

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

**AUGUST 20, 2008**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 20, 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. Meredith.

Mr. Marshfield offered the invocation.

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

Chairman Eisel announced that Assemblyman Clifford Crouch is in attendance and welcomed him.

The minutes of the July 9<sup>th</sup> meeting and the Special Meeting held on August 4<sup>th</sup> 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. Utter. Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier introduced New York State Department of Environmental Conservation (NYSDEC) Director of Bureau of Oil and Gas Regulations Jack Dahl and Mineral Resource Specialist Theodore Loukides. Mr. Dahl noted that Mr. Loukides has been assigned to the area to address Delaware County issues. A powerpoint presentation entitled *Oil and Gas Drilling in New York State* was given.

Mr. Dahl advised that oil and gas well drilling in New York is subject to full environmental review and there will be no rubber stamping of permits.

He explained that oil and gas wells date back to the early 1600's. Oil was found near Cuba, NY in 1627, natural gas was first produced in 1821 outside of Fredonia, NY and the first oil well was drilled in Allegany County, NY in 1863. The first horizontal well was drilled in New York in 1989. There have been an estimated 75,000 wells drilled since the 1820's. In 2007, approximately 13,000 wells were reported and 578 new well permits were issued. There have been over 540 well applications received to date in 2008.

New York State (NYS) has oil, gas, natural gas storage, salt and geothermal wells.

Morton Salt uses wells located in Silver Springs, NY and a geothermal well located in Trenton Black River, south of the Finger lakes was producing over 40 million cubic feet a day which made it one of the largest wells in the United States.

Based on 2007 data, 55 billion cubic feet of gas was produced, representing about 5 percent of what NYS uses and is equivalent to heating approximately 796 homes. There were 345,000 billion barrels of oil produced. Gas and oil wells reported by owners totaled 13,000, with a well head market value of \$513 million which raised \$64 million in landowner royalties and \$15 million in local taxes.

NYSDEC's authority is based on NYS Environmental Conservation Law Article 23, Oil, Gas & Solution Mining Law which was passed in 1963 with major amendments in 1981 and 2005. The State Environmental Quality Review Act (SEQRA) requires that a SEQRA review be completed on each well. The financial and permitting requirements are governed by regulations 6NYCRR Part 550-559. Other information regarding NYSDEC's authority can be found on their website at [www.dec.ny.gov/energy/205.html](http://www.dec.ny.gov/energy/205.html). In addition, other permitting authority may be needed as well, such as, air, water, solid and hazardous materials.

NYSDEC will be holding meetings across the state to gather public comments on horizontal Marcellus and other shale drilling. Once this information is assessed, the scope will be revised if necessary and a draft SGEIS will be developed for Marcellus Shale.

In conclusion, Mr. Dahl said there are many benefits to the well owners, but there are a lot of risks too. In the US about one in ten of the exploration wells are successful. With the Marcellus Shale there is insufficient information to know how many will be successful. He suggested that anyone interested in drilling should be well informed and consult an expert in the field. He provided the website for landowner information: [www.dec.ny.gov/energy1532.html](http://www.dec.ny.gov/energy1532.html) and the website for their on-line database: [www.dec.ny.gov/energy/1603.html](http://www.dec.ny.gov/energy/1603.html).

Mr. Dahl replied in response to Mr. DuMond, that he had not considered making formal presentations to each town but offered to provide copies of the presentation to any town that desired one.

In answer to Mr. Axtell, Mr. Dahl said that a successful well operator would have to reach an agreement with the Millenium Pipeline if they were going to use the pipeline to transport.

Chairman Eisel questioned the difference between the horizontal drilling used in the past and hydraulic fracturing or "fracking". Mr. Dahl explained that hydraulic fracturing consists of pumping a fluid and a propping agent such as sand down the well under high pressure to create fractures in the gas-bearing rock. The propping agent holds the fractures open, allowing gas to flow into the well. No blast or explosion is created by the fracking process. This process requires the use of one million gallons or more of water per well. That water would come from the Susquehanna or Delaware River Basin. However, there is concern with regard to the frac fluid composition.

