

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 28, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 28, 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 except Mr. Rowe and Mr. Maddalone.

Mr. Donnelly offered the invocation.

Mr. Meredith 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 Commissioner of Public Works Wayne Reynolds. Commissioner Reynolds presented James Thomas as Employee of the Month.

Mr. Thomas was hired as a summer engineer while attending college from 1996 to 1998. In 1999, he became a full-time Assistant Civil Engineer and was promoted to Civil Engineer in February 2004.

Commissioner Reynolds said that Mr. Thomas is a very dedicated, hard working, and conscientious employee with an outstanding work history. In 2007, he really stood out, Mr. Thomas was the engineering department's coordinator for the repair of flood damages that devastated County Route 7, also known as Cat-Hollow. He did a remarkable job, showing leadership and commitment by coordinating all aspects of repairing this road and dealing with the many contractors, employees and residents on CR 7.

Commissioner Reynolds presented Mr. Thomas with a \$100.00 Savings Bond and thanked him for all he has done for the County. 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 Mr. Marshfield. Mr. Marshfield

introduced Delaware County Electric Cooperative, Inc. (DCEC) Executive Officer and General Manager Greg Starheim to provide a brief update on the methane gas project at the Solid Waste Management Facility and to discuss the Western Catskills Hydro Project.

Mr. Starheim provided a power point presentation displaying the work that has been performed at the Solid Waste Management Facility. He explained that the DCEC broke ground on the project about six weeks ago and the site excavation is now complete. The County has been busy with their contractor drilling wells throughout the gas field. These wells will be used by the DCEC to recover the methane which will power the engine. In addition, the foundations have been poured for the gas engine and the auxiliary clean up skid. The engine is in transit and should be arriving by mid June. Concerns regarding the New York State Electric and Gas (NYSEG) interconnect where DCEC will be injecting the power into appear to be worked out.

Mr. Starheim said the market for environmental credits is more favorable than in the past and the project is progressing nicely. He thanked Commissioner Reynolds and Solid Waste Management Director Susan McIntyre for their assistance and is looking forward to a successful September 1st commercial operation date.

The presentation continued with a power point presentation on the Western Catskills Hydro Project.

DCEC is a non-profit, 501-C corporation serving more than 20,000 members/customers in the counties of Delaware, Schoharie, Otsego and Chenango, Mr. Starheim explained. DCEC is looking at renewable energy in order to keep their rates competitive and significantly lower than other electric providers. They believe there are other renewable opportunities in the area that can be developed for the benefit of this area. The Western Catskills Hydro Project will exceed DCEC's current load for serving the existing membership but, believe there are ways for the DCEC to serve a greater portion of Delaware County and beyond.

On May 8, 2008, DCEC submitted a pre-application document to the Federal Energy Regulatory Commission (FERC) for the Western Catskills Hydro Project. The project encompasses the towns of Gilboa located in Schoharie County, Deposit and Colchester located in Delaware County and Neversink which is located in Sullivan County.

DCEC anticipates the licensing process should be complete by May 2011 and if all goes well, it is anticipated that construction could begin in January 2012 with a commercial operation date of August 2013.

The project design consists of standardized modulars of hydraulic structures which will allow for minimal intrusion and impact on New York City (NYC) water supply dams and reservoirs and will utilize the available flow surplus to NYC's requirements. The modular powerhouses at each site are identical and equipped with one, two or four generating units depending on the sites generating capacity. Each site would also have the identical civil

structures, hydraulic and electrical equipment.

The Western Catskills Hydro Project is significantly larger than what DCEC has encountered in the past and represents the largest identified hydro electric renewable energy project in New York State at this time. The project has helped the State achieve its renewable energy portfolio standard with a project other than wind energy and has been well received by our federal and state representatives. This project would serve more members than DCEC currently has load for and would help them achieve their goal of serving a greater portion of Delaware County. Currently, DCEC serves about a third of the County.

Mr. Starheim noted that in the research that was done for the FERC it was discovered that New York City Department of Environmental Protection (NYCDEP) had initiated a FERC application for generating at the Pepacton and Cannonsville back in the 1980's but, abandoned the idea as a result of environmental opposition. DCEC believes their design addresses the vast majority of those concerns.

Mr. Homovich commented that he believed that the design warmed the water creating an unsuitable environment for certain types of fish. Mr. Starheim said in answer to Mr. Homovich, that the discussion around this issue was if the intake into the penstocks and turbans are at a higher elevation than the reservoir, then the bottom discharge temperature would be higher. Also, the study needs to address that even though the water is at a higher temperature, the lower you get in the reservoir the less oxygen content there is in the water.

