

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

SEPTEMBER 9, 2009

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 9, 2009 at 5:30 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.

For standing committee reports, Chairman Eisel provided an update on the County's participation with the ProAct Prescription Discount Drug Program. Since February 2009 the discount card has been used by county residents to make 4,605 claims for prescription purchases totaling \$296,428. However, the cost to participants was only \$137,271 representing an average prescription price saving to residents of 46 percent. Participation in the program was a good move by the Board on behalf of the county.

Chairman Eisel noted that a resident from the Town of Harpersfield shared that a needed medication was very costly at the price of \$60. Chairman Eisel provided the resident with a ProAct Prescription Discount card to help offset the cost of the medication. The resident stopped by to tell him that by using the card the cost of the medication was reduced to only \$24.

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

RESOLUTION NO. 134

TITLE: IN MEMORY OF EUGENE MERRILL

WHEREAS, Eugene Merrill, passed away on Thursday, September 3, 2009, having served as the Supervisor of the Town of Colchester from 1973 - 1985 and 1996 - 1999; and

WHEREAS, he was recognized for his hard work, dedication and community service

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extend their sincere sympathy to his family and recognizes with gratitude his many years of service and contributions to Delaware County.

The resolution was seconded by Mr. Rowe.

Mr. Homovich noted that Mr. Merrill was a veteran wounded while in the Pacific during World War II. He served the Town of Colchester as a town supervisor and as an assessor. He also was a good family man.

Chairman Eisel commented that he had the opportunity to work with Mr. Merrill on the Board and found him to be very dedicated. Mr. Merrill had a great sense of community, was a sincere man and will be missed.

The resolution was unanimously adopted.

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

RESOLUTION NO. 135

**TITLE: 2009 BUDGET AMENDMENT
WRAP AUGUST 2009
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the New York State Office of Temporary and Disability Assistance has awarded Delaware County Department of Social Services a Weatherization Clean and Tune grant in the amount of \$77,647.00 representing 100% federal energy funds, to intensify services to low income households which may benefit from conservation information and weatherization activities

NOW, THEREFORE BE IT RESOLVED that the 2009 budget be amended as follows:

REVENUE:

10-16012-44468900	Fed Otr Social Service -WRAP	\$77,647.00
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APPROPRIATION:

10-16012-54200000	Contracted Services - WRAP	\$77,647.00
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The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 136

**TITLE: 2009 BUDGET AMENDMENT
HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local Agency to administer the County’s Home Energy Assistance Program (HEAP) Early Outreach for 2008-2009, said monies to be utilized to reimburse the county at 100% of its expenditures

THEREFORE, BE IT RESOLVED that the 2009 budget be amended as follows:

REVENUE:

10-16141-44464100/6141009/971 HEAP \$38,424.00

APPROPRIATIONS:

10-16141-54200011/6141009/971 HEAP OFA \$38,424.00

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

In answer to Chairman Eisel, Commissioner of Social Services William Moon said that when congress expanded HEAP during December and January it was the largest program the county has ever seen. The Department of Social Services along with the Office for the Aging and Delaware Opportunities are gearing up for a big response.

The resolution was adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 137

**TITLE: 2009 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following appropriation accounts are in need of funds

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

FROM:

10-16142-54259000 Emergency Assistance for Adults \$13,000.00

TO:

10-16129-54200015

Contracted Services Training Schools

\$13,000.00

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO 138

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

LETTING OF AUGUST 31, 2009

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 award, pending State Department of Transportation approval, to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 34-09 County Route 21, Leland Hull Road to Oak Hill Road Cold Recycling & Single Course Overlay Highway Project, Town of Franklin, Delaware County to:

Cobleskill Stone Products
PO Box 220
Cobleskill, NY 12043

Bid Price: \$498,006.65

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.

Mr. Utter noted that this project is the second project using the stimulus money.

The resolution was adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 139

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

LETTING OF SEPTEMBER 3, 2009

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. 37-09 Supply of Butler Building to:

C.A. Phillips Construction Corp.
1339 State Route 55
Eldred, NY 12732

Bid Price: \$198,000.00

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. Haynes.

Mr. Utter explained that this building will replace the shop that was destroyed by fire in Fishs Eddy a few years ago. The price of \$198,000 is for the cost of the building itself. The concrete work and actual construction will be done by the county's two bridge crews. The total cost of the project without the heating system is estimated at \$366,000. The price is approximately \$55 a square foot which when compared to the industry wide standard of \$129 a square foot represents a savings of more than one half doing the work ourselves. The receipt of partial insurance reimbursement and the sale of some property will provide \$175,000 towards the cost of the structure.

In answer to Mr. Axtell, Commissioner of Public Works Wayne Reynolds said that the building is 58 feet by 164 feet in size and has eight bays (seven truck and one work bay).

Mr. Utter replied in answer to Chairman Eisel that the project comes at a good time. The bridge crews are near the end of the bridge building season and this is a good winter project.

