

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**FEBRUARY 20, 2008**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 20, 2008 at 1:00 P.M. at the Delaware County Correctional Facility and Public Safety Building Complex, 280 Phoebe Lane, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Ms. Molé, Mr. Valente, Mr. Rowe and Mr. Maddalone.

Mr. Donnelly offered the invocation.

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

Chairman Eisel noted that Mr. Valente and Mr. Maddalone were attending the Association of Counties meeting in Manhattan and due to family illness Mr. Rowe would not be attending and wished the family well.

Chairman Eisel thanked the Sheriff and Undersheriff for providing the tours of the facility and hosting the Board meeting at the Correctional Facility and Public Safety Building Complex.

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 presented Raymond Kilmer as Employee of the Month.

Commissioner Reynolds stated that Mr. Kilmer was hired in September 2002 as a laborer, was promoted to MEO in October 2002 and HEO in July 2003. In his current position, he drives truck, helps haul equipment, plows and maintain roads.

Commissioner Reynolds said that Mr. Kilmer has always been an excellent self-starter. He sees what needs to be done and willingly takes it on. He puts a smile on everyone's face and in doing so is great for the morale of his fellow employees. He will come in early or work late to get the equipment where it is needed and he is very diligent about the care of county property. Commissioner Reynolds thanked Mr. Kilmer for his dedication and commitment, adding that he appreciates all his efforts.

Commissioner Reynolds presented Mr. Kilmer with a \$100.00 Savings Bond. Chairman

Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Chairman Eisel granted privilege of the floor to Public Health Committee member Martin Donnelly who introduced Director of Public Health Bonnie Hamilton.

Mrs. Hamilton introduced Project Director of Rural Three For Tobacco Free Communities Amy Beveridge and Coordinator of Reality Check of Delaware County Jeff Beach. Mrs. Hamilton explained that Delaware County participates in a tri-county coalition, that includes, Delaware, Schoharie and Otsego counties. The Coalition deals with tobacco control issues. She stated Mrs. Beveridge and Mr. Beach will provide a brief overview of the work they are doing as it pertains to Resolution No. 34 entitled: Tobacco Point of Purchase Resolution.

Mrs. Beveridge noted that Rural Three For Tobacco Free Communities is grant funded by the New York State Department of Health Tobacco Control Program (NYSDOHTCP) and is housed in the Bassett Research Institute. NYSDOHTCP determines the goals, objectives and programs of Rural Three For Tobacco Free Communities and Reality Check.

She explained that Resolution No. 34 encourages retailers to voluntarily reduce overall tobacco advertising in their place of business and eliminates tobacco advertising from areas likely to be seen by children. This includes interior and exterior wall space below three feet, near candy displays and on counter tops.

Mr. Beach noted that Reality Check is also funded by the NYSDOHTCP and is housed at Berkshire Farms and serves Delaware County. He explained that teens are significantly more likely to smoke due to advertising than they are due to peer pressure. The store environment promotes tobacco use as a desirable social norm because tobacco is both advertised and sold in these stores. Retail stores are an important component of tobacco company marketing strategies. Research shows that 85 percent of youth smokers prefer the three most advertised brands of cigarettes. The tobacco retailers serve as the tobacco company's major communication channel to reach present and future customers.

In August 2007, Rural Three For Tobacco Free Communities conducted a survey of Delaware County residents. The results indicated that less than twenty percent of the current Delaware County population are smokers. In addition, the majority of people, smokers included, did not want their children exposed to second hand smoke. It also showed that people are supportive of taking down point of purchase advertising.

In addition, the survey results indicated that:

- 73.1 percent of adults saw cigarette advertising in the past thirty days
- 61.5 percent did not think tobacco advertising should be allowed on the outside of the buildings
- 73.9 percent did not think tobacco advertising should be allowed on the outside of buildings within 1,000 feet of a school, children's playground and daycare

- facilities
- 61 percent did not think that advertising should be allowed on the inside of the buildings within 1,000 feet of schools, children's playground and daycare facilities

Mrs. Beveridge and Mr. Beach encouraged the Board to support the Rural Three For Tobacco Free Communities and Reality Check Programs in Delaware County by supporting Resolution No. 34.

