

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

APRIL 25, 2007

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 25, 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. Marshfield offered the invocation.

Mr. DuMond 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 Commissioner of Public Works Wayne Reynolds who introduced David Osterhout as Employee of the Month.

Mr. Osterhout was hired as a temporary employee with the Department of Public Works in May 1996. He became a permanent MEO in March 1997, was promoted to HEO in April 2002, and to his current position as auto mechanic in September 2003. As an auto mechanic he repairs trucks and heavy equipment as well as some fabrication work.

Mr. Osterhout is a hard working, conscientious and dedicated employee. He takes pride in his work and is always willing to take on a new challenge. He works hard to improve his skills by reading manuals and resources that will ensure the work he does is of good quality and complete. More important, Commissioner Reynolds said, is his support of our country. Mr. Osterhout has earned the rank of Master Sergeant in the U.S. Air Force Reserves, 407th Expeditionary Civil Engineering Squadron. He is very active in the reserves and served in the war in Iraq from September 2006 to January 2007 and will be receiving a medal for his service in Iraq. Even though he has a wife and two young boys at home he gives of himself unselfishly to defend our country.

Commissioner Reynolds presented Mr. Osterhout with a \$100.00 Savings Bond and thanked him for all he has done for the county and for his country. Chairman Eisel complimented Mr. Osterhout's outstanding record and presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Osterhout thanked the Board for this honor and for the opportunity the county allows for him to serve his country.

Mr. Bachler commented that the residents of the town of Meredith are proud to have Mr. Osterhout as part of their community.

Chairman Eisel granted privilege of the floor to Mr. Rowe.

Mr. Rowe pointed out that Resolution No. 108 entitled: Funding for the Opposition to the New York State Regional Interconnect Project (NYRI) will be introduced later in the meeting. The resolution is asking Delaware County to commit \$40,000 to fight the proposed project by NYRI.

Mr. Rowe introduced Christopher Cunningham Chairman of the Sullivan County Legislature, Bill Douglas from the Upper Delaware Council and Research Analyst Heather Brown from the Sullivan County Division of Planning who provided a power point presentation entitled: Communities Against Regional Interconnect (CARI).

Ms. Brown stated that CARI is the only group opposing NYRI. CARI's membership consists of Stop NYRI, Inc., Upper Delaware Council, Upstate New York Citizens Alliance, Upper Delaware Preservation Coalition and SayNo2NYRI and the counties of Broome, Chenango, Delaware, Herkimer, Madison, Oneida, Orange, Sullivan. NYRI is a group of investors, engineers, legal advisors, economists and environmental scientists proposing to build transmission lines that would bring energy from areas with abundant supply to areas with demand.

CARI is opposed to the construction of the high voltage transmission line that will extend from Oneida County to Orange County. NYRI will provide electricity at a lesser rate to the downstate area. In an effort to respond to NYRI's public relations efforts, CARI has developed a website, www.caricoalition.org and encourages the public to visit the site.

Through financial commitments from partners as well as contributions and pledges from towns and citizen groups CARI has received \$334,500 to date of which \$320,000 has been received from counties. CARI is requesting a second round of contributions from member counties to fund NYRI's opposition efforts. Chenango, Madison, and Oneida Counties have already approved additional funding, Sullivan County will be voting to approve additional funding within the week.

In answer to Chairman Eisel, Ms. Brown said that member counties have agreed to match their initial contribution of \$50,000.

Ms. Brown explained in response to Mr. Bachler, that CARI opposed an article published by NYRI about providing access to wind energy to the upstate New York region. CARI argued

that the article was not scientifically sound and should not be accepted by the public as truth.

In reply to Mr. Marshfield, Ms. Brown stated that NYRI is making the claim that the existing transmission lines aren't sufficient enough to meet the projects needs.

Mr. Bracci questioned if there is a viable alternative to this proposed project. Ms. Brown stated many solutions have been presented, citing the Marcy South lines which are not being used to their full potential and the Thruway as an alternate route. She referenced the Governor's plan to regulate energy use for New York State and said that NYRI's project is jumping the gun.

