

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

NOVEMBER 12, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 12, 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. DuMond.

Mr. Marshfield offered the invocation.

Mrs. Capouya 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 Social Services Chairman Peter Bracci. Mr. Bracci introduced Social Services Commissioner William Moon to speak about National Adoption Month.

Commissioner Moon explained that November is recognized as National Adoption Month. He referenced three articles which were placed on each Supervisor's desk entitled: *A family for Every Child*, *It's "Dear" Season*, and *National Adoption Month is almost here. How will you celebrate?*

The article, *It's "Dear" Season*, was written by Social Services Deputy Commissioner Susan Aikens and is an open invitation to attend National Adoption Day on November 14th from 10:00 a.m. to 12:00 p.m. in the Board of Supervisors' Room. Eight children who are in foster care will be adopted and become legal members of their "forever families".

For Standing Committee Reports, County Insurance Chairman John Meredith stated that there is a packet on each Supervisor's desk containing the new workers' compensation claim forms. The Workers' Compensation Board has developed the revised forms replacing the forms previously used. Any claims submitted on the old forms will be returned for completion on the newly revised forms.

Budget Director Meredith also provided a comparison of 2009 budgets for the

surrounding counties. Ulster has no new positions in their budget and has eliminated several vacant positions to arrive at a 3 percent increase. Schoharie has no new positions and has eliminated several vacant positions to arrive at a 3 percent increase. Chenango has no new positions, eliminated several vacant positions and an unidentified program to arrive at a near zero increase. Sullivan is eliminating 78 filled positions, either through attrition, early retirement or layoffs to arrive at a 7 percent increase.

Mr. Homovich advised that former County employee Linda Utter who had worked for nearly forty years with the County Clerk and the DMV has passed away. She was a dedicated employee and a very nice lady to work with.

Chairman Eisel remarked that the DMV employees had requested and were granted time to attend the funeral services. A condolence card will be sent to the family.

Chairman Eisel noted that at the November 25th Board of Supervisors meeting there will be a powerpoint presentation by Lenape Associates, Inc. on well drilling and natural gas from the private sector perspective followed by a question and answer time. Presentations have been provided to the Board by environmentalists and the New York State Department of Environmental Conservation. We have heard many rumors and listening to both sides allows for fair and balanced information. He encouraged the Supervisors to write down their questions and concerns on this issue for discussion at the meeting.

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

RESOLUTION NO. 210

**TITLE: 2008 BUDGET
TRANSFER OF FUNDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following 2008 appropriation accounts are in need of funds:

NOW, THEREFORE BE IT RESOLVED that the following transfers be made:

FROM:

10-16055-54200025	Day Care	\$150,000.00
10-16109-54113000	Family Assistance	400,000.00
10-16101-54425000	Medical Assistance	200,000.00
10-16102-54200000	MMIS	500,000.00
10-16129-54200015	Training Schools	50,000.00

TO:

10-16070-54575000	Services to Recipients	\$700,000.00
-------------------	------------------------	--------------

10-16119-54313150	Foster Care	250,000.00
10-16119-54313151	CSE	250,000.00
10-16010-51000000	Personal Services	100,000.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 211

**TITLE: 2008 BUDGET AMENDMENT
TRANSFER OF FUNDS
WATERSHED AFFAIRS**

WHEREAS, there is a safety concern regarding the department’s 1998 Chevrolet Lumina; and

WHEREAS, the cost to repair the vehicle exceeds its value; and

WHEREAS, a transfer of funds is necessary to purchase a replacement vehicle

NOW, THEREFORE BE IT RESOLVED, that following 2008 budget transfers are hereby authorized:

FROM:

10-18740-54200000	Contractual Services	\$3,000.00
10-18740-54615000	Training	600.00
10-18740-54420000	Maintenance Agreement	800.00
10-18740-54625000	Travel	300.00
10-18740-54595320	Supplies Office	300.00
10-18740-54535060	Professional Attorney	1,000.00
10-11990-54900000	Contingency	9,000.00

TO:

10-18740-52200000	Equipment	\$15,000.00
-------------------	-----------	-------------