In answer to Chairman Eisel, Mrs. Beveridge said that Delaware County was the only county that used their massive tobacco settlement money for education and public health outreach programs and as a result Delaware County has considerably lower statistics. The percentage of adult smokers in Delaware County is 12 percent, 20 percent in Otsego and 17 percent in Schoharie. The State average is about 18 percent of the population are smokers. Mr. Beach noted that Delaware County does have some problem areas such as, a high percentage of woman who smoke while pregnant. He agreed that the efforts made by Delaware County in the beginning have paid off.

Mr. Beach said support of this resolution contributes to the larger picture, noting that four magazine companies have agreed to remove tobacco advertising from their issues that go to schools and Wegmans' grocery store is no longer selling tobacco at all.

Mrs. Hamilton introduced Delaware County Health Education Consultant Heather Warren who works with Rural Three for Tobacco Free Communities and Reality Check through the County's Health Education and Outreach Program.

Mrs. Beveridge stated in reply to Mr. Hynes that the State receives its funding for the program from the master tobacco agreement.

Chairman Eisel thanked Mrs. Beveridge and Mr. Beach for their informative presentation and encouraged them to keep up the good work.

Chairman Eisel granted privilege of the floor to Chairman of the Board of Elections Tom Hynes. Mr. Hynes introduced Democratic Commissioner of Elections William Buccheri and Republican Commissioner of Elections William Campbell to discuss the Help Americans Vote Act (HAVA) as it pertains to the purchase of voting machines.

Commissioner Campbell advised that Region 4, consisting of Delaware, Otsego, Broome, Chenango, Oneida, Herkimer, Madison and Onondaga counties have agreed to purchase the same voting machine for the entire region in order to receive the best service contract and technical support. The voting machine selected is the Imagecast Optical Scan by Sequoia Voting Systems which is a scanner, ballot marker and ballot sorter.

The County's Title 1 and Title 2 HAVA allotment for the purchase of voting equipment is \$478,244.33. An order has been placed for forty-two voting machines, one for each polling

site and two spares, at \$11,500 per machine, totaling \$483,000. The order can be amended anytime prior to the shipping date. In addition to the purchase of voting machines, each county is required to purchase a \$50,000 software package to program the voting machines for elections and a computer work station. The County will also have to hire two technicians, one Democrat and one Republican to program each machine prior to delivery to a polling site.

Although last year the State promised that they would pay the five percent matching funds requirement for Title 2, this year they have decided that each county will pay the matching amount which for Delaware County is \$20,592.83. The purchase of the software package can be covered by HAVA federal grant money only if a county has funds left over after purchasing the voting machines.

At this time it is anticipated that ten percent of the voting machines will be delivered at the end of March and stored along with the ballots at 3 Gallant Avenue. Additional space at that location will become available as departments move to their new offices at the old jail. The balance of the order must be delivered by mid July. The elections inspectors will be trained in August and September.

The Commissioners stated they are looking at the number of polling sites very carefully and are discussing a possible reduction in the number of sites with the Elections Committee. It may not be possible to eliminate any polling sites, however, it may be necessary to update or change locations due to the amount of space required for the voting machines. It was noted that the Town of Andes, for example, has two polling sites, two districts and 900 registered voters. The Town of Walton has one polling site, five districts and 3,290 registered voters.

In answer to Mr. Marshfield, Mr. Buccheri said the purchase of the software will be a County expense because the allotted money will be used to purchase the voting machines.

In response to Mr. DuMond, Mr. Buccheri stated the cast ballots are required to be stored for twenty-two months.

Mr. Buccheri stated in reply to Mr. DuMond, that the election workers are County employees and payment of their wages is up to the discretion of the Board of Supervisors. Chairman Eisel remarked that currently the election workers are paid by the towns and the towns are reimbursement by the County at the end of the year and the current system works well and does not see a need to be changed.

In reply to Mr. Bracci, Mr. Buccheri stated that the number of inspectors will remain the same, however, the number of custodians will decrease. Two technicians are required to program the voting machines and six to eight people are needed to deliver the voting machines to the polling sites.

Mr. Donnelly remarked that this is another unfunded mandate the County has become responsible for. He suggested that the Board of Elections not be too quick to pay the bills for the State as he has seen instances where the State has said they were not going to pay and then they

paid them.

Chairman Eisel commented that it was always his understanding that this mandate would not cost the County anything, now the County is looking at expenses for software updates, ballots and paper.

