

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JUNE 11, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 11, 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 except Mr. Smith.

Mr. Donnelly offered the invocation.

Ms. Molé 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 Director of Emergency Services Richard Bell who presented Steve Finch as Employee of the Month.

Mr. Finch has been serving in the field of emergency services for over 25 years as a volunteer firefighter, a fire chief, chairman of the fire advisory board and on the 911 committee. In 2002 he became a full time employee with Delaware County as the 911 Coordinator.

Mr. Bell said that Mr. Finch is the most unselfish person he has ever met. It takes someone of great enthusiasm and dedication to give up their personal life to do this type of job. Mr. Finch has played an integral role in the development of 911 and the emergency management office. He has an excellent knowledge of the 911 system and is constantly looking for ways to improve the system. Mr. Finch is a leader who remains motivated and motivates everyone he works with.

Mr. Bell said it is his honor to present Mr. Finch 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. Valente. Mr. Valente introduced Director of Economic Development Glenn Nealis.

Mr. Nealis announced that Bren-Tronics, a new business in Downsville had their open house on June 9th. The company will produce portable battery systems, accessories and equipment for a variety of military uses, as well as in the law enforcement, security and communications field. The owner has made a commitment to Downsville and the surrounding area to target local residents as employees. They have worked with the Office of Employment and Training (OET) to recruit and pre-screen their initial 12 production employees. Six of the 12 employees hired will be enrolled in on-the-job- training programs that will subsidize a portion of the business' payroll costs as the employees become fully trained in their positions. Additional employees will be hired as the business becomes successful in this area. Mr. Nealis said the assistance being provided through the OET will help fund some of the start up costs and this is exactly the clean type of light industrial business Delaware County is looking for.

Mr. Homovich commented that he is very excited to have Bren-Tronics in Downsville. He explained that Bren-Tronics is a well established business on Long Island and the owner has decided to invest in this area. There are plans to hire another 20 employees if the business does well. He expressed his appreciation to Mr. Nealis and all who helped this business become a reality.

Mr. Nealis introduced Commissioner of Watershed Affairs Dean Frazier for an update on the Economic Impact Analysis (EIA).

Commissioner Frazier provided a brief recap of the concerns that lead to the decision to retain a consultant to analyze the impact of the City's \$300 million Land Acquisition Program (LAP) on Delaware County. There is the potential concern that a large percentage of acquisitions will be made in this County and the possible impact this could have on local businesses, communities and individuals. In January 2010, the City must apply for a new Watershed Permit from the New York State Department of Environmental Conservation (NYSDEC). This would involve a public process and if there are negative impacts brought forward the County would seek to have them mitigated.

Commissioner Frazier said that the money to conduct this analysis is in the 2008 budget. Requests for Proposals went out in February and four have been received. A reviewers group and a selection committee were formed to provide comments. There have been two joint committee meetings of Planning, Economic Development and Watershed Affairs to discuss the status of how the County will proceed.

Mr. Nealis said that the selection committee chose Downeast Group Development Consulting based out of Nova Scotia to conduct the EIA of the City's LAP. The selection group felt Downeast Group Development Consulting presented the best economic modeling and analysis component which will look at and analyze all the aspects of the economy. They have expertise and experience in sub-county modeling which is breaking the data down to as small an area as possible. The company also has an excellent communication plan that would allow for local input. In general, the selection group felt Downeast Group Development Consulting is a well rounded team with a great deal of rural experience.

Mr. Nealis said that he hoped a finalized contract could be presented for approval at the July 9th Board meeting.

In answer to Mr. Bracci, Mr. Nealis said that an interim report would be available late fall and a final report by February or March as long as the schedule goes as planned.

For Standing Committee Reports, Budget Director John Meredith reminded Supervisors and department heads that personnel requests for the 2009 budget must be signed by the majority of the department's oversight committee.

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

RESOLUTION NO. 110

**TITLE: 2008 BUDGET AMENDMENT
RESCINDING OF RESOLUTION NO. 93 - 2008
LONG TERM CARE DEVELOPMENT GRANT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, Resolution No. 93 adopted on May 14, 2008 inadvertently indicated that the Long Term Care Development Grant funding was sponsored through federal funds; and

WHEREAS, New York State is providing funding for the implementation of a Long Term Care Point of Entry System; 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 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; and

BE IT FURTHER RESOLVED, that Resolution No. 93-2008 is hereby rescinded and the following 2008 budget amendment be authorized:

REVENUE ACCOUNT:

10-16010-43361000	State Social Services Administration	\$52,000.00
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APPROPRIATION ACCOUNT:

10-16010-54200024	LTC Dev Grant	\$52,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 111

**TITLE: 2008 BUDGET AMENDMENT
APPROPRIATION OF SURPLUS
COUNTY ROAD FUND**

WHEREAS, Resolution No. 85 of 2008 moved \$350,000.00 from the Contractual Expense in the Maintenance of Roads and Bridges (24-15110-54000000) to cover overruns in the Snow Removal Chemical line (24-15142-54160000); and

WHEREAS, upon agreement of the Public Works, Budget Oversight and Finance Committees it has been decided to restore that money to the maintenance line from the fund balance; and

WHEREAS, the fund balance for the Road Fund is currently \$2,706,778.79.