In reply to Mrs. Capouya, Mr. Dahl said that heavy rain would not affect the horizontal well water storage sites. Operators with horizontal Marcellus Shale well drilling applications in the southern tier plan to use sealed steel tanks which are fairly heavy.

In answer to Mr. Utter, Mr. Dahl said that the NYSDEC can not lease state land within the forest preserve for oil or gas exploration. If gas or oil was found on private land adjacent to state land the compulsory integration process which is the grouping of more than one property into a single spacing unit would be necessary.

Mr. Loukides stated in reply to Mr. Bracci that the process of drilling the horizontal wells should not disturb a neighboring water well. Mr. Dahl added there have been no major disturbances but, complaints of minor disturbances, such as, turbidity in water wells located close to a home. However, after the well is cased the problems seem to clear themselves.

Mr. Dahl stated in response to Mr. Bracci if a large discovery was made in this area, there would have to be a pipeline to reach an existing pipeline in order to reach a local distribution company. Pipelines are regulated through the Public Service Commission.

In answer to Chairman Eisel, Mr. Dahl said the pipeline would be underground, the value of the gas versus the gasoline burned would make transporting by tanker a losing proposition.

Mr. Dahl explained in answer to Mr. Valente that water is not used to extract the gas. The water is needed at the time of drilling the horizontal leg or sometimes for the vertical well to control dust. The amount of water used is one million gallons per stage. He has seen up to four million gallons proposed per well.

In response to Mr. Valente, Mr. Dahl said that currently, there are no requests for refracking. The requests to date are to frack once. Some of the wells out west are fracking oil zones which contain benzene toluene xylene (btx's). The formations in NYS contain methane not oil so there would not be any btx's. As part of the review process the NYSDEC is looking to find out if any operator plans to inject fluids containing btx into the ground. To the best of his knowledge there are no requests from operators wanting to pump btx's into the ground. With regard to uranium, there are basements of homes built into the rock on the line of the Marcellus Out Crop and there has been no large quantities of uranium found. NYSDEC will continue to check with other department staff to discover if naturally occurring radioactive materials are present in the area where a Marcellus well will be drilled.

In reply to Mr. Homovich, Mr. Dahl stated that the NYSDEC has been accumulating applications for six months. There have been no permits issued for Marcellus wells to date because data is still being collected.

Mr. Homovich asked if there has been direction from state legislatures to help solve this delay by expediting the process. He expressed concern that when the process starts shifting from one agency to another there is the potential for delay, the process becomes cumbersome and too many things could go wrong. Mr. Dahl said that the legislatures and the Governor's office are

supporting the NYSDEC efforts to develop a draft scoping document for Marcellus Shale. Other types of wells drilled in the State as long as they comply with the GEIS can be drilled immediately. NYSDEC is looking to meet with and get these other groups together so that the review can be done efficiently. The Marcellus Shale review will be a slow process, there is not a fast tract. It will take as long as it takes to get through all the permits.

Addressing Mr. Homovich's concerns, New York State Assemblyman Clifford Crouch noted that one of the biggest concerns of the legislatures is that we do this right. Performing the SGEIS is part of doing it right. The legislatures understand the urgency of the community and are not trying to hold up an economic boost to any of the communities. It will take a period of time before drillers come in and have their infrastructure in place. The Governor has sent representation to informational meetings and that information has to be thoroughly reviewed. One of the concerns is personnel. There needs to be enough staff so that the process will not be compromised. There also has to be enough personnel in place to visit the sites once the permits are issued.

Mr. Dahl added that his office is responsible for permitting wells in this area and has twice the amount of staff than the regional offices. He felt that his office was staffed the best to undertake the Governor's program to permit and inspect wells. The NYSDEC wants to hear from the public and therefore will begin scoping sessions to hear from as many sources as possible.

