

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

APRIL 23, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 23, 2008 at 1:00 P.M. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Mr. Valente. Mr. Valente introduced Director of Economic Development Glenn Nealis.

Mr. Nealis provided an update on the departments of Economic Development and Watershed Affairs requests for proposals seeking universities and consultants to study the economic impact to the County concerning the New York City Land Acquisition Program. Four responses have been received and will be reviewed by the departments of Economic Development, Planning, Real Property Tax, Watershed Affairs, the Delaware County Soil & Water Conservation District, the Chamber of Commerce and two members of the Board of Supervisors. The committee expects a final decision to be made by the middle of June.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier to discuss amendments to Dam Safety Regulations. A hand out entitled: *Information for Board of Supervisors Meeting - April 23, 2008 Amendments to Dam Safety Regulations* was placed on each Supervisors' desk.

Commissioner Frazier announced that there will be a public hearing on May 2, 2008 from 10 a.m. until 2 p.m. at the office of New York State Department of Environmental Conservation (NYSDEC) in Albany to give the public an opportunity to provide oral or written comments on the proposal to amend dam safety regulations. He encouraged the Supervisors and the public to visit the NYSDEC website, www.dec.ny.gov/regulations/39559.html for more information.

Commissioner Frazier said that the majority of the information in the handout was taken directly from the NYSDEC website and there are comments in the handout that are from the New York Association of Conservation Districts, Inc. He indicated that he did not have a complete or

thorough understanding of the proposed dam safety regulation changes at this time, but felt it was important to bring the subject forward.

He explained that the genesis of these proposed regulations came about, at least in part, as a result of the failure of the Hadlock Pond Dam in the Town of Fort Ann. Delaware County has 155 dams that fall into the following categories; 8 Class C dams, high hazard, 24 Class B dams, medium hazard and 123 Class A dams, low hazard. The design criteria is dependent upon hazard classifications determined by the NYSDEC.

Commissioner Frazier discussed a few of the proposed regulations. Dam ownership is identified as any person or local public corporation who owns, erects, reconstructs, repairs, maintains, operates, or uses a dam. Financial requirements associated with dam ownership are delineated with regard to the inspection and repair of the dam. He pointed out that agricultural exceptions have changed as well.

Commissioner Frazier said if the Board felt this matter was worthy of a resolution there would be time to present one at the May 14th Board of Supervisors meeting.

Mr. Homovich questioned what language would be in the resolution. He referenced the Roundout-West Branch tunnel and remarked that if the tunnel fails, it would impact the towns of Margaretville, Hancock, Downsville, Deposit and Walton. He noted that the Office of the State Comptroller's (OSC) audit regarding the Roundout-West Branch tunnel points out there is no plan in place if the tunnel fails. NYSDEC is placing a great deal of the County in jeopardy.

Chairman Eisel advised that a study has been done on the Roundout-West Branch tunnel and there is discussion of building another tunnel alongside the present one in order to shut the old one down for repair. He pointed out that it may be three or four years before the work is completed.

Mr. Homovich said there is a plan to deal with the Roundout-West Branch tunnel downstate but, he questioned how NYCDEP was going to deal with the problem up here. He remarked that he is trying to get the OSC to revisit the Roundout-West Branch tunnel audit. However, getting action from the State or City is just about impossible. He felt that if a resolution was going to be brought forward, it should be meaningful.

Commissioner Frazier referenced the last page of the handout entitled: *Delaware County Dams* and pointed out that the list of dam owners is sorted by towns. He asked the Supervisors to review the information which was received from the NYSDEC to ensure that it is correct.

Mr. Marshfield asked how the NYSDEC came up with the information on this list. Commissioner Frazier said that the NYSDEC sends a letter twice a year to all the dam owners on record.

Chairman Eisel remarked that the information needs to be updated as some of the owners in the Town of Harpersfield were incorrect.

In response to Mr. Marshfield, Commissioner Frazier said that he would provide the Board with the name and email address of the contact person at NYSDEC to report corrections and/or additions to the list.

Mr. Donnelly asked who would be responsible to notify the dam owner of the dam's classification and how would the owner know when an inspection is due. He commented that the Town of Andes asked the NYSDEC to come and inspect the dam at Little Pond, which is a State dam and the NYSDEC replied that they would not come to do an inspection because it was not their responsibility. Commissioner Frazier said that NYSDEC would most likely notify the dam owner and pointed out that the NYSDEC has established the requirements a dam owner must follow.

Mr. Donnelly extended his appreciation to Commissioner Frazier and County Planner Spencer Devaul for their presentation at a Town of Andes Board meeting on City owned land in the Town of Andes. The presentation was well received and the visuals made a real impression. Members of the town board commented that actually seeing how much land the City has acquired makes the problem register.

In answer to Mr. Hynes, Commissioner Frazier said that he is not aware of any requirement on the town or county to notify dam owners of the NYSDEC requirements. The owner of a Class B or C dam are responsible to conduct periodic dam safety inspections at specified frequencies as determined by the NYSDEC. The dam owner would have to hire an engineer to conduct the dam inspection.