Mr. Marshfield noted that the Governor announced his energy policy and in part it states that there will be no new nuclear plants and that he is very strong on renewables, which includes wind. He didn't believe there was any mention of NYRI's transmission lines. He expressed concern that an alternate route might be running lines through right-of-ways that currently exist.

Mr. Douglas pointed out that the current going from up north down south is high voltage direct current. He said the transmission lines will run through our counties but, we will not have the advantage of taking any of the power. In his opinion, NYRI's project is not only hurting our area, but we will see no advantage from the 490 miles of transmission lines.

Mr. Cunningham said there have been many alternatives kicked around but, from his perspective, it makes sense to have the areas where the need exists consider generating the power closer to home instead of looking elsewhere.

Chairman Eisel agreed and felt if there is a need a power plant should be built downstate or consideration should be given to using the Marcy South line to its full potential first.

Mr. Maddalone commented that he understood NYRI's project will take off 90 percent of the excess electric generation to New York City. If this is the case, should upstate New York gain industry, there wouldn't be sufficient power to run the businesses. He felt the line would impact economic development in the upstate area. Ms. Brown noted that the line would cause upstate to pay a higher rate for their power should there be economic growth in this area.

Mr. Homovich commented that if CARI is successful and NYRI is unable to put up their transmission lines the upstate area will be impacted by the possibility of developing the Marcy South line. Ms. Brown said that possibility does exist. She said the reason the NYRI project comes to the forefront is it will not alleviate any of the congestion that currently exists. It is a project that starts and ends in the middle of nowhere and will lead to more problems than it will solve. In light of the Governor's intent to release a new energy plan, she felt the time was right for the upstate communities to sit down with the Governor to discuss their concerns.

Mr. Douglas noted it is important to remember that NYRI is a private-for-profit company. As far as it is possible, we need to fight this and win at the state level. Fighting NYRI at the

federal level will be much harder.

Ms. Brown pointed out that 65 percent of CARI's funding has been spent on PSC Article VII Proceedings, about 15 percent on litigation between NYRI and New York State and 20 percent on the federal level.

In answer to Mr. Valente, Mr. Cunningham said that additional funding is needed to continue the opposition for the long haul. He felt it would be best to win at the state level because the higher up you go the less they care about the people.

Chairman Eisel asked why the lines can't be buried. Ms. Brown said that NYRI is arguing that putting the lines underground will make the project too expensive. She advised there are incentives to guarantee that companies will recoup their construction costs up to \$3 billion available. Ms. Brown added that CARI's attorneys are looking into why NYRI isn't offering to bury the lines if the federal government is willing to reimburse them for their construction costs.

Mr. Douglas noted the cost of NYRI's project is \$1.6 billion.

Chairman Eisel thanked the CARI representatives for their informative presentation. Mr. Cunningham thanked Delaware County for their support. He said that Mr. Rowe is working very hard to represent Delaware County and hoped that the Board would consider favorably Resolution No. 108.

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

RESOLUTION NO. 106

**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 percent of its expenditures

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

INCREASE REVENUE:

| | | |
|-------------------------------|------|--------------|
| 10-16141-44464100/6141007/971 | HEAP | \$190,888.00 |
|-------------------------------|------|--------------|

INCREASE APPROPRIATIONS:

| | | |
|-------------------------------|----------|--------------|
| 10-16141-54342040/6141007/971 | HEAP NPA | \$190,888.00 |
|-------------------------------|----------|--------------|

The resolution was seconded by Mr. DuMond and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 107

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

WHEREAS, the Delaware County Fire and Emergency Service 300 watt low band radio transmitter located on Johnson Hill has failed; and

WHEREAS, the transmitter was in service since 1986 and the necessary parts to make repairs are no longer available; and

WHEREAS, a temporary borrowed transmitter has been installed, however its condition is making it difficult for local fire and EMS personnel to hear and understand messages being transmitted at a very low wattage