The resolution was adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 140

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT
WITH THE TOWN OF HANCOCK FOR THE SALE OF PROPERTY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Town of Hancock is desirous of developing old O & W Railroad property for public use; and

WHEREAS, the Department of Public Works purchased the property in 1958 at a cost of \$32,500.00; and

WHEREAS, Resolution No. 62 of 1990 returned most of this property back to the Town of Hancock; and

WHEREAS, the County has no plans for this property.

NOW, THEREFORE, BE IT RESOLVED, that parcels one and two as described are hereby declared as surplus property; and

BE IT FURTHER RESOLVED, that the Department of Public Works is authorized to deed said parcels to the Town of Hancock.

BE IT FURTHER RESOLVED, that the Chairman of the Board is herewith authorized to sign any and all documents necessary to effectuate the sale.

The resolution was seconded by Mr. Maddalone.

Mr. Rowe explained this property is approximately one mile of railroad right-of-way currently being used as a walking trail in the area where the Town of Hancock reclaimed an unused gravel pit and turned it into a sports field. Recently, an owner of approximately twelve acres of land in the middle of the Delaware River known as Partridge Island was turned over to the nature conservatory so the land will remain forever wild. Once this piece of land is in the name of the Town of Hancock it will be turned into a walking trail and will also remain forever wild.

He further noted that the County and the Town of Hancock are both building a highway garage in the area and it would be nice to return some acreage back to the people for open space.

Having the property in the name of the Town of Hancock opens the town up to an \$8,000 parks and recreation yearly grant from Senator Bonacic offered through the Upper Delaware Council.

The resolution was adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 141

**TITLE: AUTHORIZATION TO OBTAIN ASPHALT MILLINGS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there are a significant number of construction contracts being let to rehabilitate old asphalt pavement; and

WHEREAS, many of these contracts include the milling up of asphalt pavements with the milled material having to be disposed of by the contractor; and

WHEREAS, asphalt millings are high quality, clean aggregates having value for use as County road sub-base and shoulders; and

WHEREAS, the County has historically been offered the milled material for little if any cost provided that the County supply the labor and equipment to haul the millings from the milling machine to the County lot; and

WHEREAS, there is typically little or no advanced notice of available opportunities and contractors need answers right away; and

WHEREAS, the Public Works Committee typically grants authorization to the Department to acquire the material after performing an economic analysis documenting the cost effectiveness of the acquisition.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to work cooperatively with private contractors and use County personnel and trucks to acquire asphalt millings after clearly documenting the economic effectiveness of doing so.

The resolution was seconded by Mr. Rowe and Mrs. Capouya and unanimously adopted

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

RESOLUTION NO. 142

TITLE: ISSUANCE OF A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE 2009 NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (NYSOPRHP) SNOWMOBILE TRAIL GRANT PLANNING DEPARTMENT

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has made funds available to develop and/or maintain snowmobile trails in New York State; and

WHEREAS, the Delaware County Board of Supervisors is the local sponsor applying for funds on behalf of participating Delaware County snowmobile clubs; and

WHEREAS, the application for funding requires a review under the NYS Environmental Quality Review Act Part 617; and

WHEREAS, the Delaware County Board of Supervisors has determined this action to be unlisted; and

WHEREAS, Delaware County has evaluated and mitigated all potential adverse environmental impacts;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors issues a negative declaration for the application to the NYSOPRHP for the purpose of creating and maintaining snowmobile trails in Delaware County.

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

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

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

RESOLUTION NO. 143

**TITLE: 2009 BUDGET AMENDMENT
RECEIPT OF GRANT FUNDING
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has received \$1,495.00 in grant funding from the Roxbury Arts Group to support the Agency's 4-C Camp for Adults, to reimburse performers; and

WHEREAS, the 4-C Camp operates without direct funding from Delaware County government;

THEREFORE, BE IT RESOLVED, that the 2009 budget be amended as follows:

REVENUES:

10-16772-42270602/6772022/977	Grants From Non-Profit	\$1,495.00
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APPROPRIATIONS:

10-16772-54327000/6772022/977	General Grant Related Expenses	\$1,495.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

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

RESOLUTION NO. 144

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,207,582.69 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	\$606,011.21
OET	\$189,802.76
Highway Audits, as Follows:	
Road	\$15,916.24
Machinery	\$71,796.94
Capital Road & Bridge	\$231,160.82
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$92,894.72

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4,665, Noes 0, Absent 141 (DuMond).

Mr. Homovich referenced a letter and list of properties in the flood hazard areas that was prepared by the County Planning Department as a result of the new Federal Emergency

Management Agency (FEMA) maps. He questioned who drew up the lists and what criteria was used.

In response to Mr. Homovich, Director of Planning Nicole Franzese stated that the information came from the Preliminary Digital Flood Insurance Rate Maps (DFIRM) released August 1, 2009 by FEMA. The Planning Department took the Geographical Information System (GIS) layer of the flood hazard area from the preliminary DFIRMs and overlaid it onto the real property tax information to create a list of everyone in the flood hazard area

Mr. Homovich asked if the people on the list were going to receive a letter advising them of the potential reclassification and that the designation may create the need to purchase flood insurance. He remarked that this is going to create a real big problem.

