

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 23, 2007

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 23, 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 Ms. Molé and Mr. DuMond.

Mr. Donnelly offered the invocation.

Mr. Utter 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 and advised that a copy of the Delaware County 2007 Directory of County, Town and Village Officials has been placed in each of the Supervisor's desk. Additional copies are available at the office of the Clerk of the Board.

Chairman Eisel granted privilege of the floor to Mr. Hynes who introduced Director of Planning Nicole Franzese.

Ms. Franzese stated that the Southern Tier East Regional Planning Development Board (STERPDB) in collaboration with the County Planning Department and local planning boards will be offering training programs which will help members of various planning boards obtain the training required to complete the 2010 Census.

Ms. Franzese introduced Southern Tier East Regional Planning Development Board Director Robert Augenstern to discuss the 2010 Census.

Mr. Augenstern advised that the Census Bureau will be writing to the towns asking for their assistance in accomplishing the Local Update of Census Address (LUCA). The letter will offer the town various options and will require a reply. The STERPDB is suggesting the towns select option one which will provide the most flexibility and preserve their right to appeal the final census housing counts and any undercount.

He explained that the 2010 Census will count the population where they are as of April 1, 2010. The Census Bureau will be using the American Community Survey (ACS) which is a

continuing survey. ACS is not tied to a specific date and provides a year round survey which may be helpful in capturing the seasonal population.

Over the next two years, the Census Bureau will be refining the current methodology by which the 2010 Census will be taken. The proposed changes could have a major impact on New York State and counties, like Delaware, that use a weighted voting system which is based upon census returns. He believed at this point, it is estimated that the impact on New York State could be the loss of one to two congressional seats.

In conclusion, Mr. Augenstern referenced his handout, the March 2007 Regional Digest which provided a schedule of dates and an overview of the LUCA review process.

Mr. Donnelly remarked that the census is a very important tool but, the towns don't have the extra staff to do the work that may be required by the Census Bureau. Mr. Augenstern explained that STERPDB plans to utilize their existing staff and with the help of a small grant to hire an intern. In addition, he referenced a program termed, Triage, which will attempt to identify housing units that have one street address, but in fact are multiple dwellings. In rural areas there may be units that share addresses, such as larger homes that have been divided into apartments and are reported as a single street address or college off campus housing. In those towns where there is little development the action taken may simply be an update to previous census estimates.

Chairman Eisel expressed concern that the county's snowbirds are receiving a census form at their Delaware County address as well as their second home address. He feels that Delaware County is losing these people because they are completing their form at the residence they are located at that time. Mr. Augenstern hoped ACS (the continuing survey method) would pick up some of the seasonal population. He added that as part of the LUCA update process towns are being asked to include addresses for their seasonal residences. He said it is up to the individual to decide which home will be counted as their primary residence.

Mr. Bracci pointed out that the town of Delhi has approximately 3,000 college students, however, the census only identifies 900. Mr. Augenstern explained that the census forms are only mailed to known street addresses, and unfortunately, college dormitories don't always have multiple street address. He encouraged the towns to speak with the colleges to educate the students about the importance of identifying their off campus housing as their primary residence. He felt that a good training program will help the census workers identify housing units with more than one occupant. Mr. Augenstern encouraged the towns to participate in the LUCA process to preserve their right to appeal the 2010 Census based on the housing units.

Mr. Donnelly questioned why a federal program could not regulate how many census forms an individual receives. Mr. Augenstern said that the Census Bureau doesn't have a means of determining seasonal people or vacant units and that is why it is very important that the LUCA process is completed and the census workers receive proper training.

In answer to Mr. Homovich, Mr. Augenstern stated that the census is a constitutional requirement for the House of Representatives. Mr. Homovich questioned if the information collected from the census could be used to track the number of people who are in this country illegally. Mr. Augenstern explained that the census is primarily done by mail but, it's followed up by a physical visit if there has not been a return. He referenced Chapter 13 which relates to the federal laws governing the Census Bureau regarding confidentiality. The information a person provides the Census Bureau is confidential and there are criminal penalties if the information is misused.

Chairman Eisel granted privilege of the floor to Mr. Hynes who introduced Republican Commissioner of Elections William Campbell to discuss Resolution No. 133 which will be introduced later in the meeting concerning the New York State Voter Registration database.

Commissioner Campbell explained that in order to become compliant with the New York State Voter Registration database as required by the Help America Vote Act (HAVA), the county will be required to purchase new software and equipment that will enable our registration systems to connect to the state wide data base. Previously, the cost given to the counties to meet this requirement was \$130,000. In response to requests for financial assistance the New York State Board of Elections has provided funding in the amount of \$100,000.

