

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 14, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 14, 2008 at 7:00 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. Layton led the Board in the Pledge of Allegiance to the Flag.

Mr. DuMond requested a moment of silence in memory of Town of Masonville Superintendent of Highways Duane Gifford who died as a result of a logging accident. Mr. DuMond stated Mr. Gifford was an outstanding highway superintendent and a devoted husband and father.

The minutes of the previous meeting were accepted as presented.

The Clerk read a card of thanks from retired Town of Tompkins Supervisor Perry Shelton. Mr. Shelton thanked the Board for the group picture he received. He now has a picture of the first Board of Supervisors he served on in 1958 and the last Board he served on in 2007. Mr. Shelton stated it was such a pleasure to have served with so many fine people during his time in office.

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

Chairman Eisel granted privilege of the floor to Mr. Homovich. Mr. Homovich introduced the past President of the New York State Bluestone Association Harry Triebe, Sr.

Mr. Triebe stated he is celebrating his twentieth year as owner of Sonny & Sons Stone Company located in Downsville, New York. He thanked the Board for their support of the bluestone industry referring to Resolution No. 97 entitled: *In Support of Making Permanent New York State Department of Environmental Conservation's Authority to Issue Bluestone Exploration Permits* which would be introduced later in the meeting.

Mr. Triebe noted that the information he has received from the bluestone lobbyists is that this legislation will pass and be made permanent. The exploratory permits have been very

helpful to the bluestone industry.

He advised that the bluestone industry is challenging the regulations placed on the industry by the federal government Mine Safety and Health Administration. This past year there was a Bluestone Expo in Binghamton, New York which was very successful. A portion of the proceeds will be used to create an educational video for the bluestone industry to generate additional support.

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

**RESOLUTION NO. 92**

**TITLE: 2008 BUDGET AMENDMENT  
SUMMER YOUTH EMPLOYMENT PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Summer Youth Employment Program. Said monies is to be used for summer youth employment and education training for economically disadvantaged youth and is 100% reimbursed.

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

**REVENUE ACCOUNT:**

10-16010-44482002	Summer Youth Employment	\$88,399.00
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**APPROPRIATION ACCOUNT:**

10-16010-54665002	Summer Youth Employment	\$88,399.00
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The resolution was seconded by Mr. Marshfield.

Mr. Marshfield commented that the figure is up about \$20,000 from last year.

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

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

**RESOLUTION NO. 93**

**TITLE: 2008 BUDGET AMENDMENT  
LONG TERM CARE DEVELOPMENT GRANT  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, New York State desires to implement in each county a Long Term Care Point of Entry System and is county specific and is financially supported by federal funds; and

**WHEREAS**, Delaware County has been provided with a grant of \$52,000 for the development of a Long Term Care Point of Entry System as a collaboration among the County Departments of Aging, Public Health and Social Services;

**NOW, THEREFORE BE IT RESOLVED**, that the Department of Social Services is authorized to accept a \$52,000 grant, as shown below, on behalf of the County to develop Delaware's Long Term Care Point of Entry System for the period October 1, 2007 to September 30, 2008.

**REVENUE ACCOUNT:**

10-16010-44461001	Contracted Services LTC Dev Grant	\$52,000.00
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**APPROPRIATION ACCOUNT:**

10-16010-54200024	Federal LTC Dev Grant	\$52,000.00
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The resolution was seconded by Mr. Hynes.

In reply to Mr. Marshfield, Commissioner Moon explained that the County is in its second year of funding to be used for the development and implementation of the County's Long Term Care Point of Entry System.

The resolution was adopted by the following vote; Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 94**

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

**LETTING OF MAY 7, 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. 29-08 LIGHT WEIGHT GROUT COMPONENTS TO:

Items 1- 2a     Oneonta Block Co., 6459 State Highway 23,  
                          Oneonta, NY 13820

Bid Price        See Summary Sheet

Items 3 - 6     Cellular Concrete, LLC., 7020 Snow Drift Road,  
                          Suite 102, Allentown, PA 18106

Bid Price        See Summary Sheet

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

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

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

**RESOLUTION NO. 95**

**TITLE: APPORTIONMENT OF MORTGAGE TAX**

**WHEREAS**, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending March 31, 2007

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261.

