a great impact and shows solidity. The letter was passed around for each Board member's signature.

Chairman Eisel granted privilege of the floor to Mr. Maddalone who introduced E911 Coordinator Steve Finch to address Resolution No. 84 entitled: Designation of Placement for the Delaware County 911 Center.

Mr. Finch referenced the presentation of January 24<sup>th</sup> proposing the move of the Delaware County Public Safety Answering Point (PSAP) from its current location at the State Police Troop C Barracks in Sidney to the Public Safety Building in Delhi. At that time concern was expressed regarding money and the handling of the move. Since that meeting, members of the Budget Oversight and Public Safety committees along with Chairman Eisel met. Mr. Finch referenced Resolution No. 84 and the accompanying information outlining budget figures and a timeline for the move.

In regards to the concern about the move happening mid-year and requiring a budget amendment, it was decided to use part of the 911 reserve account to hire staff in the third and fourth quarter of 2007. This would allow ample time to train and have the staff ready by the end of the year and then do the system switch over at the beginning of the year.

He referenced the concern about the Emergency Coordinator position overseeing staff in the Sheriff's Department, which is addressed in the fourth paragraph of Resolution No. 84 and reads "the 911 communications employees will work administratively under the authority of the Sheriff's Department and operationally under the authority of the Department of Emergency Services 911 Coordinator". Mr. Finch stated that he felt there is a very good working relationship between the departments and both departments believe this will work.

Mr. Finch referenced a letter from Deputy Superintendent of Technology and Planning Colonel Steve F. Cumoletti indicating that the New York State Police (NYSP) are committed to the contract that is in place but, are also very much in favor of bringing the system back to Delaware County where it belongs. He said he met with the Troop C Commander Major Kevin Molinari and was told there are projects in the works assuring that no one at Troop C will lose their job over this transfer.

In addition, Troop C has been designated as the Regional Operational Center for the Statewide Wireless Network. Mr. Finch felt with so many new projects on the horizon that Delaware County would be pushed back and would no longer be the main focus.

Mr. Valente asked how much this transfer would cost the county. Mr. Finch said the only new cost to the county would be the staff for manning the system. Emergency Services Interim Director Richard Bell added it would be the same payroll which the Sheriff's Department currently has with their communication staff plus their projected budgets which were worked out with Personnel adding the six additional staff. This will be the total cost for communications as a whole for the following year. Mr. Finch added that the county has been and would continue to be responsible for system upgrades.

Mr. Valente remarked that the county has to be fiscally responsible. To him that means not undertaking large new projects in the middle of the year. He questioned the urgency and the need to make this transfer at this time and not in January 2008. Mr. Finch said at this time the money will come out of the 911 reserve account then a request funding will go through the budget in January. Chairman Eisel said starting the process now will allow approximately six months to get the staff trained and certified. Mr. Valente commented that he feels the training could be done between January and June of 2008. He feels more financial information is needed for him to make a decision. He said that almost everyone he has spoken to has been overwhelming supportive of the job being done by the NYSP. In his opinion this isn't an emergency situation and requires some forethought. He isn't sold on the idea that it has to be done at this time.

Chairman Eisel stated that as of January 1, 2008 the additional cost to the county is the six employees being hired at a cost of approximately \$289,000. Chairman Eisel said the \$289,000 is the cost of the increase. The equipment will be brought to the PSAP in Delhi from Sidney at a cost of approximately \$18,000 which will also come out of the reserve account.

Mr. Bachler questioned how much money is in the reserve. Mr. Bell replied there is \$347,000 in the 911 reserve account.

Mr. Bachler asked how many employees are used by the NYSP for this operation. Mr. Finch answered that there are sixteen full-time staff that are capable of dispatching 911. He added that the sixteen employees are assigned to other functions as well.