Commissioner Campbell remarked that the paper costs for this system are high. He pointed out that the County already owns an optical scanner which is used for the handicapped voters.

Mr. Buccheri added, that use of that optical scanner costs \$6,000 per election with a required purchase of a minimum number of ballots at fifty cents a piece.

In response to Mr. Homovich, Mr. Buccheri said he does not believe there will be any future funding from the State for replacement voting machines.

Mr. Campbell pointed out that there are less expensive voting machines on the market but, they are incomplete and do not meet the HAVA requirements.

In answer to Mr. Meredith, Mr. Campbell said that the voting machines are guaranteed for five years.

In response to Mr. DuMond, Mr Buccheri stated the voting machines have to be reprogrammed for every election. At this time, the cost of purchasing new software is unknown.

In reply to Mr. Utter, Mr. Buccheri said that for someone who is unable to mark their vote on the ballot, an image would appear on the screen, the individual would mark their vote and a printed copy of the ballot would be produced for insertion into the scanner. Mr. Utter commented on the size of the circle on the ballot. Mr. Buccheri explained that the font size on the ballot can be changed. If there is a lot of information on the ballot, the print and the circle will be small.

Mr. Buccheri said in answer to Mr. DuMond, that the voting machine will sort the write-in votes into a separate compartment.

Mr. Hynes noted that the voting machine will also separate votes by districts.

Mrs. Capouya commented that reducing the number of polling sites could create a hardship on the voters. She expressed concern that the County has been burdened with the financial expense of operating the new voting machines and meeting the HAVA regulations.

For Standing Committee Reports, Chairman of County Insurance John Meredith advised that to place comprehensive and collision coverage on County vehicles would increase the annual premium by \$152,000. The quote, received from New York Municipal Insurance Reciprocal was based on the original cost of county trucks and tractors of \$75,000, which he

noted was very low, with a \$1,000 deductible. He pointed out that better tracking is needed to separate general maintenance repairs and repairs due to accidents. At this time, he believes the cost of paying for the repairs out of pocket is considerably less per year than the annual premium for coverage.

In answer to Chairman Eisel, Mr. Meredith said that at this time the Committee is not looking at a higher deductible but, has requested that an account be established to keep track of the cost to repair vehicles that have been damaged as a result of an accident. This will enable the Committee to determine if it is in the best interest of the County to purchase collision and comprehensive insurance coverage

Chairman Eisel granted privilege of the floor to Wayne Marshfield. Mr. Marshfield referenced an invitation to attend a meeting with the Watershed Protection and Partnership Council on February 26, 2008 to review the progress and successes in the implementation of their easement process.

Mr. Marshfield briefly summarized the Watershed Agricultural Council (WAC) and the Department of Environmental Conservation's (DEC) policy on conservation easements pointing out that the policy was directed to towns that had implemented local laws or had contemplated the implementation of local laws governing conservation easements. The new process attempts to persuade the towns to repeal their local laws and to follow the procedures detailed by WAC and DEC. The policy also requires that the County Planning Department send notice to WAC and DEC if they become aware of any town that might be considering a local law governing conservation easements.

Since Mr. Marshfield is unable to attend the meeting, he prepared a letter detailing the reasons he believes the conservation easement process has not been successful. His letter dated February 20, 2008 was mailed to the Executive Director of the Watershed Protection and Partnership Council William Harding and a copy of his letter was provided to each Supervisor, the Commissioner of Watershed Affairs Dean Frazier, the Director of Planning Nicole Franzese and Attorney Kevin Young.

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

**RESOLUTION NO. 34**

**TITLE: A COMMITMENT TO PUBLIC HEALTH  
TOBACCO POINT OF PURCHASE RESOLUTION**

**WHEREAS**, smoking is the number one cause of preventable death in the United States and the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

**WHEREAS**, tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure; and

**WHEREAS**, research shows that kids are more than twice as likely as adults to recall tobacco advertising after two weeks than adults; and

**WHEREAS**, Rural Three For Tobacco Free Communities Delaware County Community Survey results of August 2007 state that 73.1% of Delaware County adults saw cigarette advertising in the past 30 days; and

**WHEREAS**, our Delaware County Community Survey results of August 2007 state that 61.5% of Delaware County do not think tobacco advertising should be allowed on the outside of buildings; and