**BE IT FURTHER RESOLVED** that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount AppORTIONED to Town	Amount AppORTIONED to Village
Andes	\$35,647.64	\$35,647.64	
Bovina	\$13,550.47	\$13,550.47	
Colchester	\$18,258.88	\$18,258.88	
Davenport	\$23,674.05	\$23,674.05	

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Delhi	\$27,922.76	\$21,681.40	\$6,241.36
Deposit	\$16,170.85	\$14,892.28	\$1,278.57
Franklin	\$29,912.24	\$28,384.98	\$1,527.26
Hamden	\$14,190.75	\$14,190.75	
Hancock	\$48,826.61	\$43,112.32	\$5,714.29
Harpersfield	\$11,877.69	\$10,132.20	\$1,745.49
Kortright	\$10,067.35	\$10,067.35	
Masonville	\$7,663.15	\$7,663.15	
Meredith	\$18,925.52	\$18,925.52	
Middletown	\$61,934.70	\$51,854.02	FL \$2,355.90
			MV \$7,724.78
Roxbury	\$41,217.74	\$41,217.74	
Sidney	\$36,848.85	\$11,097.13	\$25,751.72
Stamford	\$20,213.41	\$10,039.51	ST \$3,535.73
			HO \$6,638.17
Tompkins	\$6,416.66	\$6,416.66	
Walton	\$57,439.99	\$40,429.43	\$17,010.56
Totals ...	\$500,759.31	\$421,235.48	\$79,523.83

The resolution was seconded Ms. Molé.

Mr. Triolo asked how these apportioned amounts compare to previous years. In response Clerk Schafer offered to provide him with the previous years apportionments.

Chairman Eisel noted that the Town of Harpersfield's apportionment is less this year and he believed that would hold true for all the towns.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 96**

**TITLE: AMEND AND REINSTATE  
THE DEFERRED COMPENSATION MODEL PLAN  
PERSONNEL DEPARTMENT**

**WHEREAS**, the New York State Deferred Compensation Board, pursuant to Section 5 of the New York State Finance Law and the Regulations of the New York State Deferred Compensation Board, has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the County of Delaware and offers the Model Plan for adoption by local employers;

**WHEREAS**, the County of Delaware, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Delaware;

**WHEREAS**, effective December 7, 2007 the New York State Deferred Compensation Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals.
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

**WHEREAS**, the New York State Deferred Compensation Board has offered for adoption the amended and restated Model Plan sponsored by a local employer in accordance with the Regulations; and

**WHEREAS**, upon due deliberation, the County of Delaware has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Delaware by adopting the amended Model Plan.

**NOW THEREFORE, BE IT RESOLVED** that the County of Delaware hereby amends the Deferred Compensation Plan for Employees of the County of Delaware by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A\*.

\*Copy of Exhibit A will be available upon request.

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

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

**RESOLUTION NO. 97**

**TITLE: IN SUPPORT OF MAKING PERMANENT  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S  
AUTHORITY TO ISSUE BLUESTONE EXPLORATION PERMITS  
ECONOMIC DEVELOPMENT**

**WHEREAS**, bluestone mining is currently a \$100 million industry in New York State, with 60 percent of bluestone mines being located in Delaware County; and

**WHEREAS**, in 2002, New York State approved legislation to authorize the Department of Environmental Conservation to issue bluestone exploratory permits that allow bluestone quarrymen to investigate the viability of a potential bluestone quarry prior to entering into the considerable expense of applying for a full mining permit; and

**WHEREAS**, the exploratory permit system and a more stable regulatory framework has enabled the bluestone industry to flourish in New York State; and

**WHEREAS**, the authority for NYSDEC to issue bluestone exploratory permits expires on July 31, 2008; and

**WHEREAS**, the NYSDEC has recommended that the statute authorizing the issuance of bluestone exploratory permits be made permanent; and

**WHEREAS**, the NYS Senate passed legislation granting NYSDEC permanent authority to issue exploratory permits.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors does hereby express its support for legislation granting NYSDEC permanent authority to issue bluestone exploration permits.

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors is hereby authorized and directed to forward a certified copy of this resolution to Governor David A. Paterson, Speaker of the Assembly Sheldon Silver, Assemblywoman Aileen Gunther, Assemblyman Clifford Crouch and Assemblyman Peter Lopez.

The resolution was seconded by Mr. Maddalone and Mr. Rowe and unanimously adopted.