Mr. Hynes asked if the dispatchers the county will be hiring are going to be civilians or deputies. Mr. Finch said civilians and added that the staff at Sidney is made up of civilians. Chairman Eisel commented that all county deputy dispatchers were transferred to civilian status previously.

In answer to Mr. Hynes, Mr. Finch stated that the 911 hard line surcharge of .30¢, which has been collected since 1994, is being used for upgrades and maintenance to the system as well as the salary for the 911 Coordinator. Mr. Hynes said the 911 function is very important but, he doesn't see the rush. He also has a problem with the staff being under the control of the Sheriff.

Mr. Bracci noted that he agrees with the need for a well functioning 911, but questions why it must be done now. Chairman Eisel said that it will take a minimum of six months to gear up and if we waited until January 2008 it wouldn't be until July of 2008 that the system is up and running in Delhi.

Mr. Marshfield asked why Mr. Finch didn't come before the Budget Oversight Committee with this plan for 2007. Mr. Finch said that this plan has been in development for a very short time. He said it was only within the last six to eight months that he approached the NYSP with this plan and they were very much in favor of it.

Mr. Homovich said that in order to keep some sense of direction the rules need to be followed. He added that the rules were violated by not going through the budget process last fall. The NYSP has been doing this for six years and the county can't match their resources. He feels more of an effort could have been made in working with the NYSP. If 911 becomes a county responsibility the cost for the program is shifted to the backs of the county taxpayers. The way it is now, at least we are getting something back from the state. He feels the program works well enough to keep it with the NYSP and it makes good use of our resources.

Mr. Meredith remarked that this resolution deals with a reserve which is typically used for capital expenses. He noted that the resolution didn't appropriate any account lines, adding this gives the impression of a blank check. He said that he isn't comfortable with the staff being under the control of the Sheriff's Department as he believes we will have the same problems we are experiencing right now. He isn't comfortable with this resolution and will not vote for it.

Mr. Ryan commented that for the last three and half years he has been hearing from the Public Safety Committee that there is something wrong with 911 and it has to be fixed. He doesn't understand why it has to be fixed right now. He said more attention needs to be paid to the timeline and to the cost of the program.

Mr. Valente said that he has before him two resolutions, Resolution No. 84, being discussed, and Resolution No. 87 entitled, Expenditure Freeze for 2007 Budget, adding he has to vote "no" for one or the other of these resolutions. If he is to vote "yes" on Resolution No. 84 he has to know why this is such an emergency and he doesn't feel the information provided today is enough to convince him that it has to be done right now.

Chairman Eisel noted that Resolution No. 87 is a boiler plate resolution that is brought up yearly to inform all the departments that the county is under an austerity budget. This resolution should have come up in January but, it was overlooked.

Mr. Bachler said it is ludicrous to have Resolution No. 87 and stated that he will be voting "no" on both of these resolutions. He is of the opinion that Resolution No. 84 should have been handled during the budget process and feels the county is relieving the NYSP of a responsibility that they agreed to and are putting it on the backs of our people. He said he hasn't heard a really good reason why this transfer should take place.

Mr. Utter explained that the NYSP has agreed to be the county's backup. As it stands now, Mr. Finch can only make recommendations to the dispatchers, he has no control over what they choose to do.

Mr. Homovich said that in his opinion there is too much criticism of the NYSP. He feels the NYSP does an excellent job and they have the resources to back it up. It just doesn't make sense to throw that advantage away. He said that Mr. Finch is an educator and in his opinion, that has nothing to do with controlling the staff.

In response to Mr. Homovich, Mr. Finch said he is in no way being critical of the performance by the NYSP. He believes having the PSAP located at the Public Safety Building in Delhi would better serve the residents of Delaware County as it would allow us the control we do not have at this time over the operation. He agreed that Mr. Finch is an educator, but he needs to have input and control over issues of supervision.

Mr. Dumond stated that he would like to thank the NYSP for stepping up to the plate and taking over a function that is essentially a Delaware County function. He said he would like to put an end to the thinking that this transfer has anything to do with the performance of the NYSP.