**WHEREAS**, our Delaware County Community Survey results of August 2007 state that 73.9% of Delaware County adults do not think tobacco advertising should be allowed on the outside of buildings within 1,000 feet of a school, children's playground, and daycare facilities; and

**WHEREAS**, our Delaware County Community Survey results of August 2007 state that 61% of Delaware County adults do not think that advertising should be allowed on the inside of buildings within 1,000 feet of schools, children's playground, and daycare facilities

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors hereby expresses its support of the efforts of the Rural Three For Tobacco Free Communities and Reality Check encourages retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including interior and exterior wall space below three feet, near candy displays, and on counter tops.

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

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

**RESOLUTION NO. 35**

**TITLE: 2008 BUDGET AMENDMENT  
DELAWARE COUNTY EMPIRE ZONE PROGRAM  
ADMINISTRATIVE FUNDING YEAR JULY 1, 2007 - JUNE 30, 2008  
ECONOMIC DEVELOPMENT**

**WHEREAS**, Delaware County has been awarded an Empire Zone Program Administration grant in the amount of \$28,500.00 from the NYS Department of Economic Development.

**NOW THEREFORE BE IT RESOLVED**, that the Budget be amended as follows:

**INCREASE REVENUE**

10-16326-43379000/6326007/972 State Empire Zone Program 07/08 \$28,500.00

**INCREASE APPROPRIATION**

10-16326-54327000/6326007/972 General Grant Related Expenses 07/08 \$28,500.00

The resolution was seconded by Mrs. Capouya and Mr. Meredith and adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 36**

**TITLE: 2008 BUDGET AMENDMENT  
GRANT FOR AUTOMATIC DEFIBRILLATOR INITIATIVE  
DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, the Office of Rural Health has awarded a grant to Delaware County Emergency Medical Services in the amount of \$10,000 for Automatic Defibrillator initiative; and

**WHEREAS**, community health education on automatic defibrillator (AED) saves lives, engages the population in cardiovascular disease prevention and intervention, and facilitates improved quality outcomes among emergency medical service providers and hospitals; and

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

**THEREFORE, BE IT RESOLVED** to accept the grant money into the following appropriation accounts:

**REVENUE ACCOUNT:**

10-14189-43340100 State Public Health-Emergency Medical Service \$10,000.00

**APPROPRIATION ACCOUNT:**

10-14189-54327000 General Grant Related Expense-EMS \$ 5,800.00

10-14189-52200000 Equipment-EMS \$4,200.00

The resolution was seconded by Mr. Utter.

In answer to Mr. Meredith, Deputy Director of Emergency Services and EMS Coordinator Steve Hood said that the resolution is for the purchase of two defibrillators to replace two older units.

Mr. Hood stated in response to Chairman Eisel, that there is in excess of twenty-five defibrillators that the County is responsible for.

The resolution was adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 37**

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

**LETTING OF FEBRUARY 5, 2008**

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. 1-08	Rental of Construction Equipment to: Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760; BOTHAR Construction, 170 East Service Road, Binghamton, NY 13901; Boyle Excavating, Inc., 233 Boyle Road, Harpersfield, N.Y. 13786; Clark Companies, Inc., P.O. Box 427, Delhi, N.Y. 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Contour Construction, LLC, PO Box 534, Binghamton, NY 13902; Delaware Bulldozing Corp., 5700 Co. Hwy. 18, Bloomville, NY 13739; Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, N.Y. 13753; Robert H. Finke & Sons, Inc., P.O. Box 127, Selkirk, N.Y. 12158; LaFever Excavating Inc., 3135 County Highway 6, Bovina Center, N.Y. 13740 ; Oneonta Equipment Rental & Sales, 532, Co. Hwy 58, Oneonta, NY 13820; Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, N.Y. 12491; Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Sullivan County Paving & Construction Inc., 420 Bernas Road, Cochection, N.Y.12726; Tracey Road Equipment, Inc., 6803 Manlius Center Road, East Syracuse, NY 13057; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, NY 13206; Waste Recovery Ent., LLC, PO Box 2189, Sidney, NY 13838.
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Bid Price: See Summary Sheet

PROPOSAL NO. 2-08 Asphalt Concrete and Related Work to: Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043

