

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
SEPTEMBER 23, 2009

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 23, 2009 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. Donnelly and Mr. Triolo.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read a note from the family of Eugene Merrill thanking the Board for reaching out in thought and prayer.

The Clerk reported all other communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Director of Public Health Bonnie Hamilton who presented Lisa Curtin as Employee of the Month.

Ms. Curtin began working for the Department of Public Health in 2004 as a medical records clerk. She brought to the department, seventeen years of experience working as a certified nurses aid, medical records clerk and stock clerk at the Countryside Care Center.

Ms. Curtin's responsibility is to review all of the nurses discharge medical records for completeness and accuracy. In addition, Ms. Curtin maintains the department's medical supplies inventory ensuring that the necessary supplies are on hand at all times and she helps arrange the scheduling and servicing of the department's county vehicles. She has earned the respect of her co-workers who consider her very helpful and always willing to assist when the need arises.

Mrs. Hamilton presented Ms. Curtin with a \$100.00 savings bond and thanked her for all she has done for the county. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Chairman Eisel granted privilege of the floor to Mr. Smith. Mr. Smith introduced Cornell Cooperative Extension Executive Director Jeanne Darling. Mrs. Darling introduced Resource Educator MaryAnn Kiraly, Senior Educator Janet Alderage and the 4-H staff who were preparing refreshments in the lobby.

Mrs. Darling stated that Cornell Cooperative and 4-H Week will be celebrated in Delaware County during the week of October 4th - 10th. She pointed out that the exhibits in the lobby display cases are the Delaware County 4-H New York State Fair winners. The refreshments being offered in the lobby today feature food and products from eight different townships throughout Delaware County. This year's goal is to grow and promote agricultural products produced in Delaware County.

A slide presentation entitled: *Growing Healthy Family, Confident Youth, Successful Farms and Stronger Communities* was given detailing the programs of Cornell Cooperative Extension (CCE) featuring each town in Delaware County and focusing on activities of agricultural competitiveness and profitability, children and youth, economic sustainability, environmental protection and enhancement, individual, family and community well-being and nutrition, health and safety.

Mrs. Kiraly referenced the handout placed on each Supervisor's desk entitled: *Educational Programs that Support New Kinds of Agriculture*. This year's educational programs included: New Farm Ventures, Beginner Maple Production, How to Build a Farm Website, Livestock Microenterprise Program, Six Part Cultivation an Agritourism Enterprise and Farmers' Market Start -up and Support.

The alternative agricultural program, also referred to as the agricultural economic development program, is headed by Senior Educator Janet Aldrich and is primarily funded through grant money with the purpose of interesting and developing new farmers in Delaware County. The program is beginning to see the fruits of its labors as people are now growing and producing products they are able to sell and make a living on or supplement the living they already have.

In answer to Mr. Smith, Mrs. Kiraly explained that the pasture stick was designed by the Natural Resources Consumer Service grazing program as a educational tool to identify the height and quality of the forage. It is a particularly useful tool to the novice grazing farmers as it visually identifies the right time to let the animals in for grazing.

Mrs. Darling invited all in attendance to enjoy a sampling of local grown foods hosted by the 4-H staff in the lobby at the conclusion of the meeting. She thanked the Board of Supervisors, Cornell Cooperative Partners and all the volunteers who help to make these programs successful.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Director

of Watershed Affairs Dean Frazier and Director of Economic Development Glenn Nealis to present the results of the New York City Land Acquisition Program (NYCLAP) 2009 telephone survey.

Mr. Nealis referenced the report placed on each Supervisor's desk entitled: *Concern about the New York City Land Acquisition Program in Delaware County Communitates, Summary of the 2009 Telephone Survey Results* and provided a powerpoint presentation of the same.