In his opinion, we should not shirk our responsibility. The cost of this program is \$289,000 a year and will not require a budget amendment. He asked why should we wait, moving the PSAP to the Public Safety Building in Delhi is in the best interests of our residents. The safety of our residents is our responsibility and we should have control over the operation.

For Standing Committee Reports, Planning, Recreation, Culture and Community Chairman Tom Hynes and Director of Office for the Aging Tom Briggs invited the Supervisors to attend a dedication ceremony prior to the next Board meeting on April 11<sup>th</sup>, at 12:30 P.M. for the new bus purchased by the Office of the Aging. The dedication will be followed by a reception in the lobby of the County Office Building.

Chairman Eisel granted privilege of the floor to Mr. Maddalone who said that he is very proud of the Sidney Warriors basketball team and advised that they won the Class C final 67-49 to become the first section four basketball team to win three state championships.

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

**RESOLUTION NO. 78**

**TITLE: 2007 BUDGET AMENDMENT  
RECEIPT OF GRANT FOR DENTAL EDUCATION  
PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, the Mary Imogene Bassett Hospital has been awarded a grant for dental education for this region; and

**WHEREAS**, the Mary Imogene Bassett Hospital will award grant monies in the amount of \$3,200.00 to support this project; and

**WHEREAS**, Public Health Nursing Service believes it is important to provide dental education to the community; and

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

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

**REVENUE ACCOUNT:**

10-14012-43340100	Other Health Dept. Income	\$3,200.00
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**APPROPRIATION ACCOUNT:**

10-14012-54183000	Community Outreach & Education	\$3,200.00
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The resolution was seconded Mr. Woodford and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 79**

**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	\$170,916.00
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**INCREASE APPROPRIATIONS:**

10-16141-54342040/6141007/971	HEAP NPA	\$170,916.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 80**

**TITLE: AUTHORIZATION TO ENTER INTO AGREEMENT WITH THE US CORPS  
OF ENGINEERS - COUNTY ROAD CULVERT LINING/REPLACEMENT PROJECT  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, many of the culvert structures on the county roadway system have reached their useful life and are either failing or completely failed; and

**WHEREAS**, these failing culverts result in water quality impairments as well as being a maintenance problem; and

**WHEREAS**, section 552 of the Water Resources Development Act (WRDA) of 1996 authorized the Secretary of the Army to establish a program for providing environmental assistance to non-federal interests in the New York City Watershed; and

**WHEREAS**, a culvert lining/replacement project is eligible for funding under the WRDA program; and

**WHEREAS**, the Corps of Engineers is prepared to enter into a Project Cooperative Agreement (PCA) with Delaware County to share in the expense of the project; and

**WHEREAS**, the Corps of Engineers commits to paying \$1,122,500, (75%) of a \$1,496,667, two year project

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is herewith authorized to execute a PCA with the Corps of Engineers for the project; and

**BE IT FURTHER RESOLVED**, that the sum of \$374,167 (25%) is hereby appropriated from 34-15112-54000000 and made available to cover the county cost of participating in the PCA.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter stated funding is coming from grants connected with the Watershed Affairs and Planning grants. The resolution is strictly for county use.

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

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

**RESOLUTION NO. 81**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS  
LETTING OF FEBRUARY 22, 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. 21-07 5 Ton Equipment Trailer to: Tracey Road Equipment  
1523 Route 11 North  
Kirkwood, NY 13795

Bid Price: \$6,799.00

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. Bachler.

In reply to Mr. Marshfield, Mr. Utter explained that the other bids did not meet the 22 inch deck specification.

The resolution was adopted by the following vote: Ayes 4678, Noes 128 (Marshfield), Absent 0.

