

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

APRIL 11, 2007

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 11, 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. Haynes led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted with the correction requested by Mr. Valente.

The Clerk read a thank you card from Nelson Delameter expressing his heartfelt appreciation for the reception held in his honor at the conclusion of the Board meeting on March 14, 2007. The Clerk reported all other communications received have been referred to their respective committees for review.

For Standing Committee Reports, Social Services Committee Chairman Peter Bracci announced that the Summer Youth Employment Program packets have been placed on each Supervisor's desk. If there are any questions, please contact Commissioner of Social Services William Moon.

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

RESOLUTION NO. 92

**TITLE: 2007 BUDGET AMENDMENT
PURCHASE OF BUS
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has received a state legislative member item of \$9,000.00 to enhance the agency's new vehicle, Independence V; and

WHEREAS, Delaware County has already committed \$55,000.00 of Good Neighbor funding toward the purchase of a new bus costing approximately \$64,000.00.

THEREFORE, BE IT RESOLVED, that the Office for the Aging be authorized to accept the state legislative grant; and

BE IT FURTHER RESOLVED, that the following budget amendment be authorized:

INCREASE REVENUES:

10-16772-43308900/6772020/977	State Other General Government	\$9,000.00
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INCREASE APPROPRIATIONS:

10-16772-52200001/6772020/977	Equipment Grant	\$9,000.00
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The resolution was seconded by Mr. Maddalone.

Chairman Eisel said the bus will serve the county and its residents very well. He thanked the Office of the Aging for a very nice dedication ceremony.

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

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

RESOLUTION NO. 93

**TITLE: 2007 BUDGET AMENDMENT
CONFERENCE EXPENSES DOMESTIC VIOLENCE AND SEXUAL AWARENESS
COALITION OF DELAWARE COUNTY
DISTRICT ATTORNEY**

WHEREAS, there is available to the District Attorney the sum of \$2,946.71 obtained by seizure as the proceeds of criminal activity in Delaware County; and

WHEREAS, the Delaware County District Attorney, the Delaware County Sheriff, Delaware Opportunities, Inc., and various agencies and organizations are members of Domestic Violence and Sexual Assault Awareness Coalition of Delaware County; and

WHEREAS, a one-day training conference has been organized and sponsored by the Coalition for April 19, 2007 at the Sidney Fireman's Training Center, Sidney, New York, at which refreshments will be served and experts on relevant topics will speak; and

WHEREAS, certain expenses will be incurred for the same

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

FROM

10-00000-32889000/1325886/889	Reserve for Crime Proceeds, DA	\$400.00
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TO			
	10-11165-54615020	Training, Conference/School	\$400.00

The resolution was seconded by Mr. Woodford and Mr. Rowe and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 94

**TITLE: 2007 BUDGET AMENDMENT
NARCOTIC VIDEO EXPENSE T.J.E. PRODUCTIONS
DISTRICT ATTORNEY**

WHEREAS, there is available to the District Attorney the sum of \$2,946.71 obtained by seizure as the proceeds of criminal activity in Delaware County; and

WHEREAS, the Delaware County District Attorney and T.J.E. Productions intent to produce a television show on combating drugs for educational purposes in Delaware County;

WHEREAS, certain expenses will be incurred for the same

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

FROM			
	10-00000-32889000/1325886/889	Reserve for Crime Proceeds, DA	\$500.00

TO			
	10-11165-54615020	Training, Conference/School	\$500.00

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

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

RESOLUTION NO. 95

**TITLE: 2006 BUDGET AMENDMENT TO RESOLUTION NO. 65-06
THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS FOR THE
TOWNS OF DELAWARE COUNTY – PHASE II
WATERSHED AFFAIRS**

WHEREAS, in Resolution No. 45-06, Delaware County has been awarded funding under

the 2001 Safe Drinking Water Act to develop Highway Management Plans for Towns Phase I, located in the NYC Watershed Basins of Delaware County; and

WHEREAS, due to the flooding of June 2006 and the short time frame of this grant, not all the funds were expended; and

WHEREAS, the New York State Department of Environmental Conservation has given permission to move the unexpended funds to SDWA 05 – Highway Management Plans for towns, Phase II located in the NYC Watershed Basins of Delaware County; and

WHEREAS, the New York State Department of Environmental Conservation has amended our contract to transfer this funding identified as “Highway Management Plans for the Towns Phase I of Delaware County” to “Highway Management Plans for the Towns Phase II of Delaware County.”

