

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 24, 2007

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 24, 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. Hynes.

Mr. Donnelly offered the invocation.

Mr. Valente 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 noted that County Clerk Sharon O'Dell was attending a meeting in Cortland, New York regarding Governor Spitzer's proposal to give driver's licenses to illegal immigrants. A petition prepared by Mrs. O'Dell in opposition to the Governor's proposal was passed to each Supervisor for their signature. The petitions will also be posted in County buildings for anyone desiring to sign. Chairman Eisel remarked that Mrs. O'Dell is doing all she can to stop the Governor's proposal.

Chairman Eisel granted privilege of the floor to Agriculture and Natural Resources Committee Chairman Frank Bachler. Mr. Bachler noted that the presentation given today is very special to him as it is honoring agriculture and farmers, especially the young farmers. He asked that Clerk of the Board Christa Schafer read Resolution No. 230 entitled Support for Agriculture and Farm Families at the conclusion of the presentation. He thanked the farmers for taking time from their day to attend the meeting.

Mr. Bachler introduced Cornell Cooperative Extension Agricultural Program Leader Mariane Kiraly and Amy Kenyon, who serves on the Board of Farm Catskills.

Ms. Kenyon explained that Farm Catskills is a non-profit organization based in Delaware County that is dedicated to preserving and promoting agriculture in the region. The organization works to support the families who work the land as well as protecting the land itself.

There are about 700 farmers in Delaware County. Although farming is considered a risky venture, it is relatively stable in Delaware County and continues to generate about \$50 million in sales annually. Agriculture has the highest "multiplier effect," meaning the money

turns around in the county more than any other type of business. Agriculture generates more income than tourism, home building or retail sales for the county.

Ms. Kenyon asked the Board to provide funding for an economic development specialist devoted to agriculture. She explained that according to the Department of Agriculture and Markets, the counties that have made this investment have had the greatest success in implementing their Farmland Protection Plan and developing new agricultural development. A great deal of investment and time goes into economic development to encourage small business growth. There are more than 40 full-time farmers under the age of 40 in Delaware County. This is an indication that many families want to invest and build their farming business in the County.

She pointed out that Farm Catskills is researching a tool being used in other states called “affordability easement.” The basic concept is the New York City Department of Environmental Protection needs to make farmland affordable for farmers to purchase, rather than taking it out of agriculture. Farm Catskills is asking New York City to put \$10 million into a pilot program from the \$300 million they plan to spend in the region buying land and easements.

New York State has made funding available for each town to develop its own farmland protection plan. These funds will allow a town to go into much more detail about what land should be protected for farming and what land should be available for commercial or residential development. Adopting these plans at a town level could give each town more leverage with the City and State.

Ms. Kenyon stated agriculture is alive and well and can continue to be far into the future. She thanked the Board for their continued support.

Mrs. Kiraly explained her involvement with farm families is to help them with paperwork and lease agreements and be available if they require help with other issues. She talked about farmers under the age of 35 and the difficulty they face in pursuit of their agricultural endeavor. Many of the young farmers have to secure loans and rent a facility to farm. For most, this requires a lengthy process usually with the federal government or with a local bank for a federal guaranteed loan as farm loans are considered risky.

Much of the products produced on Delaware County farms are sold outside the county but, the money the farmers earn is most often spent inside the county, generally on products purchased to facilitate the farm. She pointed out that when the farmers prosper, so do support industries such as feed companies, seed suppliers, veterinarians and other businesses that support agriculture.

Mrs. Kiraly introduced the farmers in attendance by town and offered a summary of their farming contributions to Delaware County. She also introduced Agricultural Teacher and Future Farmers of America (FFA) advisor Mike Cipperly. Mr. Cipperly stated that there are fifty-five students in the agricultural program and the seven students in attendance are the ones who are seriously considering farming as their occupation.

Jacob Burgin, who farms on a multi-generation farm in Fraser, referenced a statement from a book entitled *The Rest of The Story about Agriculture Today* by Dr. Harold Willis, supporting the point that farming is an economically positive business. The book points out that the gross income earned by farmers for their raw commodities when spent by them generates about seven dollars of income in the economy for each dollar spent and this seven to one ratio has held true since 1921.

Mr. Utter remarked that farming is one of the greatest professions of mankind. He was moved by the farmers that made the decision to raise their families on the farm. He spoke of the joys of raising his family on the farm and the sadness he feels in not being able to farm like he once did. He remarked that his farming experience prepared him well for the work he did and encouraged the farmers to value their training on the farm because everything done on the farm opens the door to another profession. He thanked the farmers for coming to the meeting and gave them his blessings.