Assemblyman Crouch remarked that the State is very interested in this as they will see additional revenues from oil and gas drilling which will be helpful.

Mr. Rowe commented that in his opinion this is actually a streamlined process when compared to putting in a transmission power line for a Millenium pipeline. He felt that if the permits for Marcellus wells could be completed within a year NYSDEC was doing good.

Mr. Rowe noted that the weather has become very unpredictable, areas that have been classified hundred year flood zones are flooding every year. He expressed concern about having an open pit of contaminated water exposed when there is heavy rain. He asked if it were possible to stipulate container versus open pit. Mr. Dahl replied that the history of an area is part of what will be considered during the review process and the appropriate stipulations will be placed on the permits before they are issued.

Mr. Marshfield asked if there were any individuals or businesses in the State that were tapping one of these natural gas wells for local use with turban energy or heating. Currently, a barrel of oil at \$129 is equal to a like equivalent of natural gas at \$63.42. He felt that this was a good viable possibility for areas with a pipeline. Mr. Dahl stated that Corning, NY is a franchised area that is doing this right now. He offered to provide Mr. Marshfield with contact information of those individuals and companies that supply natural gas locally.

In answer to Mr. Bracci, Mr. Dahl noted that the towns have authority over the roads. He cautioned the towns to be careful in their regulations of the trucks coming from the fracking sites

as they are not as heavy as the town trucks with snow plows, therefore, in prohibiting them, you may be regulating another area of town business. He suggested road bonding or requiring certain things from these operators. He encouraged the towns to approach these operators and invite them to meet and talk with local government.

Mr. Dahl stated in reply to Mr. Marshfield that noise would not be an issue after the drilling is complete. What you may hear is the sound of a compressor which is used to feed the lines into the pipeline.

Mr. Donnelly referenced the state of the economy and the affect the rising cost of fuel will have on the constituents. He suggested the State do a study to determine what the financial potential might be if drilling were permitted on State land. He believed there could be tremendous revenue there for the State. Mr. Dahl said a study might be a possibility, however, the decision to drill on State land would be made by people other than him.

Mr. Donnelly questioned why the Catskill Forest Preserve could not be leased. Assemblyman Crouch explained that State land is acquired in various ways and that determines how the land can be used. Drilling is illegal in the Adirondacks and the Catskill Park. It would take a constitutional amendment to make a change. He believed even if an amendment was agreed upon to make the change the people would vote it down.

In reply to Mr. Hynes, Mr. Dahl said that the State of Pennsylvania's treatment plant has a chemical process that takes out the undesired minerals before it would be discharged. The State of New York does not have this technology.

In answer to Mr Valente, Mr. Dahl said that people would not see several trucks coming through their town, it would be one or two 1,000 gallon tankers making multiple trips.

Assemblyman Crouch noted that some towns are issuing blanket permission to use the roads. He pointed out that some town and county roads do not have deeded roads they have transportation right-of-ways. He suggested that the towns speak to their attorney before issuing blanket permission for seismic acquisition to avoid issues such as trespassing.

Mr. Dahl added that there is a case law in Texas and Oklahoma that permission must be obtained from the mineral right owner even if it is deeded before you can run seismic over the roads, otherwise it is considered trespassing.

In answer to Chairman Eisel, Mr. Dahl said that there have been no reports of contaminated water supply or affects to the aqua filter at drilling depths of three to four thousand feet.

Mr. Homovich remarked that Delaware County's resources have been used by so many others, it is time that this resource be used by us.

Assemblyman Crouch said NYSDEC has been regulating wells for some time, there are

enough regulations in place to make this work. He felt fear was a real factor for many people.

Mr. Loukides commented that he has seen exploratory drilling activity in areas where there was none before. In his opinion, people are concerned of the unknown.

Mr. Dahl said there have been accidents, however, they have been dealt with swiftly minimizing any negative effects. The fracking process that the NYSDEC has seen has not contaminated anyone's water.