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

FROM:

24-00000-34911000	Fund Balance OTR Unreserved - Road Fund	\$350,000.00
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TO:

24-15110-54000000	Contractual Expense	\$350,000.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 112

**TITLE: 2008 BUDGET AMENDMENT
APPROPRIATION OF SURPLUS
SOLID WASTE MANAGEMENT FUND**

WHEREAS, the adopted budget for 2008 included \$170,000.00 for petroleum oil & lube, \$10,000.00 for fuel oil and \$33,000.00 for propane; and

WHEREAS, these figures have proven to be insufficient to cover the costs of these items for the entire budget year; and

WHEREAS, the fund balance for the Solid Waste Fund is currently \$4,056,424.33.

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

FROM:

22-00000-34911000	Fund Balance OTR Unreserved - Solid Waste Fund	\$165,000.00
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TO:

22-18160-54315000	Fuel Oil	\$7,000.00
22-18160-54515000	Petroleum Oil Lube	109,000.00
22-18160-54545000	Propane Gas	49,000.00

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 113

**TITLE: CHANGE ORDER PROPOSAL NO. 28-08
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No.79 of 2008 authorized the Department of Public Works to make award of Proposal No. 28-08, Supply of HDPE Pipe Liners to ISCO Industries; and

WHEREAS, the original proposal was based on the manufacturers literature for individual laying lengths of pipe; and

WHEREAS, subsequent to the bid opening, the manufacturer changed the laying length of certain sizes of pipe; and

WHEREAS, the quantities of pipe ordered for the sizes of 12.75", 14", 16" and 18" diameter had to be increased to be divisible by the revised laying lengths; and

WHEREAS, the increased pipe length shall be paid for at the appropriate unit price bid.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is authorized to execute Change Order No. 1 for Proposal No. 28-08 increasing the contract amount

from \$347,206.32 to \$348,384.24.

The resolution was seconded by Mr. Rowe.

Mr. Utter explained that the company that bid changed the individual laying lengths of pipe, therefore, additional lengths of pipe were required and were purchased at the bid price. The total change is approximately \$1,200.

The resolution was adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 114

TITLE: CHANGE ORDER TO PROPOSAL NO. SW9-07 TRANSPORTATION AND DISPOSAL OF NON-HAZARDOUS MIXED CONSTRUCTION AND DEMOLITION DEBRIS SOLID WASTE MANAGEMENT CENTER

WHEREAS, Resolution No. 271 of 2007 authorized the Public Works Department to make award to Riccelli Enterprises, Inc. for the transportation and disposal of C&D debris; and

WHEREAS, there is need to provide additional transportation and disposal services for scrap tires handled through the Delaware County Solid Waste Management Center.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works be authorized to execute the change order listed below:

PROPOSAL NO. SW9-07 Riccelli Enterprises, Inc.
PO Box 6401
Syracuse, NY 13217

Change Order No. 1 Transportation and disposal of passenger and light truck tires at a unit cost of \$110 per ton.

The resolution was seconded by Mr. Rowe.

Mr. Utter advised that the County has an over abundance of used tires. Casing Inc. has been taking what they can but, are not committed to taking all of the tires. The supply of tires continues to grow and they must be disposed of. Riccelli Enterprises, Inc. will take the overflow of tires and dispose

of them.

In answer to Chairman Eisel, Mr. Utter said that Casings Inc. will continue to take the tires and Riccelli Enterprises, Inc. will take the overflow.

The resolution was adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 115

**TITLE: AUTHORIZING FOR PROFESSIONAL SERVICES,
SUPPLEMENT #1 FOR BRIDGE #2-2, BIN 3352470
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 209 of 2004 authorized the department to enter into an agreement with Clough Harbour & Associates, LLP, PO Box 5269, Albany, NY 12205-0269 for professional services relating to the replacement of Bridges #2-2, 26-1 and 32; and

WHEREAS, during the development of the Design Report for the Bridge 2-2 project, there have been changes in the scope that have created additional work; and

WHEREAS, the design phase for Bridge 2-2 is nearing completion and the construction phase is scheduled to start this summer; and

WHEREAS, the Department of Public Works has completed the negotiations for the construction phase services for Bridge 2-2.

NOW, THEREFOR BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Supplemental Agreement No.1 with Clough Harbour & Associates, LLP for \$340,000.00 which will raise the maximum amount payable to \$1,235,000.00.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Mr. Utter stated that bridge no. 2-2 is located on County Route 2 over Bagley Brook, bridge no. 26-1 is the first bridge out of Downsville on County Route 26 and bridge no. 32 is located on Arbor Hill Road over the Little Delaware.

Mr. Marshfield commented he was surprised to learn that bridge no. 2-2 was scheduled to start this summer as he thought there was a great deal to be worked out.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds said that all the hurdles have not been worked out and perhaps, as his staff would say, we are looking at this through rose colored glasses. The project is being held up by the New York State Department of Transportation. It is hoped to be under construction and have one lane open before winter.