Mr. Homovich remarked that it was his understanding that the City was given a license to generate out of the Pepacton in 1986 and assumed they encountered some of same problems with the environmentalists. He felt that DCEC's plan made good sense, adding it would allow each reservoir to correct the flaw in the City's design. In an emergency situation this would provide the ability to control the level of the reservoirs protecting peoples lives and properties.

In reply to Mr. Bracci, Mr. Starheim said that if the current design holds up through FERC there would be a penstock pipe that would go over the dam. The penstock pipe will be noticeable and there is the concern that it may cause an esthetic issue. Deputy Commissioner NYCDEP Paul Rush has been given the lead role to work with DCEC on this project by the FERC Commissioner. Mr. Rush has reviewed the pre-application document in detail and has some very valid questions, primarily related to dam safety. He indicated he would like to meet with DCEC to discuss how to work together on this project.

In answer to Mr. Bracci, Mr. Starheim explained that the Cannonsville and Neversink are located in a close proximity to sub-transmission lines, but there would be a need to build lines to reach the interconnect with NYSEG from the Schoharie and Pepacton reservoirs. The type of lines that would be built are more representative of the lines used by DCEC, not like the Marcy South lines.

Mr. Starheim said the output the project produces during peak command times could provide power to twenty to twenty-five thousand homes. This would have a direct impact on DCEC's current members. DCEC is currently looking at the possibility of structuring as an energy supplier that an individual could choose, similar to NYSEG's current program, or creating new types of membership programs allowing DCEC to encompass a greater area.

Mr. Homovich said that between the Catskill Park and Marcy South lines the Town of Colchester has more than twenty miles of power lines running through it providing power to NYC. The City wants these new lines and that is a problem. In his opinion, the Western Catskills Hydro project is a great opportunity to move forward in solving the County's energy problems.

Mr. Utter pointed out that power lines going through Delaware County serve NYC and do not help Delaware County. He questioned if DCEC can sell their excess power at their discretion or are there any rules or regulations that they must abide by? Mr. Starheim said that DCEC is governed by its bylaws and New York State law.

Mr. Donnelly asked if the project would create more jobs. Mr. Starheim replied that it would take only a handful of people to operate and maintain the modular powerhouses. The initial construction would require many more, although the design is fairly straight forward.

Mr. Marshfield noted that the project will produce a 63,000 megawatt load among all four of the modular powerhouses. To put that in perspective, DCEC's peak load in the dead of winter is 13 megawatts.

Chairman Eisel commented that he believes this renewable energy project is a win-win and thanked Mr. Starheim for his presentation.

Chairman Eisel noted that a copy of a letter from the Town of Neversink Supervisor Greg J. Goldstein had been placed on each Supervisor's desk. The letter was sent to the Commissioner of NYC Department of Environmental Protection and expressed support for the recreational boating pilot program on the Cannonsville Reservoir. The letter also welcomed the opportunity to allow the Neversink Reservoir to participate in the pilot program or when a viable program develops. Mr. Goldstein copied his letter to the Deputy Commissioner NYC DEP Paul Rush, Executive Director Catskill Watershed Corporation Alan Rosa and Coalition of Watershed Towns Chairman Dennis Lucas.

Chairman Eisel announced that during the week of June 9th, the Personnel Department will move to the old jail building followed by Economic Development. The space that is made available by Economic Development will be retrofitted to house the new voting machines that will be arriving soon.

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

RESOLUTION NO. 104

**TITLE: 2008 BUDGET AMENDMENT
FOOD STAMP INCENTIVE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the New York State Office of Temporary and Disability Assistance has awarded the Delaware County Department of Social Services the amount of \$25,000 as an incentive award for program integrity; and

WHEREAS, the Department of Social Services will utilize this award to introduce improvements in the Food Stamp Program including the use of telephone recertifications and internet based applications

NOW, THEREFORE, BE IT RESOLVED that the 2008 Budget be amended to establish the following accounts:

REVENUE ACCOUNT:

10-16010-44461200	Food Stamp Incentive Program	\$25,000.00
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APPROPRIATION ACCOUNT:

10-16010-54664000	Food Stamp Incentive Program	\$25,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, Maddalone).

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

RESOLUTION NO. 105

**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. SW2-08 Articulated Dump Truck to: Tracey Road Equipment, Inc.
6803 Manlius Center Road
East Syracuse, NY 13057

Bid Price: \$179,900.00 (alternate bid w/out trade-in)

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

The resolution was seconded by Mr. Haynes.