Mr. Utter asked if there were precautions the County's emergency management personnel should be aware of. Mr. Dahl explained that there were fires at the Bass Island drilling site because their equipment was not put in the proper place or proper precautions were not taken. The NYSDEC has learned from that and generated a number of special conditions as a result. There have been no big issues since that time.

In answer to Mrs. Capouya, Mr. Dahl said that a fire would be extinguished similar to a burning house. The good thing about shale is that when drilled into it nothing much is going to come out. The risk of fire is almost nil since fracking operators are pumping one million gallons of water into the well.

Assemblymen Crouch referenced the Natural Gas Exploration Symposium which was sponsored by the NYS Conference of Mayors. The symposium was well attended and provided very good information. He commented that he saw several Delaware County people there and encouraged the Supervisors to attend informational meetings whenever possible.

Mr. Marshfield said that he attended the Natural Gas Exploration Symposium and placed a synopsis of his notes on each Supervisor's desk. There was an array of speakers and a wealth of information presented.

Chairman Eisel thanked Mr. Dahl and Mr. Loukides for enlightening the Board on this matter.

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

**RESOLUTION NO. 135**

**TITLE: 2008 BUDGET AMENDMENT  
VOTER EDUCATION/POLL WORKER TRAINING AND  
POLL SITE ACCESS GRANT  
BOARD OF ELECTIONS**

**WHEREAS**, the Delaware County Board of Elections has been awarded a Voter Education/Poll Worker Training Grant from New York State in the amount of \$26,566.75 that requires a 5% county match to provide training to the public and poll workers regarding the new voting machines; and

**WHEREAS**, the Delaware County Board of Elections has also been awarded a Polling Site Access Grant from New York State to purchase items needed at the polling sites in the amount of \$22,409.00 that does not require a county match.

**THEREFORE, BE IT RESOLVED** that the following 2008 budget amendment be authorized:

**INCREASE REVENUE**

10-11450-43308000	State Board of Elections Grant	\$48,975.75
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**INCREASE APPROPRIATION**

10-11450-52200001	Equipment Grant	\$ 4,168.66
10-11450-54327000	General Grant Related Expense	\$44,807.09

The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4245, Noes 0, Absent 561(Meredith).

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

**RESOLUTION NO. 136**

**TITLE: 2008 BUDGET AMENDMENT  
UNDISTRIBUTED UNEMPLOYMENT INSURANCE  
PERSONNEL DEPARTMENT**

**WHEREAS**, the Unemployment Insurance Account is in need of funding for the third and fourth quarters of 2008; and

**WHEREAS**, an unemployment reserve fund was established by Resolution No. 5-98 for the purpose of augmenting the Unemployment Insurance Account

**NOW, THEREFORE, BE IT RESOLVED** that funding be appropriated as follows:

**FROM:**

66-00000-34815000	Appropriated Reserve-Unemployment	\$45,000.00
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**TO:**

10-19050-58500000	Unemployment Insurance	\$45,000.00
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The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Clerk of the Board Christa Schafer advised that the unemployment reserve is not back on track. This is the second year that we have had to take money from the reserve.

Personnel Director Teddie Storey explained that the County is still dealing with unemployment issues as a result of the sale of Countryside Care Center, pointing out that the cost for one individual collecting full benefits for six months could cost the County up to \$10,000. In the past, a formula varying by department, was used to determine the amount to charge each department. This budget year, a percentage assessment will be charged across the board based upon the department's personnel budget. She felt this method would replenish the reserve and prevent future withdrawals.

The resolution was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

**RESOLUTION NO. 137**

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

**LETTING OF AUGUST 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. SW3-08 Purchase of Roll-Off Boxes to: United Services Group Inc.  
46 Sager Drive  
Rochester, NY 14607

Bid Price (total for 2 of each item): \$30,932.00

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 4245, Noes 0, Absent 561 (Meredith).