THEREFORE, BE IT RESOLVED that the following transfer be authorized for the purchase of a low ban radio transmitter

| | | |
|---------------------|-------------|-------------|
| <u>FROM:</u> | | |
| 10-0000-032889000 | 911 Reserve | \$13,500.00 |
| <u>TO:</u> | | |
| 10-13020-52200000 | Equipment | \$13,500.00 |

The resolution was seconded by Mr. DuMond and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 108

**TITLE: FUNDING FOR THE OPPOSITION TO THE
NEW YORK STATE REGIONAL INTERCONNECT PROJECT (NYRI)**

WHEREAS, Resolution No. 156 adopted at the June 21, 2006 Board meeting opposed the construction of a high voltage transmission line extending from Oneida County to Orange County, New York to provide electricity at a lesser rate downstate; and

WHEREAS, the transmission lines run through portions of Delaware County and have a

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

RESOLUTION NO. 109

**TITLE: 2007 BUDGET AMENDMENT
EXPENDITURE OF FUNDS
COUNTY INSURANCE**

WHEREAS, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2007, incidental liability claims, administrative costs and continued funding of the insurance reserve account

NOW, THEREFORE, BE IT RESOLVED that the following expenditures are authorized:

FROM:

| | | |
|-------------------------------|------------------------------|--------------------|
| 10-11325-54630000 | County Treasurer | \$800.00 |
| 10-11410-54350200 | County Clerk | 5,400.00 |
| 10-11620-54350200 | Buildings | 1,200.00 |
| 10-11620-54350200/1620004/975 | Buildings (ARC) | 6,000.00 |
| 10-13110-54350200 | Sheriff | 34,810.00 |
| 10-13140-54350200 | Probation | 20,000.00 |
| 10-13144-54350200 | Probation CSS | 900.00 |
| 10-13150-54350200 | Jail | 40,000.00 |
| 10-13315-54350100 | STOP DWI | 400.00 |
| 10-13640-54350200 | Emergency Service | 1,000.00 |
| 10-14010-54350200 | Public Health Nurses | 24,330.00 |
| 10-14012-54350200 | Public Health Nurses | 2,670.00 |
| 10-14189-54350200 | Emergency Medical Ser | 700.00 |
| 10-14310-54350200 | Mental Health Clinic | 10,000.00 |
| 10-14311-54350200 | Community Support Prog | 2,000.00 |
| 10-14313-54350000 | Kendra's Law | 1,000.00 |
| 10-14317-54350200 | Alcoholism | 4,500.00 |
| 10-14321-54350200 | Expanded Mental Health Prog | 500.00 |
| 10-16010-54350200 | Social Services | 40,000.00 |
| 10-16326-54350200 | Economic Dev | 550.00 |
| 10-16510-54350200 | Veteran's Service Agency | 1,180.00 |
| 10-16610-54350200 | Sealer of Weights & Measures | 390.00 |
| 10-16772-54350200 | Office for Aging | 2,600.00 |
| 10-18020-54350200 | Planning Department | 1,275.00 |
| 10-18740-54350200 | Watershed Affairs | 400.00 |
| 26-15130-54350200 | Highway Department | 98,800.00 |
| 22-18160-54350200 | Solid Waste | <u>\$26,000.00</u> |

Total \$327,405.00

INCREASE REVENUE:

10-19000-42280100 Interfund Revenue Insurance \$327,405.00

INCREASE APPROPRIATION:

10-11910-54350200 Unallocated County Insurance \$327,405.00

BE IT FURTHER RESOLVED, that any unexpended year end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating Transfer (out) for transfer to the Insurance Reserve Fund.

The resolution was seconded by Mr. Homovich and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 110

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

WHEREAS, there are anticipated unemployment costs incurred as a result of the sale of Countryside Care Center; and

WHEREAS, Resolution No. 97 adopted on April 11, 2007 did not include the unemployment insurance attributable to Countryside Care Center employees; and

WHEREAS, the estimated unemployment expense will be taken from the proceeds of the sale

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

FROM:

10-00000-21140001 Other Liabilities - Countryside Closing \$85,000.00

TO:

10-19000-42280100 Interfund Revenue \$85,000.00

BE IT FURTHER RESOLVED, that the following budgetary increases and authorized:

INCREASE:

| | | |
|-------------------|------------------------|-------------|
| 10-19050-58500000 | Unemployment Insurance | \$85,000.00 |
| 10-19000-42280100 | Interfund Revenue | \$85,000.00 |

The resolution was seconded by Mr. Haynes.