Mr. Utter explained in response to Mr. Triolo that this is a budgeted item and has been used for cover at the landfill and on occasion has been used on other construction projects.

In answer to Mr. Marshfield, Mr. Utter stated this truck will replace the truck used for the last 15 years at the landfill.

In reply to Mr. Triolo, Mr. Utter said the estimate to repair the truck was excessive, the truck was worth more to the County as scrap.

The resolution was adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, Maddalone).

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

RESOLUTION NO. 106

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

LETTING OF MAY 21, 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. 30-08 Truck Mounted Knuckle Boom Crane to:

Stephenson Equipment Inc.
1886 Duanesburg Road
Duanesburg, NY 12056

Bid Price w/both Options: \$234,000.00

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. Axtell.

In answer to Mr. Triolo, Mr. Utter replied that this is a replacement vehicle. The style of this crane is a little different, the knuckle boom is mounted on the rear instead of behind the cab allowing for more versatility and will also be used to move jersey barriers.

The resolution was adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, Maddalone).

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

RESOLUTION NO. 107

TITLE: INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING DESIGNATED THIRTY- DAY PERIOD FOR ANNUAL AGRICULTURAL 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 from March 15, 2008 to 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 to verified that each parcel proposed is “viable agricultural land, and meets the eligibility requirements for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing, 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. 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; and

WHEREAS, the Delaware County Board of Supervisors has authorized the preparation of an Agricultural Environmental Assessment form as required by §303-b of the Agriculture & Markets: Agricultural Districts Law; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby adopt the inclusion of the following properties into Agricultural Districts Nos. 2, 4 & 12 &17.

<u>Ag District</u>	<u>Tax Map</u>	<u>Municipality</u>	<u>Area</u>
2	128.-2-16	Delhi	10
2	128.-2-18	Delhi	15.59
2	147.-1-23.1	Delhi	5
2	232.-2-4.1	Walton	11.8
4	172.-1-45	Delhi	160.27
12	207.-1-14	Tompkins	40.95
12	207.-2-1.2	Tompkins	48.4
12	224.-1-3.1	Masonville	32.47
17	37.-2-24	Kortright	10
17	17.-2-4	Davenport	51.5
17	25.-1-20	Davenport	14.29
17	25.-1-21	Davenport	13.74
Total area:			414.01

The resolution was seconded by Mr. Hynes 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. 108

TITLE: SALE OF TAX ACQUIRED PROPERTY

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.

HAN06TX.051

ASSESSED TO:

TOWN OF:	<u>NUNZIO PIRROTTA</u>
TAX MAP NO:	123689:HANCOCK 463.-2-65
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	5.09A ACRES
CONVEYED TO:	NUNZIO PIRROTTA 483 OAKDENE AVE CLIFFSIDE PARK NJ 07010
CASH CONSIDERATION:	\$6,165.15
TAX DEFICIT:	\$5,182.05

ROX06TX.023

ASSESSED TO:

TOWN OF:	<u>FRANK E SINGER</u>
TAX MAP NO:	124800:ROXBURY 72.-1-55
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	12.65A ACRES
CONVEYED TO:	FRANK E SINGER PO Box 75 GRAND GORGE NY 12434
CASH CONSIDERATION:	\$3,054.77
TAX DEFICIT:	\$2,498.86

STA06TX.025

ASSESSED TO:

TOWN OF:	<u>UNKNOWN</u>
TAX MAP NO:	125289:STAMFORD 155.-1-14
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	3.80A ACRES
CONVEYED TO:	GOOD SHEPHERD CHAPEL 781 ROXBURY MT RD HOBART NY 13788
CASH CONSIDERATION:	\$1.00
TAX DEFICIT:	\$674.50*

*taxes will be cancelled due to non profit status.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, Maddalone).

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

RESOLUTION NO. 109

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,017,794.67 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	\$780,656.74
OET	\$30,721.68
Highway Audits, as Follows:	
Road	\$79,572.65
Machinery	\$67,711.56
Capital Road & Bridge	\$32,535.14
Solid Waste/Landfill	\$26,596.90

The resolution was seconded by Ms. Molé and adopted by following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, Maddalone).

Chairman Eisel made the following appointments to the CDO Workforce Investment Board:

June White, Afton Central School
Elsa MacDonald, Tri-County Labor Council
Shirley Finch, Vice President of Human Resources, Sidney Federal Credit Union
Gina Becraft, HR Manager, Kraft Foods, Inc.

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