PROPOSAL NO. 3-08 Asphalt Concrete & Related Work for Parking Lots, Sidewalks & Misc. Small Jobs to: Broome Bituminous, 416 Prentice Road, Vestal, NY 13850; Contour Construction, PO Box 534, Binghamton, NY 13902

Bid Price: See Summary Sheet

PROPOSAL NO. 4-08 Cutting and Trimming Trees to: Asplundh Tree Expert Co., 708 Blair Mill Road, Willow Grove, PA 19090-1784

Bid Price: \$113.15/Hour w/out chipper  
\$117.12/hour w/chipper

PROPOSAL NO. 5-08 Liquid Bituminous Concrete & Related Equipment Bid to: Gorman Asphalt DBA American Asphalt, Church Street, Port of Albany, Albany, NY 12202; Central Asphalt Division of Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Peckham Materials Corp., Foot of Union Street, Athens, N.Y. 12015; Vestal Asphalt Inc., 201 Stage Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

Towns may participate in these bids.

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 and Mr. Smith.

Mr. Utter advised that copies of the bids have been sent to the town highway superintendents.

Mr. Meredith noted that after the flood of 2006 the Town of Walton was thankful to have the bids and made good use of them.

The resolution was adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299

(Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 38**

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

**LETTING OF FEBRUARY 5, 2008**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 21-08      Lubricating Oils to:  
   NOCO Energy Corp.  
   2440 Sheridan Drive  
   Tonawanda, NY 14120

Bid Price:      \$38,037.01

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. Smith and adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 39**

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

**LETTING OF FEBRUARY 13, 2008**

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. 23-08 Used Hydraulic Excavator to: Anderson Equipment Co.  
720 East Franklin Street  
Endicott, NY 13760

Bid Price: \$28,660.13

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. Smith.

Mr. Utter advised that DPW has decided to purchase this piece of equipment as it has proven to be very versatile. Its size it has been especially helpful in tight difficult to maneuver areas.

In answer to Mr. Marshfield, Mr. Utter advised that the excavator was previously leased by DPW.

The resolution was adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 40**

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

**LETTING OF FEBRUARY 12, 2008**

Notice to bidders and proposals received having been filed and the bidding procedures 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, pending the County Attorney's approval of all contracts, as follows:

PROPOSAL NO. SW1-08 Landfill Gas Collection System - Phase I to:

Upstate Utilities, Inc.  
20 Transport Drive  
Rochester, NY 14623

Bid Price: \$470,905.00

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. Smith.

Chairman Eisel granted Mr. Marshfield's request to abstain from voting on this resolution.

In answer to Mr. Bracci, Mr. Utter noted that the bid came in \$70,000 higher than anticipated and provided a brief explanation of the funding that will cover the remaining \$200,000.

In answer to Mr. Homovich, Commissioner Reynolds explained that the high bidder, F.P. Kane Construction, Inc., is new to this field and most of their work is subbed-out so their bid includes a lot of markups. Marcy Excavation Services, LLC and Upstate Utilities, Inc. are very capable. Upstate Utilities, Inc. is a spin off company from Marcy Excavation and is bidding very aggressively.

In answer to Mr. Bracci, Commissioner Reynolds explained that DPW is only administering the bid for the gas collection system, adding that in the County's contract anytime someone crosses the boundaries of the landfill line the County has to remain totally in control.

Chairman Eisel remarked that in allowing the wells, there will be a payback sometime in the future.

Mr. Marshfield noted that the difference between the \$200,000 and the \$400,000 as he understood it, will be paid back to the project based on the revenue stream that is generated over a three year period.

Commissioner Reynolds stated this is an investment in the correct environmental way of dealing with landfill gas and will result in generating a revenue for the County.

Mr. Marshfield said the contract had to be structured in this way as not to jeopardize the grant.

In response to Mr. Homovich, Director of Solid Waste Susan McIntyre replied that there is a projected fifteen to twenty years of use from the wells. The landfill gas generation rate is peaking right now, then there will be a steady decline for the next fifteen years.

In answer to Mr. Triolo, Mr. Marshfield confirmed that the County will be initially paying for the project.

The resolution was adopted by the following vote: Ayes 3,379, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone), Abstain 128 (Marshfield).