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

FROM:

10-18741-51000000/8740017/900	Personal Services	\$4,943.15
10-18741-54327625/8740017 900	Travel	185.61
10-18741-52200001/8740017/900	Equipment	96.87
10-18741-54327595/8740017/900	Supplies	.24

TO:

10-18741-51000000/8740026/900	Personal Services	\$5,225.87
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 96

**TITLE: 2006 BUDGET AMENDMENT TO RESOLUTION NO. 66-06
SCIENTIFICALLY-BASED MANAGEMENT GUIDANCE FOR
CONTROLLING PATHOGENS THROUGH ANIMAL HEALTH – PHASE II
WATERSHED AFFAIRS**

WHEREAS, in Resolution No. 44-06, Delaware County has been awarded funding under the 2001 Safe Drinking Water Act to identify Scientifically-Based Management Guidance for Controlling Pathogens through Animal Health – Phase I; and

WHEREAS, due to the flooding of June 2006 and the short time frame of this grant, not all the funds were expended; and

WHEREAS, the New York State Department of Environmental Conservation has given permission to move the unexpended funds to SDWA 05 – Controlling Pathogens through Animal Health – Phase II; and

WHEREAS, the New York State Department of Environmental Conservation has amended our contract to transfer this funding identified as “Scientifically-based Management Guidance for Controlling Pathogens through Animal Health – Phase I” to “Scientifically-based Management Guidance for Controlling Pathogens through Animal Health – Phase II.”

NOW, THEREFORE, BE IT RESOLVED, that the 2006 budget for Controlling Pathogens Through Animal Health – Phase II be amended as follows:

FROM:

10-18741-54327200/8740018/900	Contractual	\$71,660.15
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TO:

10-18741-54327200/8740027/900	Contractual	\$71,660.15
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 97

**TITLE: 2007 BUDGET AMENDMENT
UNEMPLOYMENT BENEFITS
PERSONNEL DEPARTMENT**

WHEREAS, the 2007 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

WHEREAS, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this amendment has been part of the past practice of the county; and

WHEREAS, the remaining balance in the appropriation will be rolled into the Employee Benefit Reserve at the end of the year

NOW, THEREFORE, BE IT RESOLVED, that the following budget amendment be

made:

FROM:

10-11040-58500000	Clerk Board	\$199.00
10-11165-58500000	District Attorney	306.00
10-11325-58500000	Treasurer	244.00
10-11327-58500000	Fiscal Affairs	272.00
10-11340-58500000	Budget Officer	52.00
10-11355-58500000	Real Property Tax	368.00
10-11364-58500000	Tax Acquired Prop	79.00
10-11410-58500000	County Clerk	952.00
10-11420-58500000	County Attorney	81.00
10-11430-58500000	Personnel	382.00
10-11450-58500000	Elections	173.00
10-11620-58500000	Buildings	994.00
10-11670-58500000	Printing	44.00
10-11680-58500000	Information Technology	803.00
10-13020-58500000	Public Safety - 911	48.00
10-13110-58500000	Sheriff - Law Enforcement	1,552.00
10-13140-58500000	Probation	791.00
10-13150-58500000	Sheriff Jail	3,410.00
10-13315-58500000	Stop DWI	66.00
10-13620-58500000	Safety Inspections	72.00
10-13640-58500000	Emergency Services	119.00
10-14010-58500000	Public Health	2,214.00
10-14012-58500000	Public Health	322.00
10-14013-58500000	Immunization	56.00
10-14035-58500000	Children Spec Health Care	32.00
10-14050-58500000	Lead	20.00
10-14059-58500000	Early Intervention	171.00
10-14060-58500000	Edu Physically Handi	97.00
10-14189-58500000	Emergency Medical	62.00
10-14310-58500000	Mental Health Clinic	1,792.00
10-14311-58500000	Community Support	159.00
10-14312-58500000	MH Crisis Serv Prog	79.00
10-14313-58500000	Kendras Law	91.00
10-14315-58500000	Enh Childrens Serv	79.00
10-14317-58500000	Alcoholism Clinic	777.00
10-14321-58500000	Exp Mental Health	171.00
10-16010-58500000	Social Services	5,448.00
10-16326-58500000	Economic Development	258.00
10-16510-58500000	Veterans	111.00
10-16610-58500000	Sealer	66.00

10-16772-58500000	OFA	550.00
10-17310-58500000	Youth	564.00
10-18020-58500000	Planning	789.00
10-18740-58500000	Watershed Affairs	282.00
24-19050-58500000	Public Works	5,130.00
62-11710-58500000	Workers Compensation	<u>123.00</u>
Total		\$30,450.00
TO:		
10-19050-58500000	Unemployment Insurance	\$30,450.00

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

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

RESOLUTION NO. 98

**TITLE: CHANGE ORDER NO. 2, PROPOSAL NO. 48-06
DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, Resolution No. 278 of 2006 authorized the Department of Public Works to execute Change Order No. 1; and

WHEREAS, field conditions have created the need to increase the quantities of heavy stone in the project;

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 2 for Proposal No 48-06 as follows:

<u>Bridge No.</u>	<u>Current Contract Amount</u>	<u>Change Order No. 2</u>	<u>Revised Total Amount</u>
116	\$346,083.20	\$3,141.45	\$349,224.65

The resolution was seconded by Mr. Bachler.