Mr. Bachler stated that he loves farming. He commented that farming fosters a good work ethic and teaches the value of a dollar at a very young age. He thanked Mrs. Kiraly and Ms. Kenyon for their presentation and the farmers for coming to the meeting.

Chairman Eisel commented that the Board is very appreciative of the farmers and aware of the financial impact farming has in Delaware County. In his personal business when there was a need to hire a person he would hire a farmer because he knew he would have a good person. He added that he believes in the family farm and hopes that farming will come back stronger than ever.

Office of the Aging Director Thomas Briggs pointed out that the Planning, Recreation Culture and Community Committee approved an additional \$5,000 to the Senior Meals program specifically for the purchase of locally grown food.

Mr. Donnelly thanked the farmers for desiring to do a job that so many people take for granted. He regrets that in the town of Andes he has witnessed the decline of the family farms. He thanked the farmers for attending the meeting and extended special thanks to farmer Joe Branigan, who has just recently returned from serving in the Marine Corps in Iraq.

Mr. Marshfield said that he grew up on a dairy farm and was a member of the FFA. He remarked that two of his brothers chose to become farmers. When he heard that Delaware Academy was going to do away with the FFA program he fought to keep it, adding that he believes there are now three schools with the program. He commented that people thought he was crazy to begin his chores at 4:00 in the morning but, to him it was an opportunity to listen to the sounds of nature and start his day right. Mr. Marshfield thanked and commended the farmers of Delaware County and said he will do whatever he can to support the occupation of farming.

Mrs. Schafer read Resolution No. 230 entitled Support for Agriculture and Farm Families.

Chairman Eisel thanked the farmers for attending the meeting.

For Standing Committees Reports, Peter Bracci, Chairman of the Social Services Committee called on Commissioner of Social Services William Moon to address the department's involvement with the home located at 18 Clinton Street in Delhi.

Commissioner Moon referenced an article that appeared in *The Daily Star* on Wednesday, October 24th. He noted for the past ten years the department has used this home for the placement of homeless individuals and families. The department became aware of the home's health and safety issues by the code enforcement official. Upon the notification, the people placed there by the department were removed and will return to the home after the issues cited are corrected.

Commissioner Moon also stated it is the policy of the department to place individuals in the department's care that have been convicted of sex crimes in homes located away from the general population. He pointed out that the Board approved the purchase of a rural facility that is better suited for these individuals and they are placed there.

Mr. Bracci referenced the properties that will be purchased in the Village of Delhi and asked Commissioner Moon if the same policy with regard to convicted sex offenders in the department's care will apply when placing individuals and families. Commissioner Moon answered that it would be contrary to the departments policy to do otherwise.

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

RESOLUTION NO. 225

**TITLE: 2007 BUDGET AMENDMENT
TRANSFER OF FUNDS
DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE**

WHEREAS, it is necessary to provide adequate funds to cover expenses; and

WHEREAS, there has been an increase in the number of children participating in the Early Intervention Program and expenses for managing the program are greater than previously estimated

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

FROM:

10-14016-54000000	Contracted Services Long Term Health Care	\$100,000.00
-------------------	---	--------------

TO:

10-14059-54000000	Contracted Services Early Intervention Program	\$100,000.00
-------------------	--	--------------

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

RESOLUTION NO. 226

**TITLE: APPROPRIATION OF SURPLUS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the cost of fuel has impacted the material costs for the maintenance of roads and bridges; and

WHEREAS, the Department of Public Works has had to hire more maintenance materials delivered due to the fact that county vehicles were being utilized on flood recovery efforts, and

WHEREAS, there is a balance of \$2,629,281.00 in the Road fund,

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

FROM:

24-00000-34911000	Fund Balance Otr Unreserved	\$100,000.00
-------------------	-----------------------------	--------------

TO:

24-15110-54000000	Contractual Expense	\$100,000.00
-------------------	---------------------	--------------

The resolution was seconded by Mr. Woodford and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

RESOLUTION NO. 227

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

LETTING OF OCTOBER 17, 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. SW6-07 Miscellaneous Heating Components to:

Northrup Supply Corporation
Commercial Drive
Oneonta, NY 13820

Bid Price: \$25,998.86

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 and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

RESOLUTION NO. 228

**TITLE: AUTHORIZATION TO APPLY TO NYSDEC
FOR LANDFILL GAS MANAGEMENT STATE ASSISTANCE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Delaware County is eligible to apply for State assistance for landfill gas management pursuant to Title 5 of Article 54 and Title 4 of Article 56 of the New York State Environmental Conservation Law; and

WHEREAS, Delaware County, herein called the “County” has hereby determined that certain work, as described in the State assistance application and any amends thereof, herein called the “Project”, is desirable and in the public interest; and

WHEREAS, Title 5 of Article 54 and Title 4 of Article 56 of the Environmental Conservation Law authorized State assistance payments to municipalities for the management of landfill gas by means of a written agreement and the Municipality deems it to be in the public interest and benefit under this law to apply therewith;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board is herewith authorized to serve as the official representative of the County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE; and

IT IS FURTHER RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the Director, Division of Solid & Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7250, together with the application; and

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

The resolution was seconded by Mr. Rowe.