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

**RESOLUTION NO. 41**

**TITLE: AMENDMENT OF RESOLUTION NO. 179-05  
SALE OF TAX ACQUIRED PROPERTY  
TREASURER’S OFFICE**

**RESOLVED** that the following described parcel of tax acquired property be sold to the party 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.

DAV03TX.016

**ASSESSED TO:**

**RODNEY N HARRIS**

TOWN OF:

122600:DAVENPORT

TAX MAP NO:

24.-1-35

SCHOOL DISTRICT:

122601:CHARLOTTE VALLEY

ACREAGE:

6.80A ACRES

CONVEYED TO:

RODNEY N HARRIS  
1776 TAYLOR ROAD  
DAVENPORT CENTER NY 13751

CASH CONSIDERATION:

\$5,259.71

TAX DEFICIT:

\$3,678.69

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 42**

**TITLE: AUTHORIZING PROFESSIONAL SERVICES,  
SUPPLEMENT NO. 1 FOR BRIDGE NO. 9, BIN 3352273  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No.172 of 2007 authorized the Department to enter into an agreement with Delta Engineers, for professional services relating to the final preparation of construction plans and construction inspection; and

**WHEREAS**, the structural integrity of the substructure units has been determined to be insufficient to carry the replacement superstructure loadings; and

**WHEREAS**, there have been numerous meetings with NYSDOT and the FHWA concerning this issue and it has been agreed upon that the units have to be replaced; and

**WHEREAS**, replacing the units is a substantial change in the scope of work

**NOW, THEREFOR BE IT RESOLVED** that the Department of Public Works is herewith authorized to execute Supplemental Agreement No.1 with Delta Engineers for \$180,949 which will raise the maximum amount payable to \$320,950.

The resolution was seconded by Mr. Smith.

Mr. Utter advised that this bridge is located in Harvard.

The resolution was adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 43**

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

**WHEREAS**, section 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 Department of Public Works is authorized to sell by competitive sealed bid or auction:

Truck # 388	2006 Western Star Dump Truck	VIN 5KKHAEDE06PV95501
Roller # 614	2000 Wolfpac Vibratory Roller	S/N 3100065
Roller # 619	1984 Ingram Portable Roller	S/N 547511FB11
Mohawk 7,000 Pound maximum Lift - Model A7		S/N 91111389
Lincoln Welder		S/N A1012977
Wagon House at the Intersection of CR 11 and SR 23.		

The resolution was seconded by Mr. Smith.

In answer to Chairman Eisel, Mr. Utter replied that towns can submit bids. He noted that one town has already expressed interest in the truck.

The resolution was adopted unanimously adopted.

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

**RESOLUTION NO. 44**

**TITLE: NOTICE OF DETERMINATION OF NON-SIGNIFICANCE - SEQR  
NEGATIVE DECLARATION FOR THE INSTALLATION AND OPERATION OF A  
LANDFILL GAS RECOVERY NETWORK IN SUPPORT OF A LANDFILL GAS TO  
ELECTRICITY PROJECT AT THE  
DELAWARE COUNTY SOLID WASTE MANAGEMENT CENTER**

**WHEREAS**, the Delaware County Department of Public Works has submitted a permit application for the construction and operation of a landfill gas collection system at the existing landfill at the Delaware County Solid Waste Management Center in Walton; and

**WHEREAS**, Delaware County is Lead Agency for purposes of SEQR review proceedings, consistent with its role as Lead Agency during the development of the DELAWARE COUNTY SOLID WASTE MANAGEMENT PLAN - UPDATE 1999, as supported by Resolution No. 235 of 1999 - ACCEPTANCE OF SOLID WASTE MANAGEMENT PLAN 1999 UPDATE; and

**WHEREAS**, the PLAN COMPLIANCE REPORT- DELAWARE COUNTY FINAL SOLID WASTE MANAGEMENT PLAN, FEBRUARY 2007, Section IV.A. identifies the pursuit of on-site electricity generation using landfill gas; and

**WHEREAS**, a complete Engineering Report, Environmental Assessment Form, and other supporting information has been developed and reviewed by the County, identifying the environmental impacts and associated mitigating actions outlined in the design, construction, and operation of a landfill gas collection network and landfill gas to electricity project; and

**WHEREAS**, Resolution No. 152 of 2006 designated Delaware County as Lead Agency, and a coordinated review was conducted involving all identified involved agencies; and

**WHEREAS**, no additional substantive comments were raised during the comment period;

**NOW, BE IT RESOLVED**, that the Delaware County Board of Supervisors, as Lead Agency, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law, has fully considered the environmental impacts of the proposed construction and operation of a landfill gas collection network and landfill gas to electricity project, has determined that the proposed action will not have a significant effect on the environment, and is consistent with the SOLID WASTE MANAGEMENT PLAN - UPDATE 1999, as supported by Exhibit A.