Mr. Utter remarked that the bridge located on Turnpike Road in the town of Meredith is a FEMA project.

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. 99

**TITLE: CHANGE ORDER NO. 2, PROPOSAL NO. 52-06
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 189 of 2006 authorized the Department of Public Works to make award of Proposal No. 52-06 to New Century Construction, LLC for Emergency Bridge Repairs No. 4; and

WHEREAS, Resolution No. 71 of 2007 authorized the Department of Public Works to execute Change Order No. 1; and

WHEREAS, field conditions have created the need to increase the quantities of heavy stone in the project;

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 2 for Proposal No 52-06 as follows:

<u>Bridge No.</u>	<u>Current Contract Amount</u>	<u>Change Order No. 2</u>	<u>Revised Total Amount</u>
42	\$595,049.26	\$2,348.55	\$597,397.81

The resolution was seconded by Mr. Rowe.

Mr. Utter commented that this is the East Hansen Brook Bridge Project and there will be another change order in the near future. The Department of Public Works has applied to FEMA for the additional amount.

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. 100

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE
UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES
CONSERVATION SERVICE (NRCS)
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, under the provisions of section 216 of Public Law 81-516, Emergency Watershed Protection Program, and Title IV of the Agricultural Credit Act of 1978, Public Law

95-334, NRCS is authorized to assist local sponsors in relieving hazards created by natural disasters that cause a sudden impairment of the watershed; and

WHEREAS, the NRCS has secured funding for hazards created by the June 2006 flooding; and

WHEREAS, the Department of Public Works has applied for projects to be completed under this program and has been notified that two of the projects are eligible; and

WHEREAS, funding for the projects will be 75% Federal and 25% State with the only local costs being acquisition of environmental permits and property easements.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board is herewith authorized to enter into agreements with the NRCS for the two eligible projects identified as:

State Route 10/County Route 16, Platner Brook, Town of Delhi	\$448,560.00
County Bridge #41, Blue School Road over Ouleout, Town of Franklin	\$ 84,960.00

The resolution was seconded by Mr. Bracci.

Mr. Marshfield explained that Platner Brook Project is an extremely important project that affects three businesses, approximately 250 jobs, a few residential homes and farmland. He said the project is not without problems but, he hopes to see them resolved.

In answer to Mr. Valente, Chairman Eisel said the county has elected to use the services provided by NRCS. The towns are free to choose how they would like to work with NRCS.

Mr. Marshfield commented that in conversation with NRCS he learned that it was not 100 percent guaranteed that the state will pick up the local share of 25 percent. The town of Hamden isn't going to sign any agreements until it is 100 percent certain that the 25 percent share will be picked up by the state.

Chairman Eisel said that it is his understanding that the 25 percent local share will be paid by the state and the town of Hancock has signed their agreements.

Mr. Meredith remarked the money has been encumbered in the Governor's budget and that the town of Walton signed their contracts as well.

Mr. Marshfield pointed out the federal contract includes wording that will hold the local sponsor responsible for the 25 percent share.

Mr. Maddalone agreed with Mr. Marshfield noting that when he spoke with NRCS he

was told that it's about 97 percent sure that the state will pick up the 25 percent local share.

Chairman Eisel said the towns are signing the contracts now with the understanding that the 25 percent local share will be picked up by the state. If, when the project gets to the implantation stage the state hasn't committed to picking up the local 25 percent share the town could opt out of the contract at that time.

Mr. Smith remarked that if the project in the town of Franklin isn't done, the creek will take out the bridge and the road.

Chairman Eisel referenced the summary comments on the Platner Brook Project from Department of Public Works Commissioner Wayne Reynolds memo and asked what could be done to facilitate permitting and alleviate the Department of Environmental Conservation (DEC) concerns regarding berms.

Commissioner Reynolds replied that he has made no headway with DEC regarding the issue of berms and was told by DEC that they were not willing to talk about a permit until that berm was removed. He said that Mr. Marshfield got further with DEC than he did. Mr. Marshfield was able to get the DEC to agree to come and look at the project if the berm was lowered. DPW's issue with the county signing the contract is to make sure that all the affected parties are in agreement.