Mr. Homovich suggested that the Supervisors go on-line and read how the OSC answered the Roundout-West Branch tunnel and the dam safety audits.

Congresswoman Kirsten E. Gillibrand's Regional Representative Phil Giltner, announced that the Congresswoman will be holding a watershed summit meeting. The meeting is expected to be held at SUNY Delhi. The tentative date is August 11, 2008 from noon to 3:00 p.m. Mr. Giltner asked that the Supervisors talk with him about who they might want to attend the meeting and any issues they are interested in discussing.

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

RESOLUTION NO. 84

TITLE: PROCLAMATION OF MAY AS MENTAL HEALTH MONTH

WHEREAS, healthy individuals and healthy communities are essential elements of any strong and vibrant society; and

WHEREAS, mental health disorders and mental health problems affect people of all ages, backgrounds and at all stages of life; and

WHEREAS, mental health problems are real and common, but it is important to remember that recovery is possible and with treatment, individuals with mental health problems can lead full and productive lives; and

WHEREAS, Delaware County has made a commitment to community-based systems of mental health care for all residents; and

WHEREAS, the guiding principles of community mental health care have always been comprehensiveness, cost-efficiency, effective management and high-quality and consumer-responsive services; and

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

THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors proclaims May 2008 as Mental Health Month in Delaware County and urges residents of the County to become educated about the benefits and importance of good mental health care and to seek services for emotional problems early from mental health professionals.

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

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

RESOLUTION NO. 85

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF FUNDS - ROAD FUND
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there has been a significant increase in the cost of salt due in part to a fluctuating fuel surcharge; and

WHEREAS, salt usage has been up this season due to the time and nature of the storms; and

WHEREAS, money is needed to cover the increased costs of salt due to the surcharge and the increased usage.

NOW, THEREFORE, BE IT RESOLVED that the following transfer be made to cover expenditures in the Chemicals Line:

FROM:

24-15110-54000000	Maintenance Contractual	\$350,000.00
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TO:

24-15142-54160000

Snow Removal - Chemicals

\$350,000.00

The resolution was seconded by Mr. Rowe.

In answer to Mr. Meredith, Mr. Utter stated that the department hopes that this transfer will cover the balance of the year but, there are no guarantees.

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

RESOLUTION NO. 86

**TITLE: 2008 BUDGET AMENDMENT
UNEMPLOYMENT BENEFITS
PERSONNEL DEPARTMENT**

WHEREAS, the 2008 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the 2008 budget be amendment as follows:

FROM:

10-11040-58500000	Clerk Board	\$207.00
10-11165-58500000	District Attorney	511.00
10-11325-58500000	Treasurer	344.00
10-11327-58500000	Fiscal Affairs	292.00
10-11340-58500000	Budget Officer	21.00
10-11355-58500000	Real Property Tax	381.00
10-11364-58500000	Tax Acquired Prop	91.00
10-11410-58500000	County Clerk	1,078.00
10-11420-58500000	County Attorney	128.00
10-11430-58500000	Personnel	394.00
10-11450-58500000	Elections	198.00
10-11620-58500000	Buildings	1,049.00
10-11670-58500000	Printing	41.00
10-11680-58500000	Information Technology	914.00
10-13020-58500000	Public Safety - 911	59.00
10-13110-58500000	Sheriff - Law Enforcement	2,038.00
10-13140-58500000	Probation	823.00

10-13144-58500000	Community Support System	30.00
10-13150-58500000	Sheriff Jail	3,671.00
10-13315-58500000	Stop DWI	62.00
10-13620-58500000	Safety Inspections	75.00
10-13640-58500000	Emergency Services	125.00
10-14010-58500000	Public Health	2,282.00
10-14012-58500000	Public Health	426.00
10-14013-58500000	Immunization	55.00
10-14035-58500000	Children Spec Health Care	27.00
10-14050-58500000	Lead	41.00
10-14059-58500000	Early Intervention	324.00
10-14060-58500000	Edu Physically Handi	201.00
10-14189-58500000	Emergency Medical	96.00
10-14310-58500000	Mental Health Clinic	1,927.00
10-14311-58500000	Community Support	166.00
10-14312-58500000	MH Crisis Serv Prog	87.00
10-14313-58500000	Kendras Law	96.00
10-14315-58500000	Expanded Childrens' Services	87.00
10-14317-58500000	Alcohol Clinic	800.00
10-14321-58500000	Exp Mental Health	187.00
10-16010-58500000	Social Services	5,544.00
10-16326-58500000	Economic Development	294.00
10-16510-58500000	Veterans	119.00
10-16610-58500000	Sealer Weights & Measures	66.00
10-16772-58500000	Office for Aging	572.00
10-17310-58500000	Youth	609.00
10-18020-58500000	Planning	850.00
10-18740-58500000	Watershed Affairs	296.00
22-18160-58500000	Solid Waste	400.00
24-19050-58500000	Public Works	2,464.00
62-11710-58500000	Workers Compensation	128.00
Total:		\$30,676.00

TO:
10-19050-58500000 Unemployment Insurance **\$30,676.00**

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

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

RESOLUTION NO. 87

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF FUNDS
COUNTY INSURANCE**

WHEREAS, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2008, incidental liability claims, administrative costs and continued funding of the insurance reserve account