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

**RESOLUTION NO. 82**

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

**LETTING OF FEBRUARY 20, 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. 30-07 Wheeled Excavator to: Vantage Equipment  
5895 Court Street Road  
Syracuse, NY 13206

Bid Price: \$159,978.00 (Option I New)  
\$149,187.00 (Option II Used)

Delaware County will purchase one used Wheeled Excavator at the Option II Price of \$149,187.00.

Option I is being awarded for the sole purpose of making this award available to any municipalities who wish to participate.

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. Bachler.

Mr. Utter noted that this is a budgeted item. He explained that choosing Option II Used, was a better decision than purchasing new as the demonstration unit, which is four years old with approximately 812 hours, could be delivered immediately and was negotiated with a four year or 6,000 hour warranty. The new unit would take approximately three months for delivery and wouldn't have as good of a warranty.

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

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

### **RESOLUTION NO. 83**

#### **TITLE: PUBLIC HEALTH EDUCATION COORDINATOR PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, Delaware County Public Health Nursing Service (DCPHNS) is responsible for having a distinct health education program tailored to meet the identified needs of Delaware County residents; and

**WHEREAS**, DCPHNS is responsible for identifying the health concerns of consumers on an ongoing basis and employing a variety of education methods and levels of intervention to address identified areas of concern; and

**WHEREAS**, the New York State Department of Health requires that DCPHNS develop and implement a health education plan which includes objectives, target groups, educational methods, activities, evaluation methods and an annual performance report; and

**WHEREAS**, the time commitment needed for health education necessitates a full time employee; and

**WHEREAS**, many health education functions have previously been assigned to Public Health Nurses and there is an identified public health nursing shortage in the area and often nurses prefer to work more directly in the field of nursing rather than education; and

**WHEREAS**, grant funding can be used for salary and no increase in number of employees will occur as the public health education coordinator will fill a vacant budgeted position with no overall affect on the budget; and

**NOW, THEREFORE, BE IT RESOLVED**, to create a full time position of Public Health Education Coordinator at labor grade 26 for 37.5 hours per week.

The resolution was adopted by the following vote: Ayes 4678, Noes 128 (Marshfield), Absent 0.

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

**RESOLUTION NO. 84 (WITHDRAWN)**

**TITLE: DESIGNATION OF PLACEMENT FOR THE  
DELAWARE COUNTY 911 CENTER  
DEPARTMENT OF EMERGENCY SERVICES E911**

**WHEREAS**, the Delaware County 911 Center Public Safety Answering Point (PSAP) currently located at 823 State Highway 7, Unadilla, New York is the site for 911 operations in Delaware County and is recognized as the single answering point for hardline 911 calls in Delaware County, since adopting Local Law No. 2 in 1994; and

**WHEREAS**, the equipment at the current site is owned by Delaware County yet staffed by the New York State Police Dispatchers. It has become increasingly more difficult to supervise, operate, control and be present at the facility as it is 40 miles away from the emergency services office located in Delhi; and

**WHEREAS**, after research and study it is the opinion of the Delaware County Department of Emergency Services and the Sheriff's Department that the entire operation of 911 be relocated and placed in the Sheriff's Department communications center in Delhi.

**WHEREAS**, the primary site for 911 operations must be staffed to meet the requirements set forth by the New York State 911 boards minimum standards which includes the hiring of six (6) additional full time dispatchers

**THEREFORE, BE IT RESOLVED**, that the Department of Emergency Services is authorized to proceed with the implementation and optimization of the primary Public Safety Answering Point being located at the Delaware County Public Safety Facility, 280 Phoebe Lane,

Delhi, New York. This would include hiring and training the six additional staff in the third and fourth quarters of 2007. The 2007 third and fourth quarter funding for these six positions will come from the 911 Reserve Account. These six staff positions shall be included and budgeted with the Sheriff's Office budget as of January 1, 2008. The expected date for the primary PSAP to be fully operational in the Sheriff's Office is on or before January 2, 2008.

The resolution was seconded by Mr. DuMond.