After researching the three companies that provide software that meets the New York State requirement, the Board of Election Committee and the Commissioners of Elections decided to contract with NTS Data Services, LLC. NTS is a New York State based provider of voter registration software that currently services forty-eight out of the sixty-two counties in New York State. The software, which has been specifically developed for New York State Boards of Election meets the New York State Election requirements. NTS has begun pilot testing the NYS Voter-II database with Niagara, Onondaga, Oswego and Schenectady Counties. These counties have advised that they are very happy with NTS and the software. Resolution No. 133 asks for the Board's approval to enter into a contract with NTS Data Services, LLC.

In answer to Mr. Meredith, Commissioner Campbell said that the county will be charged \$12,000 a year under the terms of the maintenance contract for five years. The first year of the contract will be paid for by the grant funding, the remaining four years will be the county's responsibility. At the conclusion of the five years, the maintenance agreement will be renegotiated. County Attorney Richard Spinney explained that the maintenance fee is a licensing fee which allows the county to use the software.

In response to Mr. Hynes, Mr. Campbell said the software will enable the BOE to produce and complete reports and other functions that are now being done with the help of the Information Technology Department. In addition, the software should make the job of registering people and managing their movement less time consuming and may eliminate the need to hire additional personnel.

In answer to Mr. Valente, Commissioner Campbell stated that the process for the person registering will remain the same and at this time, there is no indication that any of the forms will change.

Director of Information Technology Joe DeMauro explained that currently, all the voter information is owned by the county, with the new HAVA requirement, the information will be owned by New York State. The county will have to download the poll list from the state which will eliminate voters being registered in other counties.

Commissioner Campbell said that when the state first merged all the counties in the state, the BOE received thirteen pages of duplicate voters. To prevent this, every voter in the state will now have an identification number and the new software should keep this from happening in the future.

In reply to Chairman Eisel, Commissioner Campbell advised that to his knowledge the new requirements will not change the way the BOE provides information. He pointed out that it is up to the BOE to determine what information will be provided when a list is requested, for example, the BOE by state law doesn't provide a persons date of birth or automobile registrations. The BOE tries to use common sense and relies on the County Attorney for a consistent approach to confidentiality issues.

Mr. Valente questioned what determines a primary residency for voters. Commissioner Campbell explained that the BOE law defines residency as "where the primary focus of one's life is." The BOE will consider such things as, where one pays their income tax or where their children go to school when making a decision. There has to be a primary residence for each voter but, it gets difficult when an individual owns more than one home.

Mr. Valente noted that he has spoken with residents from the town of Davenport who own property in other states. Florida, for example, has the Homestead Act, which offers full-time residents a substantial tax reduction that is not available to the second home owner. Some choose to change their primary residency for that reason.

For Standing Committee Reports, Public Works Committee Chairman Leonard Utter announced that residents of Delaware County can pick up compost at the Solid Waste Management Center every Wednesday and Saturday.

In response to Mr. Valente, Mr. Utter stated the compost is not suitable for some uses, such as in a vegetable garden.

Mr. Rowe advised that Solid Waste Management has prepared an information pamphlet about the compost and encouraged residents to read it prior to using the compost.

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

RESOLUTION NO. 129

**TITLE: 2007 BUDGET AMENDMENT
WATERSHED ENVIRONMENTAL ASSISTANCE PROGRAM WEST BRANCH
DELAWARE RIVER STREAM RESTORATION PROJECT
WATERSHED AFFAIRS**

WHEREAS, the County has been awarded a \$747,757 Watershed Environmental Assistance Program grant from the U.S. Army Corp. of Engineers, to implement the West Branch Delaware River Stream Restoration Project as part of the ongoing Delaware County Action Plan over a one year period; and

WHEREAS, the requisite match is identified and committed through cash and in-kind sources from the Delaware County Soil and Water Conservation District, the New York City Department of Environmental Protection, the Village of Walton, the Delaware County Department of Planning, and the Delaware County Department of Watershed Affairs.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby authorizes the Chairman of the Board to enter into a contract, identified as the Project Cooperation Agreement, with the U.S. Army Corp. of Engineers to conduct this work; and

BE IT FURTHER RESOLVED, that the estimated 2007 budget be amended as follows:

ESTIMATED REVENUE:

10-18741-44498900-8740028-900	Army Corps of Engineers	\$747,757.00
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APPROPRIATIONS:

10-18741-51000000-8740028-900	Personal Services	\$3,833.00
10-18741-58300000-8740028-900	Social Security	\$257.00
10-18741-58900000-8740028-900	Medicare	\$60.00
10-18741-54327465-8740028-900	Contingency	\$8,500.00
10-18741-54327625-8740028-900	Travel	\$150.00
10-18741-54327422-8740028-900	Outreach	\$200.00
10-18741-54327595-8740028-900	Supplies	\$257.00
10-18741-54327200-8740028-900	Contractual	\$734,500.00

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

In response to Mr. Marshfield, Commissioner of Watershed Affairs Dean Frazier stated the funding has been designated for projects on Terrace Avenue and South Street in Walton.