Mr. Marshfield commented that this expenditure was not unexpected and was figured from the beginning.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 111

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

LETTING OF APRIL 12, 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. 31-07 Survey Instrument to: Allen Precision Equipment, Inc.
1550 Boggs Road
Duluth, GA 30096

Bid Price: \$12,395.00

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. Woodford and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 112

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

WHEREAS, a Project for Harvard Road over East Branch Delaware River (BIN 3352730) in the Town of Hancock, Delaware County, P.I.N. 9753.05 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Right of Way work; and

WHEREAS, the County of Delaware has previously executed Master Federal Aid and Marchiselli Aid Project Agreement (D024573) and has appropriated \$10,000 for the Right of Way work.

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

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

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

IT IS FURTHER RESOLVED, that the sum of \$49,000 is hereby appropriated from 34-15112-54000000 and made available to cover the cost increase of participation in the above phase of the Project; and

IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Delaware County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and

the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

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

The resolution was seconded by Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter stated that the county is in an eminent domain situation.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 113

TITLE: AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

WHEREAS, under the provision 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 Sponsors in relieving hazards created by natural disasters that cause a sudden impairment of a watershed area; and

WHEREAS, the County of Delaware has agreed to enter into an agreement with NRCS to be the Sponsor of several farmland properties that were severely damaged as a result of the June 2006 flood; and

WHEREAS, the estimated costs for the repair of the said properties is \$424,078

THEREFORE, BE IT RESOLVED that the Chairman of the Board is authorized to enter into an agreement with NRCS to become the Sponsor for the following properties:

| <u>DSR No.</u> | <u>Description</u> | <u>Estimate</u> |
|----------------|--------------------|-----------------|
| D-WAC-502 | Phoenix Farm | \$263,620.00 |

| | | |
|-----------|--------------|--------------------|
| D-WAC-107 | Wayne Snyder | \$79,800.00 |
| D-WAC-501 | Herzog Farm | \$70,050.00 |
| D-WAC-106 | Dave Cobb | <u>\$10,608.00</u> |
| | Total | \$424,078.00 |

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield commented that he wished the list could be longer.

In answer to Chairman Eisel, Mr. Marshfield said the Watershed Agricultural Council is guaranteeing the 25 percent local share on these projects.

Mr. Bachler remarked that the projects submitted by the town of Meredith were turned down.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 114

TITLE: PROCLAMATION OF MAY AS MENTAL HEALTH MONTH

WHEREAS, emotional disorders will strike one in four Americans every year regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, mental health problems affect all ages including children, adults and senior adults; and

WHEREAS, one in five children suffer from a diagnosable mental health disorder and one in ten have a serious disorder which, if left untreated, can lead to school failure, juvenile delinquency, substance abuse, and even suicide; and

WHEREAS, senior adult males are the most likely age group to commit suicide and are one of the least likely population groups to seek treatment for depression; and

WHEREAS, the guiding principles of community-based mental health care have always been comprehensive, cost-effective, well managed, high quality consumer responsive services; and

WHEREAS, the Delaware County Community Services Board celebrates Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and the stigma that exists pertaining to persons with emotional disabilities;

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors proclaims May 2007 as Mental Health Month in Delaware County, and desires all residents of the county to become educated about the benefits and importance of good mental health care and to seek services for emotional problems early from mental health professionals.