Mr. Nealis noted that the survey was conducted by A.E. Luloff, PHD Professor at Penn State University and explained its intention was to put a human perspective to the statistics developed during the process of the Economic Impact Analysis (EIA) of the NYCLAP

The telephone survey was a suggestion of the expert panel to further explore some of the concerns raised through a community survey. Five hundred residents within Delaware County were interviewed, two hundred residents from areas with the greatest impact within the watershed, two hundred residents from hamlets and villages in the watershed and one hundred residents with the lowest potential risk outside of the watershed.

Residents were asked to consider questions on their personal household characteristics, knowledge and perceptions of the NYCLAP, priority and perceptions of land use issues, community issues needing local government attention, communities relationship with New York City, importance of natural resources, importance of economic issues, and the quality of life and the natural environment as it relates to concerns about the NYCLAP.

When asked how the respondents learned about the LAP the majority indicated they had learned through the newspaper while slightly less learned of the program by word of mouth, followed by radio, television and other community sources. The majority of respondents were in favor of:

- Limiting land acquisition to existing purchases or easement lands.
- Local governments regulating changes in land use to limit negative impact on the community.
- Protecting open space from development.
- Property owners should have the unrestricted right to use and sell their land as they see fit.
- Environmental and quality of life issues were very important for local government to address.

The survey concluded that there is a high level of knowledge and considerable levels of concern about the NYCLAP. Overall, respondents felt the city's land acquisition would have a negative impact however, a small percentage felt the impact would be positive.

Commissioner Frazier discussed different venues in which the information could be used. The survey data should be very helpful to the ongoing negotiations with the Coalition of

Watershed Towns (CWT) and the City over the NYCLAP issues as well as in the SEQRA and permitting process when the City applies for their new LAP permit in January of 2010.

In regards to the hamlet designation issue, he noted that the City is in agreement with most townships but, the state is not and their position is unclear.

In response to Mr. Homovich, Commissioner Frazier, specifically speaking of the hamlet designation, noted that Delaware County has two towns that the City has concerns about. The state and environmental groups have concerns with four or five towns. The view of the environmental groups are mixed in that they agree with what the City is in agreement with, but seem to have the same concerns as the state on some others.

Mr. Homovich commented that he was not surprised by the results of the survey report.

Commissioner Frazier noted that the survey report will be posted on Economic Development's website www.dcecodev.com and Watershed Affairs website www.delcowareshed.com. The report speaks very favorable to the county's stewardship ethic and the planning efforts that are going on throughout the county.

Mr. Bracci stated that he takes this study very seriously and considers it a charge from his constituents to keep steady on identifying problems. Speaking as a member of the CWT Board, he said that NYC is not the only culprit, the environmental groups are not elected, they only represent themselves and are presenting unscientific evidence for the reason of obtaining land acquisitions. It is all about open spaces. It his understanding that NYC was not originally wanting \$300 million in land acquisition.

In reply to Mr. Bracci, Commissioner Frazier noted that he was present at a testimony conducted by the City Council Environmental Committee in January 2007. The New York City Department of Environmental Protection (NYCDEP) at that meeting sought initially about \$30 million over five years. The environmental community and the state watershed inspector general felt that figure was not enough.

Mr. Bracci remarked that it is important to identify who we are looking at when we discuss these issues.

Mr. Hynes commented that he would have thought the respondents living in the hamlet designations would have been more favorable to the City. Those are the people who were protected and receiving the benefits more than anyone else. The City cannot buy land there, their parking areas are protected and many have received septic systems.

Mr. Utter commented there are people who feel their right to sell to whom ever they want is being taken away from them.

Mr. Marshfield said that the Town of Hamden started with 5,000 acres, then reduced that amount by 2,300 acres to a total of 2,700 acres. The City was still not satisfied so another 130 acres were deducted. The town was aware that there were large parcels that could have been split out but, did not want to get into the nightmare of splitting parcels and creating easements. As far as the Town of Hamden is concerned the matter is no longer under negotiation.

Mr. Homovich said the state's thinking is very hard to understand. They closed parks this summer for financial reasons, and they continue to purchase land at a higher price than the market calls for. He said the state had recently paid \$8,000 per acre for a large parcel in Colchester.