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

**RESOLUTION NO. 138**

**TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 34-07,  
DEPARTMENT OF PUBLIC WORKS**



**WHEREAS**, Resolution No. 153 of 2007 authorized the Department of Public Works to make award of Proposal No. 34-07 to Delaney Construction Corp. for a Roller Compacted Concrete Slope Repair on County Route 17 in the Town of Hancock for the amount of \$828,828.00; and

**WHEREAS**, the surface of competent rock was not where it was anticipated to be based on the soil borings; and

**WHEREAS**, the contract quantities varied as a result of the differing rock surface; and

**WHEREAS**, the work has been completed and the final quantities have been calculated and agreed to

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to execute the Change Order 1 in the amount of a net increase of \$59,074.60 bringing the final contract amount to \$887,902.60.

The resolution was seconded by Mr. Rowe.

In response to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds said that 87 ½ percent of the increase would be covered by the State.

Mr. Valente commented that these increases come up quite a bit. He questioned if soil and water tests are done prior to these types of jobs. Commissioner Reynolds answered that the County drilled two six inch borings and an additional two inch boring to try to determine the rock formation. It was determined that the department had good information but, until you actually get that rock uncovered you don't know what it is. The work was in the original scope of the job.

Mr. Utter commented that the rock formation in the County is very unpredictable and sited a few examples.

The resolution was adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

**RESOLUTION NO. 139**

**TITLE: CHANGE ORDER NUMBER 1 TO PROPOSAL NO. 2-08  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 37 of 2008 authorized the Department of Public Works to make award to Cobleskill Stone Products, Inc. for Asphalt, Concrete and Related Work; and

**WHEREAS**, the New York State Department of Transportation Material Division has adjusted the percentage total asphalt in certain Superpave mixes; and

**WHEREAS**, this will affect the calculation of escalation on those mixes.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to execute Change Order No. 1 changing the percentages of asphalt as follows:

<u>Item #</u>	<u>Previous % of Asphalt</u>	<u>New % of Asphalt</u>
402.09XX	6.40	6.20
402.12XX	5.20	5.50
402.19XX	4.80	4.90

The resolution was seconded by Mr. Haynes.

Mr. Utter noted that the New York State Department of Transportation Material Division has changed their rules.

Commissioner Reynolds explained that the State changed their mix designs. The original mix design was allowing too much water into it and as a result caused the asphalt to break up. The new design increases the amount of asphalt in the mix causing an increase in the price of the product.

In answer to Mrs. Capouya, Commissioner Reynolds said that sand was used as the filler in item 402.09XX thereby reducing the cost on that item.

Commissioner Reynolds explained in response to Mr. Rowe, that the Federal Highway Administrative put a lot of money into researching superpaves. What DPW has found is that the longevity of the mix in the northeast has not worked efficiently as the design is so open it allows water to get into it causing a freeze/thaw action. The County has experienced losses as a result. County Route 14 in the recycling project needs to be repaired. The entire length of County Route 7 was paved with the 12.5 millimeter mix so DPW will be resurfacing that road next year. As a result, DPW is migrating from the 12.5 millimeter mix to the 9.5 millimeter mix which is smaller and tighter. Using the 9.5 millimeter mix because it does not take in so much water has the tendency of creating a slippery surface initially when wet.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 140**

**TITLE: PURCHASE OF HIGHWAY RIGHT OF WAY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Department of Public Works has entered into an agreement with the New York State Department of Transportation to receive Federal Aid under PIN 9752.99 for the reconstruction of County Bridge 2-2, BIN 3352470, and its approaches; and

**WHEREAS**, the new structure and highway realignment will require additional right of way; and

**WHEREAS**, the Department of Public Works has followed all the Federal Requirements for acquiring highway right of way including certified appraisals and appraisal reviews; and

**WHEREAS**, the Board of Supervisors is authorized to provide such right of way pursuant to the provisions of Section 118 of the Highway Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Department of Public Works is authorized to purchase the following parcels in the Town of Hamden for the respective amounts including damages.