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

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

RESOLUTION NO. 115

**TITLE: OBSERVANCE OF NATIONAL POLICE WEEK
SHERIFF'S DEPARTMENT**

WHEREAS, May 13 - 19, 2007, has been proclaimed "National Police Week"; and

WHEREAS, Public Law 87-54, passed by a Joint Resolution of the 87th Congress of the United States and signed into law by President John F. Kennedy, designates May 15th as Peace Officers Memorial Day in honor of federal, state, and municipal police and peace officers who have been killed or disabled in the line of duty. The calendar week of each year during which May 15th occurs is Police Week, and throughout the United States, police departments conduct community activities during this week and hold memorial services on May 15th; and

WHEREAS, all United States flags are to be flown at half-staff on May 15th "Peace Officers' Memorial Day" as a special tribute honoring the thousands of American law enforcement officers killed in the line of duty; and

WHEREAS, the citizens of Delaware County take this opportunity to publicly acknowledge the men and women in law enforcement who are prepared to surrender the supreme sacrifice in order to protect the common good.

THEREFORE, BE IT RESOLVED, that during the week of May 13 - 19, 2007, we acknowledge those who have chosen police work as their life's vocation. Their role is a silent one until they are needed. But once called into service, they are ever quick to respond, and vigilant and resourceful in their resolve. We are honored by their presence and mindful of their commitment.

The resolution was seconded by Mr. Bracci.

Mr. Maddalone commented that the events leading up to the shooting of three police officers today demonstrate the importance of this resolution.

The resolution was unanimously adopted.

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

RESOLUTION NO. 116

**TITLE: AUTHORIZING DELAWARE COUNTY TO PARTICIPATE IN THE
FLOOD ASSESSMENT RELIEF ACT OF 2007
REAL PROPERTY TAX**

WHEREAS, Delaware County experienced catastrophic flooding in June of 2006, and

WHEREAS, Delaware County is one of several counties in the State of New York that were designated State and Federal Disaster Areas; and

WHEREAS, this flooding has negatively impacted the value of taxpayers' real property across the county to a value much lower than the tax roll reflects; and

WHEREAS, the State of New York has enacted the Flood Assessment Relief Act of 2007; and

WHEREAS, the County of Delaware wishes to assist residents of the affected municipalities by facilitating their inclusion in the provisions of the Flood Assessment Relief Act of 2007; and

WHEREAS, the Delaware County Board of Supervisors has until May 1, 2007 to pass legislation resolving to authorize qualifying municipalities to be included in the scope and coverage of the provisions of the Flood Assessment Relief Act of 2007; and

WHEREAS, refunds pursuant to this act shall be governed by section 556 of the Real Property Tax Law.

NOW THEREFORE, BE IT RESOLVED, that the County Board of Delaware County consents to be included in the scope and coverage of the Flood Assessment Relief Act of 2007; and

BE IT FURTHER RESOLVED, that should the County of Delaware refund the payments on behalf of the towns, villages and school districts; and

BE IT FURTHER RESOLVED, the town, village, school districts will reimburse the

County for the refund pursuant to Section 556 of the Real Property Tax Law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The resolution was seconded by Mr. Rowe.

In response to Mr. Meredith, County Attorney Richard Spinney stated that the county through this resolution, is authorizing the inclusion of the towns and villages but, it would not hurt for the town of Walton to pass a similar resolution.

Real Property Tax Services Director Michael Sabansky explained that the county needs to receive written consent that the taxing jurisdiction wishes to participate in the program. Prior to opting in, the county must obtain the written consent of any taxing jurisdiction which it has reason to believe had at least ten properties whose values were diminished as a result of the flooding. Properties are defined in the law as structures, not just dwellings. They can be residential or commercial.

Chairman Eisel commented that towns should get their letter in whether or not they have ten properties. There is \$5 million dollars available and if there are funds left it may be possible that towns that do not meet the criteria can apply.

Mr. Sabansky noted the complete rules are not in place yet however, there is nothing in the law that prevents a taxing jurisdiction from giving written consent to the county if it has less than ten properties.

In answer to Mr. Rowe, Mr. Sabansky stated that May 1st is the deadline for participation in the flood relief program.

The resolution was unanimously adopted.