The resolution was adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 116

**TITLE: PURCHASE OF PROPERTY FROM EMANUEL J. ZARCONE JR.
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Delaware County Highway Department owns and operates a patrol garage at 106 County Highway 36, tax map 263.-3-13.2 in the Town of Middletown; and

WHEREAS, the County often encroaches upon the adjacent lot for storage purposes; and

WHEREAS, the current owner, Mr. Emanuel J. Zarccone has always allowed the County to encroach upon his lot without complaint; and

WHEREAS, Mr. Zarccone is in the process of selling his property, Tax Map 263.-3-13.3; and

WHEREAS, the County has approached Mr. Zarccone about purchasing a portion of the lot (approximately 300 feet wide by 70 feet deep); and

WHEREAS, Mr. Zarccone is agreeable to the sale; and

WHEREAS, the Town of Middletown Planning Board has approved the boundary line adjustment.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to purchase the above parcel from Mr. Emanuel J. Zarccone Jr. at a total cost of \$5,000.00.

The resolution was seconded by Mr. Haynes.

Mr. Utter explained that the Kelly Corners DPW patrol garage in the Town of Middletown abuts a piece of property owned by Mr. Zarccone. The property is mostly a steep bank with trees. DPW workers from time to time encroach upon the adjacent property in the course of doing business.

Mr. Zarcone is selling his property and DPW approached him about purchasing the portion of the lot that DPW encroaches upon. He is willing to sell DPW the piece.

The resolution was adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 117

**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; and

WHEREAS, this vehicle was offered to all transfer stations; and

WHEREAS, the Town of Harpersfield was the only interested party.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to sell to the Town of Harpersfield for \$3,000.00:

#376 1988 GMC Brigadier, Tiltframe
S/N 1GDV9C4C9JV601621

The resolution was seconded by Mr. Rowe.

Permission to be excused from voting on this resolution was requested by Chairman Eisel, Mr. Triolo and Mr. Haynes. Vice Chairman Tina Molé granted the request.

The resolution was approved by the following vote: Ayes 4027, Noes 0, Abstain 517 (Eisel, Haynes, Triolo), Absent 262 (Smith).

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. 118

TITLE: SALE OF TAX ACQUIRED PROPERTY

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

MER06TX.015

ASSESSED TO:

RODERICK ROE JR AND BETTY TUTTLE

TOWN OF:	124400:MEREDITH
TAX MAP NO:	47.-2-13.12
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	150.00'F x 310.00'D ACRES
CONVEYED TO:	RODERICK ROE JR AND BETTY TUTTLE 133 SHEEHAN ROAD EAST MEREDITH NY 13757
CASH CONSIDERATION:	\$266.33
TAX DEFICIT:	75.26

STA06TX.015

ASSESSED TO:

NIVLAS REAL ESTATE INC

TOWN OF:

125203:STAMFORD

TAX MAP NO:

54.9-7-8

SCHOOL DISTRICT:

125201:STAMFORD

ACREAGE:

68.00'F x 150.00'D:0.25A ACRES

CONVEYED TO:

NIVLAS REAL ESTATE INC

PO BOX 277

FLEISCHMANN'S NY 12430

CASH CONSIDERATION:

\$9,478.71

TAX DEFICIT:

\$7,857.48

ASSESSED TO:

DOUGLAS H ALDERFER

TOWN OF:	124800:ROXBURY
TAX MAP NO:	157.3-2-36
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	133.00'F x 200.00'D: 1.00A ACRES
CONVEYED TO:	DOUGLAS H ALDERFER PO BOX 88 WILLOW NY 12459
CASH CONSIDERATION:	\$7,595.43
TAX DEFICIT:	\$6,561.61

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 119

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,982,296.87 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	\$873,537.50
Countryside	\$360.00
OET	\$20,259.10
Highway Audits, as Follows:	
Road	\$23,125.93
Machinery	\$78,697.12
Capital Road & Bridge	\$813,710.67
Capital Solid Waste	\$102,743.75
Solid Waste/Landfill	\$69,862.80

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 120

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

LETTING OF JUNE 11, 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. 31-08 Galvanized Steel Frames and Grates to: Otsego Iron & Metal
PO Box 339
Oneonta, NY 13820

Bid Price: \$32,450.00

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. Rowe and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

Mr. Rowe announced that the recent hot weather this area has been experiencing raised the temperature of the East Branch, West Branch and the main stem of the Delaware River waters to a critical 70 degrees which is too warm for the trout population to survive. Prompted by environmentalist groups, Commissioner NYSDEC Peter Grannis reached out to the four states involved and within forty-eight hours received approval for an emergency cold water release from the Cannonsville Reservoir to the Delaware River. Mr. Rowe said never before had the NYSDEC moved this quickly to correct a problem and he hoped that when the lives of people were in jeopardy they will react as quickly.

Upon a motion the meeting was adjourned at 7:45 P.M.