Map No. 4 Parcel No. 4	0.545 Acres	Fee
Map No. 9 Parcel No. 9	0.007 Acres	Temporary Easement
Cathleen W. Holmes		\$9,350.00
Map No. 6 Parcel No. 6	0.051 Acres	Fee
Map No. 7 Parcel No. 7	0.003 Acres	Temporary Easement
Steven Fabrykiewicz & Elizabeth McGuire		\$1,000.00

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

#### **RESOLUTION NO. 141**

#### **TITLE: PURCHASE OF RIGHT OF WAY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the June 2006 storm event, FEMA Declaration 1650, destroyed a portion of County Route 67, along Sands Creek in the Town of Hancock; and

**WHEREAS**, Resolution No. 194 of 2006 authorized the Department of Public Works to acquire right of way from Mr. James Crawford and Mr. George D. Crawford in exchange for adjoining right of way which is no longer needed for highway purposes; and

**WHEREAS**, the County required more property than originally envisioned to

reconstruct the County road and the adjacent Sands Creek; and

**WHEREAS**, the Crawfords have agreed to convey two parcels to the County, being 0.03 acres and 0.12 acres respectively, in exchange for a 0.07 acre parcel of County owned right of way that is no longer required for highway purposes and the sum of eight hundred seventy-one dollars (\$871.00); and

**WHEREAS**, the Board of Supervisors is authorized to provide such right of way pursuant to the provision of section 118 of the Highway Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is authorized to purchase said parcels, being 0.03 acres and 0.12 acres respectively, in exchange for a 0.07 acre parcel of County owned right of way that is no longer required for highway purposes and the sum of eight hundred seventy-one dollars (\$871.00).

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

#### **RESOLUTION NO. 142**

##### **TITLE: AUTHORIZATION OF FOUR DAY WORK WEEK DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 260 of 2007 authorized the Department of Public Works four ten hour days schedule for 2008 in accordance with Resolution No. 55 of 1993; and

**WHEREAS**, due to the increased efficiencies of the four ten hour days realized in flood recovery the past two years, and the amount of work left to be accomplished this fall to get back on schedule with routine maintenance, the Department wishes to extend the four ten hour day schedule through the end of October; and

**WHEREAS**, the Union members have voted in favor of this extension.

**NOW THEREFORE BE IT RESOLVED**, that the four day work schedules for 2008 is amended as follows:

- 1.) January 1 to April 5, 2008: Bridge Crews only.
- 2.) April 20 to November 1, 2008: All Public Works employees, except those employees specifically excluded from the four day work week by agreement with the union, ie. landfill employees, certain engineering staff, etc.

3.) November 30 to December 31, 2008: Bridge Crews only.

The resolution was seconded by Mr. Smith

In answer to Mr. Bracci, Mr. Utter said that this is a yearly resolution, however, this year the resolution is extending the time period by two months.

Mr. Valente commented that the four day work week works very nicely in the Town of Davenport. Mr. Utter agreed saying that the Town of Middletown does the same.

In answer to Mr. Marshfield, Commissioner Reynolds confirmed that the bridge and highway crew work a four day week, Monday through Thursday until November 1<sup>st</sup>. The office is covered Monday through Friday with the office personnel working a flexible four day schedule.

Commissioner Reynolds stated the union polled the employees this resolution would affect and all were in favor of the change.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 143**

**TITLE: PUBLIC HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 3 & 9**

**WHEREAS**, the Delaware County Agricultural and Farmland Protection Board and the Delaware County Planning Board have presented recommendations for the modification of Agricultural Districts 3 & 9 located in the Towns of Andes, Bovina, Colchester, Delhi, Hamden, Middletown and Roxbury during the scheduled eight year review period;

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held by the Delaware County Board of Supervisors on the proposed modifications to Agricultural Districts 3 & 9 on Wednesday September 10, 2008 at 6:45 p.m. in the Board of Supervisors' Room of the County Office Building, 111 Main Street, Delhi at which time all interested parties will be given an opportunity to be heard.