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

RESOLUTION NO. 117

**TITLE: OPPOSING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY
PROPOSED GRANT TO THE CITY OF NEW YORK FILTRATION
AVOIDANCE DETERMINATION FOR TEN YEARS**

WHEREAS, the County of Delaware is a district within the New York City Watershed;
and

WHEREAS, the County of Delaware is a signatory to the Watershed Memorandum of Agreement (MOA); and

WHEREAS, said MOA required historic recreational uses be authorized on any lands the City of New York purchases in the watershed; and

WHEREAS, the City of New York has failed substantially to honor that essential commitment; and

WHEREAS, that failure has diminished tourism and economic development in the watershed; and

WHEREAS, the City of New York has opposed economic development projects within the watershed; and

WHEREAS, it is difficult for local officials to work with the City of New York on various projects, specifically, it is often difficult to receive a clear answer from the City without multiple meetings or telephone calls; and

WHEREAS, City personnel need to recognize that local officials are part-time officials who typically hold down other, full-time, non governmental jobs and do not have the time to visit the same issues over and over again like the City, which its employees have the ability to do; and

WHEREAS, localities within the watershed have commented on the FAD and those comments have largely not been incorporated into the proposed FAD; and

WHEREAS, the City has not properly maintained their dams in the past, and such failure has caused an emergency repair job at the Schoharie Reservoir - thereby shifting billions of gallons of water into other waterways, and has caused flooding; and

WHEREAS, the simple fact is the County of Delaware believes a 10 year FAD, no matter how much acreage the City of New York acquires, will lead to an arrogance on the part of the City and a significant and sharp deterioration of the relationships the City has, as of late, been working to develop with the municipalities of the watershed; and

WHEREAS, it is strongly believed that a balanced relationship requires a review of the FAD at least every five years;

NOW, THEREFORE BE IT RESOLVED, that the County of Delaware strongly and unequivocally opposes the EPA's proposed 10 year FAD and demands the EPA reduce the FAD to a term not to exceed five years; and further demands that the EPA:

1. Incorporate into the FAD those comments made by municipalities within the watershed with respect to those municipalities;
2. Hold hearings on flooding within the watershed and in adjoining areas;

3. Require the City of New York to open up its lands within the watershed for recreational purposes on par with the lands owned by the State of New York, except for land which should be protected as a result of legitimate security/public safety concerns;
4. Require the City of New York to create voids within its reservoirs to take into account the effects of rain and melting snow;
5. Require the City of New York to fund the Coalition of Watershed Towns in an amount adequate to establish an ombudsmen program run by the Coalition to advocate for municipal needs;

BE IT FURTHER RESOLVED, that the County of Delaware hereby requests that United States Senators Schumer and Clinton, along with Congress members Hinchey and Gillibrand introduce and secure the passage of legislation to prohibit the EPA's granting of a FAD for a term greater than five years and take action to administratively oppose the EPA's 10 year FAD proposal;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Governor Eliot Spitzer, Senator Charles Schumer, Senator Hillary Rodham Clinton, Congresswoman Kristen Gillibrand, Congressman Maurice Hinchey, and Senator John Bonacic and the Coalition of Watershed Towns.

The resolution was unanimously seconded.

Chairman Eisel referenced the press release from Senator John Bonacic pointing out that State Senators John Bonacic and James Seward and Assembly Members Clifford Crouch and Peter Lopez are as much opposed to the proposed ten year Filtration Avoidance Determination (FAD) for the City of New York's drinking water supply as we are.

The Catskill Watershed Council (CWC) sits together with the City and agrees under the MOA to participate for the sake of all the communities. Chairman Eisel said everyone was blind sided by the decision made by the state and the environmentalists, along with the Environmental Protection Agency (EPA). We are opposed to this decision because we were not part of the dialogue and feel we are nothing more than indentured servants for the next ten years.

Chairman Eisel called on Commissioner of Watershed Affairs Dean Frazier to address issues relating to this resolution.

Commissioner Frazier explained this decision affects more than the FAD, it challenges the spirit of partnership including the MOA and the Land Acquisition Permit. The residents of the watershed who live and work here and have a vested interest in this decision have been overlooked in order for the environmental groups to get what they want. Water quality is not just

protected through regulations, local commitment is needed. The people of Delaware County have a history of excellent environmental stewardship and they continue to demonstrate their commitment.