Mr. Marshfield stated that he supports the fire and emergency services including the efficient methods of dispatching for these services. He isn't opposed to a gradual shift of dispatchers to the Public Safety Building but, feels this could be done in a more cost efficient manner. He suggested leaving at least one shift of dispatchers at the NYSP in Sidney at least until 2013 and leaving the backup system right in Sidney.

He explained that the Board adopted Resolution No. 47-99 approving the contract between the NYSP and Delaware County for seven years with an automatic renewal of five years, taking the contract to 2013. The NYSP provide a good service and he has heard only good comments from the public regarding the NYSP and the service they do.

He questioned why the request for the six additional dispatchers hadn't been brought to the Budget Oversight and Finance Committees six months ago and why no mention was made in 2006 during the budget process of the possibility of hiring or training additional personnel.

Mr. Marshfield referenced the sale of Countryside Care Center and other plans to reduce county government and cut spending. He challenged the thinking that the county has a surplus of money. In his opinion, this resolution is contrary to the Board's past actions and specifically contradicts Resolution No. 87 promoting a hiring freeze. He said he couldn't support Resolution No. 84 at this time.

In addition to Resolution No. 87, Mr. Meredith said Resolution No. 88 asks the state not to place anymore mandates on county government. In his opinion, 911 is one program the state can't mandate us on because it's their own program, let them pay for it. He feels the Board shouldn't move forward with this resolution until all of the costs to the county and taxpayers have been identified.

Mr. Bachler remarked that there isn't as much money as people think. He referenced information he received at the Public Safety meeting from Commissioner of Public Works Wayne Reynolds stating that the county has spent \$12 million in emergency repairs as a result of flooding and to date has recovered only \$1.2 million from FEMA. Although the county will eventually be reimbursed for the balance, it is the surplus that has been paying the bills.

Mr. Hynes said that he was under the impression that the NYSP wanted to get rid of this responsibility.

Chairman Eisel replied that in 1999 when the NYSP took the 911 program on they were hoping for many counties to be on board. As it turned out, other counties wanted to run their own program under their EMS or Sheriff's Department. In 1999 our EMS was in the old jail with very little communications and having a 911 system was not something we could do. The NYSP stepped up to the plate. They helped us out and have spent upwards of two million plus dollars over the last five to seven years on payrolls for Delaware County. In his opinion, the 911 program needs to return to Delaware County. The responsibility belongs with Delaware County and the best way to do this is bring the program to the Public Safety Building in Delhi, have our own people train the dispatchers and the county be responsible for the program.

Mr. Utter said to his knowledge there hasn't been a formal communication from the NYSP saying that they don't want the program. However, in his opinion, when the Major writes a letter saying that the program belongs with Delaware County he believes the handwriting is on the wall.

Mr. Maddalone added the NYSP said they would help us make the move. They have more going on than just 911. He said this is the right time to make the move.

Mr. DuMund stated that Countryside Care Center and the ARC are not mandated or county functions that by law the county has to be responsible for but, the 911 program is. This program doesn't lend itself to a gradual move, you can't have a command center in two locations.

Mr. Marshfield asked if you can't have a command center in two locations, what will be done in an emergency. Mr. DuMund replied that the NYSP have graciously agreed to serve as our backup well into the foreseeable future. Emergency Services has also discussed working in cooperation with Ostego County. He explained that a backup system could be managed from any location in an emergency, adding it doesn't necessarily need to be in a command center.

Mr. DuMund said the resolution as written doesn't require a budget amendment. He stated once again that this is a county function being operated, manned and attempting to be supervised by NYSP. He pointed out that the county's 911 emergency center isn't even located in the county.

Mr. Valente commented he needs to be convinced that the move must take place right now and can't wait six months. He said he will be voting "no" on this resolution because he doesn't feel his concerns have been satisfactorily addressed.