Mr. Bracci said that he understood there are some questions with regard to the effectiveness of a berm. Commissioner Reynolds said that the industry as a whole is moving away from the use of berms. The concern of DEC regarding berms is that they provide a false sense of security to anything behind them. He explained that berms are a flood control technique. There were many berms along the Mississippi River but, once the berm is breached, it causes a tremendous amount of problems.

In response to Chairman Eisel, Commissioner Reynolds explained that a berm is any structure that cuts off the rest of the flood plain. If there were no berm, when a stream reaches over the bank's full elevation it would spread out over a wide flood plain and slow down. With a berm in place, the velocity is increased causing a risk to anything behind it.

Mr. Marshfield referenced the Platner Brook Project pointing out that in the June flood the area suffered \$2.5 million dollars worth of damage and this happened without a berm.

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

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

RESOLUTION NO. 101

**TITLE: APPROVAL OF MODIFICATIONS AND RENEWAL OF
AGRICULTURAL DISTRICT 6
PLANNING DEPARTMENT**

WHEREAS, Delaware County has complied with the eight year review procedure of Agricultural District 6 located in the town of Hancock; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing on Wednesday, February 21, 2007 for any public comment on the review of Agricultural District 6; and

WHEREAS, the Agricultural and Farmland Protection Board and the County Planning Board have reviewed said District and have recommended that said Agricultural District 6 be renewed with the following modifications:

Town of Hancock	
MODIFICATION	ACREAGE
Additions	2,834.74
Removed	0
After modifications	9,299.29

Town of Colchester	
MODIFICATION	ACREAGE
Additions	1,996.46
Removed	0
After modifications	1,996.46

Town of Hamden	
MODIFICATION	ACREAGE
Additions	185.66
Removed	0
After modifications	185.66

NOW, THEREFORE, BE IT RESOLVED that Agricultural District 6 be renewed with the above recommended modifications.

The resolution was seconded by Mr. Hynes.

Mr. Bachler advised that Agricultural Districts No. 6 and 18 are being combined. The additional acreage listed in the resolution represents the acreage being transferred from Agricultural District No. 18 to Agricultural District No. 6.

The resolution was unanimously adopted.

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

RESOLUTION NO. 102

**TITLE: TERMINATION OF AGRICULTURAL DISTRICT 18
PLANNING DEPARTMENT**

WHEREAS, Delaware County has complied with the eight year review procedure of Agricultural District #18 located in the towns of Colchester, Hamden and Hancock; and

WHEREAS, the Delaware County Agriculture and Farmland Protection Board has recommended the consolidation of Agricultural Districts 6 and 18; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing on Wednesday February 21, 2007 for any public comment on the review of Agricultural District 18; and

WHEREAS, the Agricultural and Farmland Protection Board and the County Planning Board have reviewed said District and have recommended that said Agricultural District 18 be terminated

NOW, THEREFORE, BE IT RESOLVED that Agricultural District 18 be terminated.

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

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

RESOLUTION NO. 103

**TITLE: AUTHORIZATION FOR DISPOSITION OF
PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, § 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use;

BE IT RESOLVED, that the following equipment be authorized to be sold to the town of Walton for \$15,050.00.

#713 1990 Case, Model 1085C Rubber Tired Excavator S/N JAK0032452

The resolution was seconded by Mr. Woodford.

Mr. Utter said the excavator discussed in Resolution No. 81-07 was replaced with a demonstration unit. The value of this equipment as a trade-in was between three or four thousand dollars. It was decided to put the excavator out to bid and the town of Walton offered \$15,050.00 for it.

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

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

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

RESOLUTION NO. 104

TITLE: AUTHORIZATION FOR AWARDS - BUILDING AND GROUNDS

LETTING OF MARCH 11, 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 Building and Grounds is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL TITLED: DELAWARE COUNTY OLD JAIL BUILDING -Automated Logic Web Ctrl 3.0 HVAC Control System to:

Eastern Heating and Cooling Inc.
880 Broadway
Albany, NY 12207-1316

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 and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 105

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,054,113.40 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	\$596,078.26
Countryside Care Center	\$4,288.05
Jail	\$11,160.14
OET	\$30,716.60
Highway Audits, as Follows:	
Road	\$102,211.69
Machinery	\$58,146.91
Capital Road & Bridge	\$227,814.70
Solid Waste/Landfill	\$23,697.05

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

Chairman Eisel made the following appointment to the to the Chenango Delaware Otsego Workforce Investment Board:

Steve Iacampo, Human Resource Manager, Amphenol Aerospace Operation
Belinda Gonzales, Manufacturing Trainer, MeadWestvaco
Glenn Nealis, Delaware County Director of Economic Development

Chairman Eisel appointed Dale Downin as the Delaware County Safety Officer.

Upon a motion, the meeting was adjourned at 1:30 P.M.