Mr. Utter explained that the passage of this resolution will open the door to a grant from the NYSDEC of about \$450,000 towards this project.

The resolution was unanimously adopted.

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

RESOLUTION NO. 229

**TITLE: CHANGE ORDER PROPOSAL NO. 38-07
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No.170 of 2007 authorized the Department of Public Works to make award of Proposal No.38-07 to Stephen J. Reinhart for Debris Processing; and

WHEREAS, the original proposal was for a lump sum price to process all the material accumulated in a storage pile prior to the advertising date of July 25, 2007; and

WHEREAS, subsequent debris removal work on County Route 7 and adjacent streams has generated an additional quantity of 400 cubic yards of debris to be processed; and

WHEREAS, Stephen J. Reinhart bid \$7.95 per cubic yard of material processed for Alternate # 1 on Proposal No. 38-07.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is authorized to execute Change Order # 1 for Proposal No. 38-07 as follows:

<u>Current Contract</u> <u>Amount</u>	<u>Change Order #1</u> <u>Amount</u>	<u>Revised Total</u> <u>Amount</u>
\$31,321.60	\$3,180.00	\$34,501.60

Revised completion date: November 7, 2007

The resolution was seconded by Mr. Haynes.

Mr. Utter explained that this resolution represents work over and above the original bid for the removal of additional debris from the County Route 7 corridor in the town of Colchester.

Mr. Marshfield asked for an update on County Route 7. Mr. Utter said that due to equipment breakdown, paving has not been completed. Chairman Eisel added that paving is expected to be completed by mid-November.

Mr. Homovich said that he is pleased with the progress. He advised that County Route 7 remains open only to local traffic and the necessary services to the homeowners located there. He asked that people remain patient as County Route 7 will be a beautiful new road when the work is completed.

In answer to Mr. Marshfield, Mr. Utter said that the preliminary figure for the cost of this project was about \$7 million. Mr. Homovich remarked that the \$7 million figure is quite a bit less than what was previously estimated.

Mr. Homovich stated in response to Mr. Marshfield, that the County has not seen any reimbursement to date from the Federal Highway Administration. However, it has only been four months.

The resolution was adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

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

RESOLUTION NO. 230

TITLE: SUPPORT FOR AGRICULTURE AND FARM FAMILIES

WHEREAS, farmers and their families have been an important part of the culture and communities of rural Delaware County, both past and present; and

WHEREAS, farmers invest millions of dollars every year into Delaware County's local economy, and help support the tax base for all residents, and provide jobs and opportunities for growth and development; and

WHEREAS, agriculture is a business that has helped protect the environment and rural setting in Delaware County, which has led to growth in other areas such as tourism and water quality science; and

WHEREAS, farmers and young people have demonstrated their investment in the future of Delaware County and its communities through their investment in their businesses, and their volunteer contributions to school boards, fire departments, planning boards, and other civic efforts; and

WHEREAS, the Delaware County Board of Supervisors recognizes the continued importance of agriculture's contribution to the economy, environment, and culture of the county and wants to support it into the future

NOW, THEREFORE, BE IT RESOLVED the Delaware County Board of Supervisors will promote policies both locally and at the State level which will encourage the growth of agriculture as one of the important industries of Delaware County.

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

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

RESOLUTION NO. 231

TITLE: SALE OF DELAWARE COUNTY RESOURCE CENTER

WHEREAS, the county has considered the sale of the Delaware County Resource Center to the Delaware County Chapter, NYS ARC Inc., the principal occupant of the Resource Center.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to sell the Delaware County Resource Center and a part of the property on which the same is located to Delaware County Chapter, NYS ARC Inc. for the sum of \$1,000,000.00 and to grant to the purchaser a right of first refusal to purchase the remaining lands from the County from which the above premises are taken. Said right of first refusal is to be exercised if the property is to be transferred to entities other than the Delaware County Firemen's Association and the Chairman is authorized to sign any and all documents necessary to effectuate this authority.

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield commented that he believes the sale of the ARC building is a win-win situation for the County, for ARC and the town of Hamden.