In reply, Chairman Eisel said the reason for beginning the process at this time is to get the dispatchers trained and certified now. There is no impact to the 2007 budget.

Mr. Valente said in his opinion, the plan would be better accomplished by taking the time to make sure the program will work right.

Mr. DuMund said the plan has been very well researched and the program will work right as soon as we make the switch.

Mr. Valente questioned the numbers, saying all he sees are labor costs. Mr. DuMund replied that the numbers provided are the numbers that will impact this move, there are no additional costs. Delaware County has always assumed the cost of upgrades and maintenance to the system.

Mr. Donnelly commented that he would have preferred that the resolution be presented at budget time rather than now. He supports this resolution because he supports our fire and emergency services. He pointed out that the county had the foresight to wire the Public Safety Building for a 911 operation in the event the NYSP asked us to leave. He thanked the NYSP for providing Delaware County with an efficient 911 service.

Mr. Bracci remarked when he came to the meeting he supported the resolution however, now he couldn't vote for it there are too many unanswered questions.

Mr. Woodford suggested that the resolution be tabled in order to get the answers to some of the questions.

Mr. Rowe stated in his opinion, this is a case of putting the cart before the horse. He pointed out that we have a shared services agreement that we are trying to walk away from and put the burden back on the taxpayers. He believes in public safety first, however, he doesn't feel the time is right for this move. If there are communication problems he feels the problems are incident command system problems, not just with the NYSP or not having control of the operation. He couldn't support this resolution at this time.

Mr. Hynes said this is too critical of a vote to have so many Supervisors not supporting the resolution. He didn't feel the resolution had the support it needed to pass today.

Mr. Maddalone withdrew his motion to offer Resolution No. 84. Mr. DuMond withdrew his second. Resolution No. 84 was withdrawn.

Chairman Eisel asked the Public Safety Committee to gather more information and get it out to the Board. He thanked the Supervisors for their comments.

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

#### **RESOLUTION NO. 85**

**TITLE: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE  
GOVERNOR'S OFFICE FOR SMALL CITIES FOR FISCAL YEAR 2007  
ECONOMIC DEVELOPMENT**

**WHEREAS**, the Governor's Office for Small Cities is accepting applications from eligible communities to compete for funds available through the Community Development Block Grant Program; and

**WHEREAS**, Delaware County reviewed its community development problems and needs, and has determined that a program designed to spur new businesses throughout Delaware County is essential to the County's future economic vitality; and

**WHEREAS**, Delaware County has scheduled public hearings to obtain citizen's views in order to develop a comprehensive program and application for microenterprise funds; and

**WHEREAS**, the Small Cities application process requires that the governing body of the applicant authorize the submission of the application and related actions.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of the County of Delaware hereby authorizes and directs the Chairman of the Board of Supervisors and the Director of Economic Development to submit an application to the Governor's Office for Small Cities and to act in connection with the submission of the application, including the execution of all required certifications and forms and to provide such addition information as may be required.

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

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

#### **RESOLUTION NO. 86**

#### **TITLE: APPOINTMENT OF A DIRECTOR OF EMERGENCY SERVICES DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, on September 12, 1990 the Delaware County Board of Supervisors adopted Local Law No. 3 which created a department of county government known as the Department of Emergency Services; and

**WHEREAS**, said local law provided for a full-time position of Director of Emergency Services to be appointed by the Board of Supervisors for a term of four years; and

**WHEREAS**, the position of Director of Emergency Services has become vacant, due to the resignation of Nelson G. Delameter; and

**WHEREAS**, the Public Safety Committee, the Fire Advisory Board and the EMS Advisory Board have recommended Richard J. Bell, of Delhi, New York for the position;

**THEREFORE, BE IT RESOLVED**, that Richard J. Bell, of Delhi, New York be

appointed Director of Emergency Services for a term beginning March 28, 2007 and ending December 31, 2010, at the salary of \$39,836.

The resolution was seconded by Mr. DuMond and Mr. Utter.