The resolution was seconded by Mr. Layton.

Chairman Eisel noted that the public hearing for Agricultural District No. 3 and 9 will be set for Wednesday, September 10<sup>th</sup> at 6:45 p.m.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 144**

**TITLE: SUPPORTING THE WESTERN CATSKILLS HYDRO PROJECT  
ECONOMIC DEVELOPMENT**

**WHEREAS**, the Delaware County Electric Cooperative serves residents and farms in Delaware County; and

**WHEREAS**, the Delaware County Electric Cooperative (DCEC), a rural, non-profit electric cooperative, has proposed the development of a new hydro-electric generating project called the Western Catskills Hydro Project; and

**WHEREAS**, the project includes the development of clean, renewable energy facilities at each of four sites all located at existing New York City water supply reservoirs in Delaware, Schoharie and Sullivan Counties; and

**WHEREAS**, the Cannonsville and Pepacton Reservoirs, both owned by the City of New York, are two of the sites planned for inclusion in the project; and

**WHEREAS**, the Cannonsville and Pepacton Reservoirs are wholly located within Delaware County; and

**WHEREAS**, the project proposes to generate electricity using proven technology from the drop in elevation that the water undergoes associated with its release from the reservoirs; and

**WHEREAS**, the potential output from the four sites, although seasonal, could exceed DCEC current power requirements for DCEC membership; and

**WHEREAS**, the Delaware County Electric Cooperative has submitted a Preliminary Permit and Pre-Application Document to the Federal Energy Regulatory Commission.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of the County of Delaware hereby states its support of the Delaware County Electric Cooperative's development of hydro electric power at the Cannonsville, Pepacton, Schoharie and Neversink Reservoirs.

The resolution was seconded by Mr. Utter.

Mr. Valente commented that Delaware County is a very green county, referencing the use of methane gas at the landfill and the compost facility. The County is ahead of the curve and we should be proud.

Chairman Eisel granted Mr. Marshfield's request to abstain from voting as he is employed by the Delaware County Electric Cooperative.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 145**

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE  
AS TOURIST PROMOTION AGENCY FOR  
DELAWARE COUNTY**

**BE IT RESOLVED** that the Delaware County Chamber of Commerce be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the "I Love New York" tourism promotion 2008-2009 program.

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

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

**RESOLUTION NO. 146**

**TITLE: APPOINTMENT OF DEMOCRATIC ELECTION COMMISSIONER  
BOARD OF ELECTIONS**

**WHEREAS**, due to the retirement of Democratic Election Commissioner William J. Buccheri effective August 9, 2008 there is a need to fill said vacancy; and

**WHEREAS**, Democratic Committee Chairman Cynthia Lockrow, has certified to this Board that Janice Burdick has been designated by the Democratic Committee as its choice for Election Commissioner and recommends her appointment

**NOW, THEREFORE, BE IT RESOLVED** that Janice Burdick be and she hereby is appointed Democratic Election Commissioner effective August 18, 2008 for the County of Delaware for the remainder of 2008 at the salary stated in the budget.

The resolution was seconded by Mr. Valente and Mr. Marshfield.

Mr. Marshfield noted that the Democratic Committee made an excellent choice with Mrs. Burdick. She has served as the Deputy Commissioner for twenty years, is very capable and has knowledge of Election Law.

Chairman Eisel commented that there will be no training curve allowing for a very smooth transition.

In answer to Mr. Valente, Mr. Hynes said that Mrs. Burdick is responsible for filling the Deputy Commissioner position.