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

**RESOLUTION NO. 98**

**TITLE: RESPONSE TO THE PROPOSED  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
(NYSDEC) DAM SAFETY REGULATIONS  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County recognizes the need for assuring dam safety; and

**WHEREAS**, the NYSDEC is proposing revisions to dam safety regulations; and

**WHEREAS**, the regulation changes impose extensive new inspection, operation and maintenance and other requirements on dam owners; and

**WHEREAS**, compliance with proposed changes will potentially create costs prohibitive to the needed maintenance, inspection or repair of a dam for many private landowners and rural municipalities; and

**WHEREAS**, these changes create circumstances whereby the actions of a third party may cause a dam to become classified as a higher class of risk for liability and increasing their cost of compliance with no relief from the NYSDEC; and

**WHEREAS**, Delaware County and nearby regions have experienced as much as 25% more rainfall per year over the past six years often with an increased frequency of high intensity rainfall events causing serious localized damage and loss of life; and

**WHEREAS**, it is known that the high intensity event of June 19, 2007 in Berry Brook, in the Town of Colchester, contributed to the demise of several Class A dams adding to the impact of that event; and

**WHEREAS**, watershed hydrological studies of the potential impact of those Class A dams was not known and illustrates the value of understanding the impact of multiple failures; and

**WHEREAS**, the prohibitive cost of compliance could result in the abandonment of all classes of dams increasing the risk of failure and accompanying loss of life, property, public infrastructure or natural resources.

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors requests that the proposed changes to the regulations for dam safety be suspended for all privately owned, as well as, for rural municipalities, Class C, B and A dams until the



compliance costs associated with these regulations are resolved and that the NYSDEC consult with local resource agencies to develop reasonable and cost effective solutions that assist private landowners and small municipalities to reduce the risk of dam failure and associated compliance costs.

**BE IT FURTHER RESOLVED**, that this resolution be sent to Peter Grannis, Commissioner of NYSDEC, Senator John Bonacic, Assemblyman Clifford Crouch and Assemblyman Peter Lopez.

The resolution was seconded by Ms. Molé.

Mr. Marshfield commented that he requested an updated list of registered dam owners from the NYSDEC. He pointed out their list indicated there are 182 Class A, B, and C dams in the County and he felt that number was too low.

Mr. Marshfield said the current regulations NYSDEC have are ineffective. He will support this resolution but, in his opinion, the proposed changes breed more regulations. The NYSDEC has a long way to go before they get a grip on how they are going to administer these regulations. He felt the Board needed to stay on top of this issue as the safety and well being of our constituents and businesses are involved.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 99**

**TITLE: ACCEPTANCE OF 2008 US DEPARTMENT OF JUSTICE GRANT  
COPS TECHNOLOGY PROGRAM  
SHERIFF'S OFFICE**

**WHEREAS**, Delaware County is in recipient of a grant awarded by the US Department of Justice to be administered by the COPS Technology Program Office in the amount of \$32,736.00; and

**WHEREAS**, the grant is to be administered by the Delaware County Sheriff's Office and was awarded for the specific purpose of reimbursing Delaware County 100% of the cost of a Live Scan Finger Printing System which captures fingerprints electronically for maximum quality and rapid response and will be linked to a regional server located at and operated by the Broome County Sheriff's Office.

**THEREFORE, BE IT RESOLVED** that the 2008 budget be amended as follows:

**ESTIMATED REVENUES:**

10-13110-44432000/3110029/907	Federal Crime Control	\$32,736.00
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**APPROPRIATIONS:**

10-13110-52200001/3110029/907	Equipment Grant	\$32,736.00
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The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Delaware County Sheriff Mills replied that maintenance on the Live Scan Finger Printing System will be paid by the grant for the first year and then becomes the County's responsibility. The maintenance amount of \$3,000 will be shared equally between the Department of Social Services and the Sheriff's Office.

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

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

**RESOLUTION NO. 100**

**TITLE: AUTHORIZATION FOR ENTERING INTO CONTRACT FOR SALE OF FOOD PRODUCTS BETWEEN NYS-DOCS AND DELAWARE COUNTY SHERIFF'S OFFICE**

**WHEREAS**, the Delaware County Sheriff's Office wishes to enter into an agreement to procure food products from the New York State Department of Correctional Services' Office of Nutritional Services ("DOCS-NS") located in Rome, New York; and

**WHEREAS**, DOCS-NS will provide food products as requested by Delaware County. Those food products will be products that are standard production items processed consistent with DOCS menu items. Food managers at Delaware County and DOCS-NS will work closely to coordinate ordering and delivery schedules; and