Ms. Franzese noted that a letter has not been mailed. A letter has been written to inform those potentially affected that flood insurance may be required on their parcel and that purchasing the coverage prior to the adoption of the FEMA maps would save them money. The list was generated to help the town supervisors prepare for the September 17th meeting.

Mr. Homovich said that a review of the list indicated that there are properties on the list that should not be there. There is no way that some of these homes could flood. Ms. Franzese agreed, noting the importance of analyzing the properties on the list and the FEMA maps.

Mr. Valente noted that if any part of the parcel falls into a floodplain or floodway the entire parcel is designated even if the home itself would never be affected. The purchase of flood insurance has more to do with the bank and the homeowner than it does with the FEMA maps. He remarked that his own name is on the list four times out of twelve parcels.

Chairman Eisel commented that the list contains all parcels but, vacant land would not need flood insurance.

Mr. Homovich noted that in order for the homeowner to receive the flood insurance rate from the old FEMA map, they must purchase their policy at least 30 days before the new FEMA maps are adopted. He remarked that it seems there are no more floodplains, only floodways.

In response to Mr. Homovich, Ms. Franzese said that the meeting on September 17th will provide an opportunity for the towns to express their concerns and questions. The Planning Department has already marked areas that need to be looked at and possibly challenged. She referenced a challenge she was involved with in 1991 with the Town of Middletown and the Margaretville border, noting it was complicated and costly.

Mr. Homovich said that the maps are not right, he believes FEMA measured the highest flood mark and then added to it.

Mrs. Capouya felt residents should receive notification in time for them to ask questions and understand what actions they need to take. Ms. Franzese noted that the letter is designed to make people aware that there is a potential for their property to be damaged by a flood in their current location, and they should take the necessary precautions to minimize flood damage.

In reply to Chairman Eisel, Ms. Franzese stated that she felt if the letter was mailed prior to the meeting it would raise questions that the county or town would not be prepared to answer.

Mr. Donnelly suggested the letter should contain wording indicating that some or all of your parcel may be in a floodplain or floodway and therefore it may be necessary to purchase flood insurance.

Mr. Marshfield advised that the tax map numbers of the parcel would have been helpful to him. He noted that some of the addresses were of second homeowners which he did not recognize but, the tax map number would have helped him to identify the parcel. He objected to a parcel designation in an earlier process noting that the designation never changed and these new maps appear to be the same as the first set of maps he objected to.

Ms. Franzese explained that the department tried to get a preliminary list out to the Supervisors as quickly as possible. There was no way to separate the parcels that were already in the flood hazard areas from those that may be classified but, as the department begins talking one on one with the Supervisors a more specific list of parcels can be developed to include tax map numbers.

Mr. Homovich remarks that he continues to purchase his flood insurance even though he no longer has a mortgage. The cost is \$900 a year and that is not for full coverage. For those that have not had to purchase flood insurance the added burden will have a big impact.

Mr. Maddalone commented that the FEMA information he reviewed indicated that the last significant flooding in the Village of Sidney was on March 14, 1977 which is wrong.

Mr. Utter stated that there are four hundred names on the Town of Middeltown's list and that does not include the Village of Margaretville or Fleishmanns. He noted that he heard the only way to get the designation to go away would be to hire a licensed engineer to verify that the building in question is elevated enough to be out of the flood hazard area. He intended to confirm this information as his own name is on the list.

Mr. Valente said that by virtue of land use, farm land parcels start down by the river and go up to the main road. If any part of that property is in the floodplain or floodway, he believes the property will need to be sub-divided to get rid of the designation. It would be great if the banks holding the mortgages were inclined to research the parcels sufficiently in order to determine if flood insurance was really necessary.

County Attorney Richard Spinney said that the Federal Deposit Insurance Corporation (FDIC) regulations require banks that take a mortgage on a property designated in a floodplain or floodway to have federal flood insurance even if the dwelling is located in an area that might never flood. If the borrower challenges the bank decision, the burden falls to the borrower to hire an engineer to show that the building is elevated sufficiently to be out of the flood hazard area.

Mr. Valente remarked that the challenge is between the borrower and the bank and is not part of the FEMA designation process.

Mr. Homovich noted that if any part of the property being mortgaged is designated in the floodplain or floodway a bank will require flood insurance on the whole property.

Mr. Spinney commented that if the bank insists that the homeowner have flood insurance because of the floodplain or floodway designation the homeowner will need to make the decision to purchase the flood insurance or shop around for another lender.

Mr. Utter stated that he was reviewing his farm location on the FEMA map and noticed that the most destructive stream on his property as far as damage to the roads is not listed on the map. He strongly recommended that the maps be reviewed prior to the meeting.

In answer to Mr. Homovich, Mr. Valente noted that the FEMA map includes only the main tributaries that run through the rivers and that is probably a good thing.

Upon a motion, the meeting was adjourned at 6:25 p.m.