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 212

**TITLE: CHANGE ORDER #1 TO PROPOSAL NO. 33-08,
CR 28 RETAINING WALL REPAIR
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 153 of 2008 authorized the Public Works Department to make award to Procon Contracting LLC for Proposal 33-08, County Route 28 Retaining Wall Repair, in the amount of \$232,000.00; and

WHEREAS, during the course of the project changes in certain field quantities were needed; and

WHEREAS, the project is complete and the final quantities have been agreed upon.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works be authorized to execute the change order number one in the amount of \$18,241.60 bringing the total contract value to \$250,241.60.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 213

**TITLE: AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-
IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT
AND SIGNING OF THE ASSOCIATED STATE CONTRACT UNDER THE
APPROPRIATE LAWS OF NEW YORK STATE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Delaware County Department of Public Works, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between The People of the State of New York, herein called the STATE, and the MUNICIPALITY be executed for such STATE aid.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and

BE IT FURTHER RESOLVED, that James Eisel, Chairman of the Board, is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE; and

BE IT FURTHER RESOLVED, that the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project; and

BE IT FURTHER RESOLVED, that five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with one (1) complete application; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The resolution was seconded by Mr. Haynes.

Mr. Utter stated that this is an application for a grant to cover 50 percent of the cost of a brush and wood chipper that would be used to chip and mulch the trimming and cutting that is done by DPW.

In answer to Mr. Meredith, Mr. Utter replied that instead of DPW workers hauling the brush away, it would be mulched and left on the side of the road available to anyone who wants it.

Mr. Utter stated in response to Chairman Eisel that the department will have two brush and wood chippers with this purchase.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 214

**TITLE: FOUR DAY WORK WEEK
SHERIFF'S OFFICE**

WHEREAS, by Resolution No. 289 of October 27, 1999, the Board of Supervisors approved an agreement with the Delaware County Deputy Sheriff's Police Benevolent Association regarding a four-day work week for the Sheriff's Office personnel assigned to road patrol; and

WHEREAS, said agreement provides for an annual vote by employees assigned to a four-day work week and the Board in order to continue the four-day work week in the following year; and

WHEREAS, Sheriff's Office employees participating in the four-day work week have voted in favor of continuing the four-day work week; and

WHEREAS, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2009.

THEREFORE, BE IT RESOLVED that continuation of said four-day work week until December 31, 2009 is hereby approved.

The resolution was seconded by Mrs. Capouya.

In answer to Mr. Marshfield, Sheriff Mills stated that this resolution is done every six years.

The resolution was unanimously adopted.

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

RESOLUTION NO. 215

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
SHERIFF'S OFFICE**

WHEREAS, Resolution No. 269-1990 prohibited County employees from holding more than one County position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

WHEREAS, the Sheriff's Office is experiencing difficulties in recruiting deputies, dispatchers, registered nurses and correction officers; and

WHEREAS, from time to time employees in other County departments are willing to work on a per hour, as needed basis in the Sheriff's Office.

THEREFORE, BE IT RESOLVED that Resolution No. 269-1990 is hereby temporarily waived until December 31, 2009 for County employees who are willing to work on a per hour, as needed basis in the Sheriff's Office.

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

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

RESOLUTION NO. 216

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2009**

BE IT RESOLVED that the 2009 budget for the BAGS Landfill in the total amount of \$143,231.50, with \$3,466.25 the apportioned cost to the Town of Sidney be ratified as presented.

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

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

RESOLUTION NO. 217

**TITLE: PUBLIC HEARING
2009 TENTATIVE BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Tentative 2009 Delaware County Budget and a public hearing be held on the 25th day of November, 2008 at 12:00 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

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

RESOLUTION NO. 218

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,372,459.42 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	\$1,445,565.81
OET	\$14,458.59
Countryside	\$360.00
Highway Audits, as Follows:	
Road	\$16,613.74
Machinery	\$103,456.51
Capital Road & Bridge	\$503,389.67
Capital Solid Waste	\$107,028.42
Solid Waste/Landfill	\$180,586.68

The resolution was seconded by Mrs. Capouya and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Chairman Eisel announced that the homemade cookies, banana bread and donuts were prepared and provided by Judy DiLorenzo.

Upon a motion the meeting adjourned at 1:25 p.m.