**WHEREAS**, DOCS transportation staff will deliver food products to Delaware County's dock on a weekly basis. Deliveries will be made by refrigerated trucks at a day and time convenient to DOCS-NS. Deliveries will be scheduled in conjunction with deliveries to DOCS facility deliveries in close proximity of Delaware County. A delivery fee of \$.50 per mile for any additional mileage incurred by DOCS-NS and any additional tolls incurred by NYSDOCS will be added to weekly invoices; and

**WHEREAS**, food products will be packed in plastic baskets, stacked on pallets. All empty baskets and pallets are to be returned to DOCS-NS via DOCS-NS truck. Delaware

County agrees to reimburse at replacement cost any lost or damaged baskets or pallets; and

**WHEREAS**, at time of delivery, DOCS-NS will provide an itemized listing of products delivered. Delaware County personnel will verify that the correct product and count are received and note any discrepancies on the delivery ticket. The ticket shall be signed by Delaware County personnel and the DOCS-NS driver. The DOCS-NS driver will retain one copy as proof of delivery; and

**WHEREAS**, on a weekly basis, DOCS-NS will provide an invoice to Delaware County for reimbursement for products received. Payment for products received should be made on a monthly basis by a check payable to NYSDOCS Office of Nutritional Services; and

**WHEREAS**, the initial pricing list will be provided by DOCS-NS on a separate schedule, the pricing structure will be evaluated every three months and will increase/decrease directly consistent with cost to produce food products. Written notification of price increases/decreases will be given to the receiving agency; and

**WHEREAS**, this agreement will take effect on 6/1/2008 and will remain in effect until 5/31/2011; and

**WHEREAS**, it is understood between the parties hereto that this contract shall not become effective until approved by the Attorney General and the Comptroller of New York State.

**THEREFORE, BE IT RESOLVED** that authorization is hereby given to enter into the contract with the New York State Department of Correctional Services' Office of Nutritional Services as outlined above.

The resolution was seconded by Mr. DuMond.

In answer to Mr. Meredith, County Attorney Richard Spinney advised that the agreement does not specify an amount that needs to be ordered, the purchase is based on need.

In response to Chairman Eisel, Sheriff Mills said that by contracting with DOCS-NS it is anticipated the County will save between \$15,000 to \$30,000 a year and either party can back out of the agreement at anytime.

In reply to Mr. Marshfield, Sheriff Mills explained that the food is ordered by our food managers on a weekly basis, it is pre-cooked and delivered by refrigerated trucks. At this point, it is hard to determine if less staff will be needed.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 101**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,844,281.40 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	\$1,187,360.77
OET	\$82,680.55
Countryside	\$360.00
Risk Retention	\$51.05
Highway Audits, as Follows:	
Road	\$175,063.96
Machinery	\$111,529.21
Capital Road & Bridge	\$127,033.77
Capital Solid Waste	\$15,485.00
Solid Waste/Landfill	\$145,077.09

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

Chairman Eisel stated he would like to set a date for the Supervisors to tour the Compost Facility. He asked the Supervisors to let him or Clerk Schafer know what date, other than a Board meeting date that would work for their schedule. He noted that transportation to the facility from the County Office Building would be provided.

Mr. Homovich referenced the Delaware County Electric Cooperative, Inc. (DCEC) Western Catskill Hydro Project and questioned if the energy harnessed from the Neversink, Pepacton, Cannonsville, and Gilboa reservoirs would benefit the people of Delaware County.

Mr. Marshfield stated in response that he was not familiar with the entire project and referred him to DCEC Executive Officer Greg Starheim who was heading the project.

Mr. Homovich noted the structures are a pretty good size and questioned if they are taxed. Mr. Marshfield stated that DCEC structures are assessed and they pay property taxes.

In reply to Mr. Homovich, Mr. Marshfield replied that the DCEC charges .09¢ and the New York State Electric and Gas (NYSEG) is charging .14¢. To the best of Mr. Marshfield's knowledge, the NYSEG charge includes delivery. The DCEC charges a power charge adjustment which fluctuates from month to month.

Mr. Homovich expressed his desire to see County residents benefit from this project not just downstate.

Mr. Marshfield commented that Mr. Starheim would be happy to address the Board's questions and would go to any town to discuss DCEC's renewable energy projects as well.

Chairman Eisel advised he would contact Mr. Starheim and invite him to the next Board meeting to discuss this project.

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

**RESOLUTION NO. 102**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss personnel disciplinary action.

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

The meeting reconvened in regular session with all Supervisors present.

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

**RESOLUTION NO. 103**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss matters of litigation.

The resolution was seconded by Ms. Molé and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present.

Upon a motion the meeting was adjourned at 8:30 P.M.