The resolution was adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé,

DuMond).

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

RESOLUTION NO. 130

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

LETTING OF MAY 16, 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. 33-07 Bobcat T190 Compact Track Loader to: Springers Inc.,
Bobcat of Oneonta
65 Oneida St.
Oneonta, NY 13820

Bid Price: \$37,279.00

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 4599, Noes 0, Absent 207 (Molé, DuMond).

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

RESOLUTION NO. 131

**TITLE: STANDARDIZATION OF TELEHEALTH EQUIPMENT
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, General Municipal Law Section 103(5) authorizes counties to standardize purchase contracts for a particular type of equipment in the interest of efficiency or economy; and

WHEREAS, the county has assessed a variety of telehealth equipment and telehealth vendors have provided equipment demonstrations to the Public Health Advisory Committee; and

WHEREAS, the Viterion telehealth equipment was found to be easy to use with a portable and compact design which is user friendly; and

WHEREAS, the equipment uses a secure web based data base system which is HIPAA compliant and does not require the purchase of a central monitoring unit; and

WHEREAS, Viterion uses unified software that allows for advances in telehealth monitors; and

WHEREAS, results may be shared with authorized physicians and other providers through the Web-based Viterion Network; and

WHEREAS, standardizing on one manufacturer will reduce the parts inventory as well as making attachments interchangeable among telehealth units

NOW, THEREFORE BE IT RESOLVED that Public Health Nursing Service is hereby authorized to standardize its telehealth equipment to Viterion.

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

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

RESOLUTION NO. 132

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

WHEREAS, a Project for the Storm of November 16, 2006, Multiple Locations on County Routes 21 and 23, Delaware County, PIN 9890.54 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds; and

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

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

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

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

County of Delaware to pay in the first instance 100% of the Federal share of the cost of Construction and Construction Inspection work for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$247,944 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and

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

IT IS FURTHER RESOLVED, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

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

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

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé, DuMund).

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

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

RESOLUTION NO. 133

**TITLE: 2007 BUDGET AMENDMENT
BOARD OF ELECTIONS
INFORMATION TECHNOLOGY**

WHEREAS, all counties need to comply with the New York State Voter Registration database which is part of Help America Vote Act (HAVA); and

WHEREAS, the county will need to purchase software and equipment in order to be compliant; and

WHEREAS, currently 48 of the 62 counties in New York are utilizing NTS Data Services, LLC to meet their software needs; and

WHEREAS, the State of New York realizes the financial impact this causes on the counties and is providing a grant of \$100,000 to assist with the purchase and whereby the county will only need to pay a \$12,000 maintenance fee per year for the next four years

THEREFORE, BE IT RESOLVED that the Board of Elections is hereby authorized to enter into contract with NTS Data Services, LLC to meet the Board of Election software needs; and

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

INCREASE REVENUE:

10-11450-43308000	State Board of Elections Grant	\$100,000.00
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INCREASE APPROPRIATION:

10-11450-54327580	Board of Elections - Grant Software	\$100,000.00
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TRANSFER FROM:

10-11650-54180000	Central Communication Systems	\$28,409.91
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TRANSFER TO:

10-11680-52200000	Information Technology - Equipment	\$15,963.83
10-11450-52200000	Board of Elections - Equipment	\$12,446.08

The resolution was seconded by Mr. Homovich and adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé, DuMund).

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

RESOLUTION NO. 134

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

LETTING OF MAY 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, pending receipt of necessary Right of Way releases and County Attorney approval thereof, to the lowest bidder meeting specifications as follows:

PROPOSAL NO. 23-07 Replacement of Abutments, BR 151, George Road over Dry Brook, Town of Middletown, County of Delaware to:

Delaney Construction Corp.
2736 St. Hwy 30
Gloversville, NY 12078

Bid Price: \$515,515.50

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. Haynes.