Commissioner Frazier discussed the various dealings and agreements made with the City and other groups. He concluded with a challenge to the environmental groups, the state, City and feds to give us the funds we need with no strings attached. Delaware County has made commitments that clearly benefit nine million water consumers. He believes the decision to review the FAD every ten years is unacceptable as is the process used to reach the decision.

In response to Mr. Bachler, Commissioner Frazier referenced a map pointing out that the light blue areas around the reservoirs is land owned by the City before the MOA.

Chairman Eisel said the light blue areas are significant because it shows the amount of land the City owns. He expressed concern that presentations detailing the needs of the towns in the watershed area have fallen on deaf ears. He cited two concerns, one that the City might begin condemning properties when there are no longer willing sellers and the other, the City would grant some of the land to land trusts and then the land would come off the tax rolls.

Mr. Bracci said the City has \$300 million to buy property and Delhi is right on their radar. In his opinion, we need to oppose FAD and be more militant.

Mr. Ryan agreed with Mr. Bracci and felt that stronger more significant action needs to be taken.

Mr. Shelton said he went through six and half years of negotiating with the City. He has heard people say that we have settled for too little, but it is not as easy as you think it is to deal with the City.

Chairman Eisel acknowledged that the funding Delaware County receives from the City is a tremendous help. However, it is wrong of these environmentalists to think that the only way to pristine water is to own all the land. Owning around the reservoirs is more than enough.

Mr. Meredith said that we need to show that there is no science behind land purchasing equaling better water quality. We have to fight this.

Mr. Hynes commented that if we believe economic development is vital to Delaware County than we should be doing it on our own instead of looking for funding.

Commissioner Frazier advised that we need to take our issues to the Coalition and demand they fight them for us.

Mr. Marshfield said that the town of Hamden has fought for what they felt was right.

There are 38,000 acres in the town of Hamden, 30,000 of them are unbuildable. When he made his presentation to the EPA he called for the ceasing of anymore land purchases for the MOA. It appears his words fell on deaf ears as they are doing whatever they want. He doesn't feel the City has been a true partner and he sees more negatives than positives with a ten year FAD. He strongly recommended that everyone get together and comment to the EPA and back our legislators in an effort to get the decision reversed to a five year program.

Mr. Rowe referenced an article from the New York Post. The article stated that included in the ten year FAD is a program that will chase birds off the reservoirs so they don't poop in and pollute the water. To accomplish this they will use loud motorboats, air boats and pyrotechnics. He said we're fighting for historical land uses and economic development and these people are chasing birds, in his opinion it is ridiculous.

Mr. Bracci remarked that we should tell the City their water quality should be tied to our economic development.

Chairman Eisel said that comments will be put together through Commissioner Frazier's office and a sample letter will be provided to the Supervisors. He encouraged each town to pass a similar resolution and send it on accordingly.

The resolution was unanimously adopted.

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

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

RESOLUTION NO: 118

TITLE: APPOINTMENT PERSONNEL OFFICER

BE IT RESOLVED that pursuant to Article 2, Section 15 of the Civil Service Law, Leonarda Storey is hereby appointed as Delaware County Personnel Officer for a six year term effective April 28, 2007 and ending April 27, 2013 at the salary of \$56,610.00 per annum.

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

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

RESOLUTION NO. 119

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$726,507.05 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 | \$294,693.13 |
| Countryside Care Center | \$4,390.21 |
| Jail | \$590.41 |
| OET | \$16,549.15 |
| Highway Audits, as Follows: | |
| Road | \$51,255.96 |
| Machinery | \$81,823.34 |
| Capital Road & Bridge | \$51,911.20 |
| Capital Solid Waste | \$157,481.28 |
| Solid Waste/Landfill | \$67,812.37 |

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4604, Noes 0, Absent 202 (Donnelly, Molé.).

Upon a motion, the meeting was adjourned at 3:50 P.M.