**EXHIBIT A**

**SEQR STATUS OF LANDFILL GAS COLLECTION NETWORK/LANDFILL GAS TO  
ELECTRICITY PROJECT**

## **DELAWARE COUNTY SOLID WASTE MANAGEMENT CENTER**

The reference project involves the construction and operation of a landfill gas collection network in support of a landfill gas to electricity project, co-located at the existing landfill. Issues relative to odor management, noise control, condensate management, gas extraction controls, and electrical service interconnect to the area utility are addressed in the engineering studies conducted by Delaware County Department of Public Works, the Delaware County Electric Cooperation, and Stantec Consulting Services. Below is a summary of the documents and conclusions reached during the review:

**PLAN COMPLIANCE REPORT - DELAWARE COUNTY SOLID WASTE MANAGEMENT PLAN, Delaware County Department of Public Works - February 2007.** This bi-annual report identifies updates, modifications, and changes in the implementation of the County's SOLID WASTE MANAGEMENT PLAN - UPDATE 1999. Section IV.A. identifies the development of on-site electricity generation utilizing landfill gas.

**DELAWARE COUNTY SOLID WASTE MANAGEMENT CENTER AND COMPOST FACILITY - LANDFILL GAS RECOVERY NETWORK, PERMIT APPLICATION/MODIFICATION - Delaware County Department of Public Works, January 2008.**

With engineering services and stamped development drawings provided by Stantec Consulting Services, Inc., of Westford MA. Specifies the location of new gas extraction wells, laterals runs, condensate knock out and pumping stations, and relocation of existing utility flare.

### **SEQR Review Supporting Documents**

Provided to all involved agencies:

- Application for Solid Waste Management Facility Permit
- Vicinity and Land Use Map
- Engineering Report, O&M Manual, Contingency Plan Update
- Stamped Set of Drawings for LFG Collection Network
- Copy of: Minor Facility Air Registration for Power Island (original submitted separately by DCEC)
- SEQR Lead Agency Notification and EAF Long Form
- Construction Bid Documents and Specifications for LFG Network (Proposal SW01-08)

The resolution was seconded by Mr. Smith.

Chairman Eisel granted Mr. Marshfield's request to abstain from voting on this resolution.

The resolution was adopted by the following vote: Ayes 3,379, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone), Abstain 128 (Marshfield).

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

**RESOLUTION NO. 45**

**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 the Flood of June 23 - 29, 2006, Multiple Damaged Sites on County Routes 1, 11, 14, 21 and 23, Delaware County, PIN 9890.37 (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; and

**WHEREAS**, Delaware County has previously executed Federal Emergency Relief Project Agreement for the Construction, Construction Supervision and Inspection work for \$667,000.00.

**NOW, THEREFORE**, 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 \$44,606.26 is hereby appropriated from 34-15112 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. Smith.

Mr. Utter advised that this resolution reflects damages from past floods.

The resolution was adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

#### **RESOLUTION NO. 46**

#### **TITLE: NOTICE OF LEAD AGENCY FOR THE COUNTY SALE OF PROPERTY TO FRENCH WOODS CEMETERY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the New York State Department of Transportation is considering the abandonment of maintenance jurisdiction on a section of State Route 97 right-of way adjacent to the French Woods Cemetery to Delaware County pending the successful completion of SEQRA; and

**WHEREAS**, the County is proposing to sell this property to the Cemetery Association in accordance with Resolution No. 197 of 2005; and

**WHEREAS**, the Board of Supervisors is desirous of assuming the status of Lead Agency in accordance with 6NYCRR Part 617 State Environmental Quality Review Act for the environmental review of the project.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors herewith assumes Lead Agency status pursuant to Part 617 for the project and authorizes the Department of Public Works to fulfill all the obligations and responsibilities associated with assuming that role.