Mr. Homovich questioned if there was an interview process prior to appointing Mr. Bell as Director of Emergency Services. Mr. Maddalone replied “no.” Mr. Homovich commented that an interview process would have provided an opportunity to those that have many years of experience in this field to apply. He pointed out that Mr. Bell has been with the county for less than a year. In his opinion, it isn’t good to get away from the process.

Mr. Utter said that the position had been offered to others and was declined. He said he has no qualms about this appointment and pointed out that Mr. Bell gained a wealth of experience in his year of employment. He will be surrounded by a very experienced and knowledgeable staff.

Mr. Maddalone stated that in his opinion, Mr. Bell has proven himself by his actions during the last flood. In addition, he received a positive vote from every voting member of the Fire Advisory Board.

Mr. Meredith stated that anytime there is a deviation from procedure it gives the appearance of impropriety. In his opinion, applications should have been accepted and there should have been interviews prior to Mr. Bell’s appointment.

Mr. DuMond stated procedure allows for internal promotion and he feels Mr. Bell is the right person for the job. He was highly recommended by the Fire Advisory Board and the prior Director of Emergency Service, Nelson Delameter.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 87**

**TITLE: EXPENDITURE FREEZE FOR 2007 BUDGET**

**WHEREAS**, the county is desirous of capping expenditures in an attempt to avoid financial problems

**THEREFORE**, the following cost saving measures are to be implemented to address the county’s financial situation

**BE IT RESOLVED** to continue a freeze on new hires, and a freeze on all currently

vacant positions that are funded in the 2007 Budget; and

**BE IT FURTHER RESOLVED** to curtail travel requests to seminars and training conferences; and

**BE IT FURTHER RESOLVED** there will be no equipment purchases and only contractual purchases that are absolutely necessary to conduct county business; and

**BE IT FURTHER RESOLVED** that exceptions must be thoroughly substantiated by the department head prior to presentation to the department's oversight committee for approval; and

**BE IT FURTHER RESOLVED** that exceptions to the above must also receive approval of the Budget Oversight and Finance Committees or in the case of an emergency by the Chairman of the Board.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4302, Noes 504 (Bachler, Rowe), Absent 0.

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

#### **RESOLUTION NO. 88**

#### **TITLE: PROPOSED AMENDMENT TO REQUIRE COUNTY-WIDE ASSESSMENT REAL PROPERTY TAX SERVICES**

**WHEREAS**, New York State Assembly has proposed legislation to amend the New York State Constitution to require a format of county-wide assessment, as stated in A.1572, sponsored by Assembly member Galef; and

**WHEREAS**, we have read the aforementioned legislation and cannot support this proposed amendment to the New York State Constitution and in fact strongly oppose this attempt to remove the assessment process from local government, where it has been since early colonial times; and

**WHEREAS**, there has been no study published that confirms any dollar savings to the taxpayers or any improvement to the quality of the assessment process if transferred to the county form of government and in fact there is evidence it could become more costly to the taxpayers and produce burdens to the local property owner who may have to travel significant miles to a county seat; and

**WHEREAS**, the local assessor is an essential part of local government and their duties are no longer restricted to producing the assessment roll, but they are able to share their vast knowledge of the local community with other municipal departments and they have become the

key person for property data, census information, E911 assistance, local planning, history, GIS knowledge and many other areas; and

**WHEREAS**, county government has been overwhelmed with the cost of Medicaid, Social Services, and other State mandated costs; this proposal would require the creation of new areas of responsibility and expense to county government and duplicate many of the hard costs that other municipal governments have expended over the years and many counties have been in dire economic conditions for a number of years;

**NOW, THEREFORE, BE IT RESOLVED**, we oppose the concept of county-wide assessing and oppose A.1572 as proposed.

The resolution was seconded by Mr. Homovich.