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. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 147**

**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.

HAR06TX.017

**ASSESSED TO:**

**JOHN A SANZONE**

TOWN OF:	123801:HARPERSFIELD
TAX MAP NO:	54.5-2-17.2
SCHOOL DISTRICT:	125201:STAMFORD
ACREAGE:	163.00'F x 225.00'D: 0.84A ACRES
CONVEYED TO:	JAMES AND MEEGAN EKLUND 1102 BRUCE HILL ROAD STAMFORD NY 12167
CASH CONSIDERATION:	100,000.00*
TAX DEFICIT:	\$10,185.13

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

**RESOLUTION NO. 148**

**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.

AND06TX.005

**ASSESSED TO:**

**ANDREW A COLEMAN**

TOWN OF: 122000:ANDES  
TAX MAP NO: 259.-1-11.1  
SCHOOL DISTRICT: 122002:ANDES  
ACREAGE: 2.86A ACRES  
CONVEYED TO: ANDREW A COLEMAN  
31 ROE ROAD  
BLOOMINGBURG NY 12721  
CASH CONSIDERATION: \$735.00  
TAX DEFICIT: \$470.24

AND06TX.006

**ASSESSED TO:**

**ANDREW A COLEMAN**

TOWN OF: 122000:ANDES  
TAX MAP NO: 259.-1-11.2  
SCHOOL DISTRICT: 122002:ANDES  
ACREAGE: 4.91A ACRES  
CONVEYED TO: ANDREW A COLEMAN  
31 ROE ROAD  
BLOOMINGBURG NY 12721  
CASH CONSIDERATION: \$1,140.00  
TAX DEFICIT: \$822.93

AND06TX.014

**ASSESSED TO:**

**KWOK F LO AND MAY WONG LO**

TOWN OF: 122000:ANDES  
TAX MAP NO: 217.-2-26  
SCHOOL DISTRICT: 122002:ANDES  
ACREAGE: 5.01A ACRES  
CONVEYED TO: KWOK F LO AND MAY WONG LO  
2067 73<sup>RD</sup> STREET  
BROOKLYN NY 11204  
CASH CONSIDERATION: \$1,234.73  
TAX DEFICIT: \$940.50

HAN05TX.016

**ASSESSED TO:**

**CJF TRUST CHARLOTTE J FOSTER TRUSTEE**

TOWN OF:	123689:HANCOCK
TAX MAP NO:	417.-1-25.2
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	1.34A ACRES
CONVEYED TO:	TOWN OF HANCOCK 661 WEST MAIN STREET HANCOCK NY 13783
CASH CONSIDERATION:	\$1.00
TAX DEFICIT:	\$1,024.65

SID06TX.026

**ASSESSED TO:**

**DIANE M LIGHT**

TOWN OF:	125001:SIDNEY
TAX MAP NO:	115.16-10-15
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	66.00'F x 155.00'D: 0.21A ACRES
CONVEYED TO:	DIANE M LIGHT 5 ADAMS STREET SIDNEY NY 13838
CASH CONSIDERATION:	\$2,531.63
TAX DEFICIT:	\$1,968.76

STA06TX.013

**ASSESSED TO:**

**DONNA HOUGHTON**

TOWN OF:	125289:STAMFORD
TAX MAP NO:	89.-1-2.2
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	1.10A ACRES
CONVEYED TO:	DONNA HOUGHTON Box 109 HOBART NY 13788
CASH CONSIDERATION:	\$1,602.79
TAX DEFICIT:	\$1,197.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

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

**RESOLUTION NO. 149**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$5,569,880.40 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	\$2,029,872.29
OET	\$53,775.86
Risk Retention	\$499.88
Countryside Care Center	\$360.00
Highway Audits, as Follows:	
Road	\$1,176,875.21
Machinery	\$313,811.77
Capital Road & Bridge	\$1,725,830.34
Capital Solid Waste	\$50,670.27
Solid Waste/Landfill	\$218,184.78

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4245, Noes 0, Absent 561 (Meredith).

Chairman Eisel appointed Supervisor John Meredith to the Municipal Electric & Gas Alliance (MEGA) Board.

Upon a motion the meeting adjourned at 3:20 p.m.