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

FROM:

10-11325-54630000	County Treasurer	\$800.00
10-11410-54350200	County Clerk	5,400.00
10-11620-54350200	Buildings	1,200.00
10-11620-54350200/1620004/975	Buildings (ARC)	6,000.00
10-13110-54350200	Sheriff	34,810.00
10-13140-54350200	Probation	22,000.00
10-13144-54350200	Probation CSS	900.00
10-13150-54350200	Jail	40,000.00
10-13315-54350100	STOP DWI	400.00
10-13640-54350200	Emergency Service	1,000.00
10-14010-54350200	Public Health Nurses	24,330.00
10-14012-54350200	Public Health Nurses	2,670.00
10-14189-54350200	Emergency Medical Ser	700.00
10-14310-54350200	Mental Health Clinic	10,000.00
10-14311-54350200	Community Support Prog	2,000.00
10-14313-54350000	Kendra's Law	1,000.00
10-14317-54350200	Alcoholism	4,500.00
10-14321-54350200	Expanded Mental Health Prog	500.00
10-16010-54350200	Social Services	40,000.00
10-16326-54350200	Economic Dev	550.00
10-16510-54350200	Veteran's Service Agency	1,180.00
10-16610-54350200	Sealer of Weights & Measures	390.00
10-16772-54350200	Office for Aging	2,600.00
10-18020-54350200	Planning Department	1,700.00
10-18740-54350200	Watershed Affairs	400.00
26-15130-54350200	Highway Department	98,800.00
22-18160-54350200	Solid Waste	<u>26,000.00</u>
	Total	\$329,830.00

INCREASE REVENUE:

10-19000-42280100	Interfund Revenue Insurance	\$329,830.00
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INCREASE APPROPRIATION:

10-11910-54350200	Unallocated County Insurance	\$329,830.00
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BE IT FURTHER RESOLVED, that any unexpended year end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating

Transfer (out) for transfer to the Insurance Reserve Fund.

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

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

RESOLUTION NO. 88

TITLE: AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING PROBATION DEPARTMENT

WHEREAS, the Director of Delaware County Probation Department/Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives, in order to receive grant funds in the amount of \$8,820.00

THEREFORE, BE IT RESOLVED that the Chairman of Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute and submit an application to the New York Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, New York 12205, for receipt of grant funds in the amount of \$8,820.00 for Alternatives to Incarceration Funding, for a term commencing January 1, 2008 and terminating December 31, 2008

BE IT FURTHER RESOLVED, that upon notification of the award of said funds, the Chairman of the Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute any and all grant documents on behalf of the County of Delaware relative to the above.

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

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

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

RESOLUTION NO. 89

TITLE: APPROVAL OF TRANSPORTATION BIDS FOR EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAM (2 - 5 YEAR OLDS) PUBLIC HEALTH NURSING SERVICES

WHEREAS, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by the County Attorney;

NOW, THEREFORE, BE IT RESOLVED that the bids received for transportation of preschool children with special needs from various points around Delaware County to the 4410 programs listed below, from May 1, 2008 to August 31, 2009, be accepted as follows:

Proposal No. 1-08:

Delaware County NYSARC, Inc- designated program site (Carousel Children’s Services), with its main office located at 34570 St Hwy 10, Walton, NY

Buchanan Transportation, Inc.

PO Box 686

Roscoe, NY 12776

Bid: \$303.54 per vehicle per round trip

Proposal No. 2-08:

Springbrook NY, Inc- designated program site (Kid’s Unlimited), 6 Country Club Road and 2705 St Hwy 28, Oneonta, NY

Buchanan Transportation, Inc.

PO Box 686

Roscoe, NY 12776

Bid: \$303.54 per vehicle per round trip

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

Mr. Valente offered the following resolution and moved it adoption:

RESOLUTION NO. 90

TITLE: PUBLIC HEARING FOR THE INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING THE DESIGNATED THIRTY- DAY PERIOD FOR ANNUAL DISTRICT REVIEW

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period starting on March 15, 2008 and closing April 13, 2008 in which a landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has identified each parcel proposed as “viable agricultural land,” eligible for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors must hold a Public Hearing to consider the requests and recommendations of the County Agricultural Farmland Protection

Board concerning the inclusion of land(s) into Agricultural Districts Nos. 2, 4, 12 & 17.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday May 14, 2008 at 6:45 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi N.Y.

The resolution was seconded by Mrs. Capouya and adopted by the following vote: Ayes 4806, Noes 0, Ayes 0.

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

RESOLUTION NO. 91

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,316,531.63 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	\$956,347.32
Highway Audits, as Follows:	
Road	\$182,445.23
Machinery	\$91,830.54
Capital Road & Bridge	\$10,586.23
Capital Solid Waste	\$146.76
Solid Waste/Landfill	\$75,175.55

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

Chairman Eisel wished Mr. DuMond a happy birthday and invited everyone to enjoy cookies baked by his mother-in-law Judy diLorenzo.

Upon a motion, the meeting adjourned at 1:50 p.m.