Mr. Valente said that he is dealing with missing inventory and short staff. The equalization rates are a disgrace. He considers Davenport lucky because their taxes went down 6.6 percent.

Mr. Utter said that Middletown was not so lucky, they went up 17 percent.

Mr. Valente commented that in his opinion, this bill will not provide an equitable and fair assessment.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 89**

**TITLE: DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE  
CELEBRATES NATIONAL PUBLIC HEALTH WEEK  
APRIL 2 - APRIL 8, 2007**

**WHEREAS**, National Public Health Week will be celebrated by Delaware County Public Health with a “walk your way to health” campaign; and

**WHEREAS**, taking preventive action and adopting a healthier lifestyle can empower our residents to stay healthy; and

**WHEREAS**, Delaware County Public Health plans, coordinates and implements programs promoting increased physical activity and healthy nutrition such as the “Mission Meltaway” program; and

**WHEREAS**, Delaware County Public Health is committed to working with individuals, families, worksites and community partners to hold educational health fairs, promote activity programs, provide education and provide coordination and services to people living and working in Delaware County

**NOW, THEREFORE, BE IT RESOLVED**, that Delaware County recognizes April 2 - 8, 2007 as Public Health Week.

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

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

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

**RESOLUTION NO. 90**

**TITLE: 2007 BUDGET AMENDMENT  
FISCAL AFFAIRS**

**WHEREAS**, it is necessary for the county to upgrade the PDS Payroll System as PDS will no longer provide support or maintenance for the current version being used effective September 30, 2007; and

**WHEREAS**, funding is needed in order to upgrade the program to 4.0 which is the most up-to-date version.

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

**FROM:**

10-11990-54900000	Contingency	\$64,625.00
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**TO:**

10-11327-54580000	Software	\$64,625.00
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The resolution was seconded by Ms. Molé and Mr. Rowe and approved by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 91**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,729,608.27 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	\$1,282,334.01
Countryside Care Center	\$15,914.00
Jail	\$9,157.12
OET	\$30,147.98
Insurance Risk Retention	\$2,072.97
Good Neighbor	\$54,746.00
Highway Audits, as Follows:	
Road	\$158,557.78
Machinery	\$75,244.51
Capital Road & Bridge	\$39,350.13
Solid Waste/Landfill	\$62,083.77

The resolution was seconded by Mr. Marshfield.

Mr. Bachler referenced a purchase from Pictometry International Corporation in the amount of \$286,278 and asked if this purchase was covered by a grant. E-911 Coordinator Steve Finch explained that Pictometry will provide aerial and topographic digital images of what will be used by the 911 center when a call is received. The funding is part of the Phase II wireless grant.

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

Chairman Eisel announced that Director of Personnel Lorna Taber will be retiring and invited her to the podium.

Chairman Eisel said that Mrs. Taber has quite a history within the county, she served as the Assistant Clerk of the Board, an Account Clerk Typist for the Department of Public Works, appointed Assistant to the Commissioner of Department of Public Works, Assistant to Personnel Officer and then became a Personnel Officer. Chairman Eisel said in his opinion, Personnel Officer is one of the toughest positions. Mrs. Taber has always been fair and has always had the best interests of the county in mind. He said that he will truly miss working with Mrs. Taber and

wished her a relaxing vacation and an enjoyable retirement.

Chairman Eisel invited comments from anyone desiring to speak. There was much laughter as each told of a memory referencing their relationship with Mrs. Taber. In the end, it was unanimous that Mrs. Taber was an asset to the county and she will be missed.

Chairman Eisel presented Mrs. Taber with a certificate of appreciation.

Mrs. Taber thanked everyone for their kind words and well wishes. She recounted some of her own fond memories as she traveled through the years of her employment with the county. She thanked the Board of Supervisors, her oversight committee members, the department heads, and most especially her staff.

A reception in Mrs. Taber's honor followed.

Upon a motion, the meeting was adjourned at 4:10 P.M.