Chairman Eisel said that the sale of the building will allow the Board to downsize county government. This building is no longer needed for use by the County and is in need of costly rehabilitation if the tenants were to continue there.

The resolution was unanimously adopted.

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

RESOLUTION NO. 232

**TITLE: 2007 BUDGET AMENDMENT
BUILDINGS AND GROUNDS**

WHEREAS, funding is needed as a result of the increase in rent for the office space occupied by Judge Mugglin; and

WHEREAS, the increase will be reimbursed by the Unified Court System

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

REVENUE ACCOUNT:

10-11162-43308900	State Otr General Gov	\$3,600.00
-------------------	-----------------------	------------

APPROPRIATION ACCOUNT:

10-11162-54565000	Rent/Lease	\$3,600.00
-------------------	------------	------------

The resolution was seconded by Mr. Maddalone and Mr. Rowe and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

RESOLUTION NO. 233

**TITLE: 2007 BUDGET AMENDMENT
UNDISTRIBUTED UNEMPLOYMENT INSURANCE**

WHEREAS, the Unemployment Insurance Account is in need of funding for the third quarter of 2007; and

WHEREAS, an unemployment reserve fund was established by Resolution No. 5-1998 for the purpose of augmenting the Unemployment Insurance Account

NOW, THEREFORE, BE IT RESOLVED that funding be appropriated as follows:

FROM:

66-00000-34815000	Appropriated Reserve, Unemployment	\$21,000.00
-------------------	------------------------------------	-------------

TO:

10-19050-58500000	Unemployment Insurance	\$21,000.00
-------------------	------------------------	-------------

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

RESOLUTION NO. 234

**TITLE: 2007 BUDGET AMENDMENT
HEALTH AND PRESCRIPTION INSURANCE
PERSONNEL**

WHEREAS, funding is needed in order to pay for health insurance and prescription costs for various department;

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

FROM:

10-18020-58600000	Planning Department	\$31,608.20
-------------------	---------------------	-------------

TO:

10-11040-58750000	Clerk of the Board	\$5,322.96
10-11110-58600000	Court Attendants	\$9,217.00
10-11165-58600000	District Attorney	\$3,872.48
10-11355-58600000	Real Property Tax Mapping	\$727.08
10-13620-58600000	Safety Inspections	\$1,047.26
10-16326-58600000	Economic Development	\$1,234.26
10-16610-58600000	Sealer of Weights & Measures	\$10,187.16

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

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

RESOLUTION NO. 235

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,121,215.81 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	\$891,204.52
Capital	\$724.61
OET	\$43,595.00
Highway Audits, as Follows:	
Road	\$25,042.14
Machinery	\$181,173.74

Capital Road & Bridge
Solid Waste/Landfill

\$900,254.10
\$79,221.70

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4361, Noes 0, Absent 445 (Hynes, Stamford).

Mr. Homovich stated it behooves us all to take a good hard look at the benefits the County receives from the New York State Police (NYSP). He said that he holds the NYSP in high esteem and the town of Colchester will always be indebted to them for their professional assistance with the June 19, 2007 flood. He thanked town of Delhi Supervisor Peter Bracci for meeting with Commander Major Kevin Molinari of Troop C in Sidney and providing the notes of that meeting to the Board.

Mr. Bachler advised that not everyone on the Board had received a copy of Mr. Bracci's notes. Chairman Eisel asked that Supervisors who did not have a copy of Mr. Bracci's notes to contact Mrs. Schafer.

Mr. Bracci commented that Major Molinari said that during the June 2006 flooding there were 2,600 calls in one day to the NYSP 911 Center in Sidney. They were able to handle these calls by bringing in people from other areas of the state to assist with the phones and dispatching during the emergency. He asked the Board to consider this as Delaware County will lose this resource if the center is relocated.

Mr. Homovich stated as a result of the town of Colchester June 2007 flooding, he witnessed resources available to the NYSP that Delaware County is not able to match or fund. The NYSP had a communications system located in a truck at the Roscoe Fire Hall that could reach any part of the world. The system is worth over \$500,000 and they have the people to run it on the scene. The County does not have the resources, the Board needs to do what is best for the people of this County.

Chairman Eisel reminded the Board that the Public Safety, Finance and Budget Oversight Committees decided to hire the consulting firm of Tech Valley Security because relocating the E911 Center is such a controversial issue. The firm will begin their appraisal very shortly and when complete, their appraisal will provide the information required for the Board to make a knowledgeable decision.

Mr. Valente thanked the committees for their decision to hire the consulting firm as he felt he did not have enough information to make a knowledgeable decision.

Upon a motion, the meeting was adjourned at 1:55 P.M.