Mr. Utter explained this project is pending receipt of the necessary right-of-ways from the town of Middletown, the owner of the property the bridge abuts and the owner of the stream. Commissioner of Public Works Wayne Reynolds has written to the stream owner and is awaiting reply.

The resolution was adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé, DuMund).

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

RESOLUTION NO. 135

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

LETTING OF MAY 16, 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. 32-07 TRAILER MOUNTED CELLULAR CONCRETE MIXER &

PUMP:

Cellular Concrete, LLC
521 Schantz Road
Allentown, Pa. 18104

Bid Price: \$41,900.00

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. Rowe.

Mr. Utter pointed out that the Department of Public Works (DPW) hadn't budgeted for the purchase of this equipment. However, when considering the projects around the county and the cost of renting a mixer, it made sense to purchase rather than pay rent. The contract with the U.S. Army Corp of Engineers provides funding for the county to rent the equipment necessary to complete the project funded through their program. As a result, a portion of the cost of this mixer will be reimbursed to the county through the rental payments allowed by the U.S. Army Corp of Engineers and the mixer will be an asset to the county.

In answer to Mr. Meredith, Mr. Utter stated that the low bidder wasn't awarded because the mixer they bid didn't have the pump feature. He explained that the pumping feature helps the product go further and yields a smoother and firmer end product.

The resolution was adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé, DuMund).

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

RESOLUTION NO. 136

**TITLE: SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

RESOLVED that the following described parcels of tax acquired property be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

DAV05TX.029

ASSESSED TO:

**ELAINE C MULLANY - TRUSTEE FOR FERGUS J
MULLANY**

TOWN OF:

122600:DAVENPORT

TAX MAP NO:	17.-4-8
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	4.55A ACRES
CONVEYED TO:*	ELAINE C MULLANY-TRUSTEE FOR FERGUS J MULLANY OR *FERGUS J MULLANY 217 RIDGE ST PEARL RIVER NY 10965
CASH CONSIDERATION:	\$1,153.13
TAX DEFICIT:	\$796.44

*Upon approval by County Attorney

HAN05TX.057

<u>ASSESSED TO:</u>	<u>WILLIAM J SCHOONMAKER</u>
TOWN OF:	123689:HANCOCK
TAX MAP NO:	430.-1-15.12
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	2.00A ACRES
CONVEYED TO:	WILLIAM J SCHOONMAKER 428 PENNSYLVANIA AVE HANCOCK NY 13783
CASH CONSIDERATION:	\$1,007.49
TAX DEFICIT:	\$670.22

HAR05TX.020

<u>ASSESSED TO:</u>	<u>THERESA VALLONE & ROBERTA DICK</u>
TOWN OF:	123889:HARPERSFIELD
TAX MAP NO:	27.-1-46.2
SCHOOL DISTRICT:	125201:STAMFORD
ACREAGE:	1.66A ACRES
CONVEYED TO:	THERESA VALLONE & ROBERTA DICK PO Box 1032 SOUTH FALLSBURG NY 12779
CASH CONSIDERATION:	\$1,434.00
TAX DEFICIT:	\$1,073.47

STA05TX.017

ASSESSED TO:

ROBERT LA ROCHELLE

TOWN OF:	125289:STAMFORD
TAX MAP NO:	69.17-1-1
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	230.00'F x 268.00'D ACRES
CONVEYED TO:	ROBERT LA ROCHELLE 50 RIVER STREET STAMFORD NY 12167
CASH CONSIDERATION:	\$357.15
TAX DEFICIT:	\$144.03

STA05TX.018

ASSESSED TO:

ROBERT LA ROCHELLE

TOWN OF:	125201:STAMFORD
TAX MAP NO:	69.17-2-15
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	2.60A ACRES
CONVEYED TO:	ROBERT LA ROCHELLE 50 RIVER STREET STAMFORD NY 12167
CASH CONSIDERATION:	\$11,251.58
TAX DEFICIT:	\$9,528.90

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé, DuMund).

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

RESOLUTION NO. 137

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,366,744.44 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	\$1,010,715.90
Jail	\$121.72
OET	\$26,520.97
Countryside Care Center	594.47

Highway Audits, as Follows:

Road	\$69,391.16
Machinery	\$66,655.96
Capital Road & Bridge	\$83,350.24
Capital Solid Waste	\$13,189.20
Solid Waste/Landfill	\$96,204.82

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4599, Noes 0, Absent 207 (Molé, DuMund).

Chairman Eisel appointed Ray Christensen to the Agricultural and Farmland Protection Board.

Upon a motion, the meeting adjourned at 2:07 P.M.