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

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

**RESOLUTION NO. 47**

**TITLE: DESIGNATION OF A THIRTY-DAY PERIOD FOR AGRICULTURAL DISTRICT REVIEW**

**WHEREAS**, Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law to require the County Legislative Body to designate a thirty-day period in which landowners may submit requests for inclusion of predominately viable agricultural lands within a certified agricultural district prior to the County established review period; and

**WHEREAS**, the Delaware County Agricultural and Farmland Protection Board has recommended that the thirty-day period be from March 15, 2008 to April 13, 2008; and

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County board of Supervisors does hereby designate the time period from March 15, 2008 to April 13, 2008 to be the annual thirty-day review for the year 2008.

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

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

**RESOLUTION NO. 48**

**TITLE: INCREASE DELAWARE COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**WHEREAS**, the Delaware County Soil and Water Conservation District (DCSWCD) is a political subdivision of the State of New York, formed by resolution of the Delaware County Board of Supervisors in 1946; and

**WHEREAS**, all programs and functions of this SWCD, including fiduciary and personnel, are by Law under the oversight and direction of its Board of Directors (NYS Soil Conservation District Law - Book 52-B); and

**WHEREAS**, new and increased NYS funding to SWCD's is contingent upon meeting new criteria including Director training and performance standards for Director attendance at meetings and functions; and

**WHEREAS**, raising the Director per diem to a level commensurate with responsibilities is in the best fiscal and programmatic interests of Delaware County and the DCSWCD; and

**WHEREAS**, by SWCD Law, (Article 2, Section 7), the SWCD Director per diem and mileage reimbursement is determined by the County Board of Supervisors

**THEREFORE, BE IT RESOLVED**, that the DCSWCD Director per diem rate be

changed to \$100.00 per day.

The resolution was seconded by Mr. Meredith and adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 49**

**TITLE: APPOINTMENT OF REPUBLICAN ELECTION COMMISSIONER**

**WHEREAS**, the Republican Committee Chairman, Leonard A. Govern, has certified to this Board that William J. Campbell has been designated by the Republican Committee as its choice for Election Commissioner and recommends his appointment;

**NOW, THEREFORE, BE IT RESOLVED** that William J. Campbell be and he hereby is appointed Republican Election Commissioner for the County of Delaware for the years 2008-2009 at the salary stated in the budget.

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

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

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

**RESOLUTION NO. 50**

**TITLE: AMENDMENT OF RESOLUTION NO. 30-08  
SALE OF TAX ACQUIRED PROPERTY  
TREASURER’S OFFICE**

**RESOLVED** that the following described parcels of tax acquired property be sold to the party 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.

SID05TX.032

**ASSESSED TO:**

**DELORES WATSON**

TOWN OF:

125001:SIDNEY

TAX MAP NO:

115.20-2-29

SCHOOL DISTRICT:

125001:SIDNEY

ACREAGE:

0.25A ACRES

CONVEYED TO:	MIDWOOD COMMUNITY SERVICES, INC 1412 AVENUE M PMB#2476 BROOKLYN NY 11230
CASH CONSIDERATION:	\$9,000.00
TAX DEFICIT:	\$4,150.03
VILLAGE PERCENTAGE SPLIT	\$4,860.00
COUNTY PERCENTAGE SPLIT	\$4,140.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

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

**RESOLUTION NO. 51**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,955,024.64 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	\$1,180,191.50
Capital	\$960.75
DCCC	\$360.00
OET	\$66,909.51
Judgements and Claims	\$3,562.42
Highway Audits, as Follows:	
Road	\$226,988.22
Machinery	\$192,881.13
Capital Road & Bridge	\$52,852.38
Capital Solid Waste	\$63,240.39
Solid Waste/Landfill	\$167,078.34

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3,507, Noes 0, Absent 1,299 (Molé, Valente, Rowe, Maddalone).

Chairman Eisel made the following board appointments:

Youth Bureau Board of Directors:  
Jeff Staples  
Lori Walters

Agriculture and Farmland Protection Board:

Frank Bachler

Director of Planning Nicole Franzese referenced Mr. Marshfield's comments regarding conservation easements. Ms. Franzese stated that the County Planning Department's service contract with the towns is very confidential and the department will not be reporting any information to WAC or DEC. The department feels it is part of the City's responsibility to find out what they need to know.

Upon a motion, the meeting adjourned at 2:15 P.M.