In response to Mr. Homovich, Commissioner Frazier stated that the prices being paid for land seems to be going up. He had been told in some cases the City has paid well over \$100,000 an acre for land east of the Hudson.

Mr. Marshfield said that the county needs to take these suggestions gained from the Downeast report and the phone survey and use them in negotiations.

Mr. Marshfield stated in response to Commissioner Fraizer, that there are several items that came out of the EIA that reinforce existing concerns the CWT has raised in ongoing negotiations with the NYCDEP and other watershed parties. The survey results also reinforces the community concerns raised as part of interviews and focus groups by the EIA. He wrote a memo to CWT outlining additional items that need to be considered in ongoing negotiations, such as the SEQRA and the permit process.

It is unclear who would be the lead agency for the SEQRA process involving the new LAP permit, although at a most recent meeting it became apparent that the NYCDEP is anticipating being the lead agency. The CWT indicated that they fundamentally disagreed with that. That discussion however, will continue.

The state has sought to have the coalition agree not to challenge the SEQRA or permit process should all the items that are on the table at this time be resolved prior to the process. The coalition has declined to do so.

Mr. Meredith remarked that CWT would have to give up their rights to challenge the SEQRA or permit process not the towns and counties.

In answer to Mr. Marshfield, Mr. Meredith stated that if CWT were to give up their right the towns and counties would have to give up the right to freeze the lawsuit.

Chairman Eisel felt that the towns and counties should not divide but remain united, if they do not, the expenses would fall on the individual towns and counties.

In answer to Chairman Eisel, Mr. Homovich replied that the lawsuits are always in the names of the towns.

Chairman Eisel added, but under the umbrella of the coalition.

Mr. Meredith noted that right now CWT is suing for the whole watershed.

Chairman Eisel thanked Mr. Nealis and Commissioner Frazier for their presentation.

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

RESOLUTION NO. 145

**TITLE: 2009 CORNELL COOPERATIVE EXTENSION WEEK
AND NATIONAL 4-H WEEK**

WHEREAS, Cornell Cooperative Extension of Delaware County is dedicated to growing healthy families, confident youth, successful farms and stronger communities; and

WHEREAS, Cornell Cooperative Extension represents a statewide system of partnerships working with federal, state and county governments; and

WHEREAS, the heart of Cooperative Extension is found in the strength of its 2,764 volunteers who give their time, expertise and enthusiasm as members of boards, as 4-H club leaders, and in Extension's educational outreach; and

WHEREAS, Cornell Cooperative Extension's 4-H program works to connect youth to the resources of Cornell University, strengthening the next generation of leaders; and

WHEREAS, Cornell Cooperative Extension of Delaware County continues to provide programs that will address the needs of Delaware County's agricultural industry and promote sustainability, environmental stewardship and a safe, reliable and healthy food supply; and

WHEREAS, Cornell Cooperative Extension of Delaware County will continue to work closely with its many local partners to offer programs that promote healthful eating, access to local foods, quality health care, safe housing, and active living

THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby designates the week of October 4 - 10, 2009 as Cornell Cooperative Extension Week and National 4-H Week in Delaware County.

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

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

RESOLUTION NO. 146

**TITLE: 2009 BUDGET AMENDMENT TO RESOLUTION NO. 86-09
THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS FOR THE
TOWNS OF DELAWARE COUNTY – PHASE II
WATERSHED AFFAIRS**

WHEREAS, Delaware County has been awarded funding under the 2005 Safe Drinking Water Act to develop Highway Management Plans for Towns Phase II, located in the NYC Watershed Basins of Delaware County; and

WHEREAS, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

WHEREAS, the Delaware County Planning Department and the Delaware County Department of Public Works has the requisite expertise to develop these plans and will partner with individual towns to do so; and

WHEREAS, the personnel cost for data collection being performed by the Delaware County Planning Department is higher than anticipated due to recent flooding events; and

WHEREAS, the contractual expenses related to highway management plans were lower than anticipated; and

WHEREAS, the New York State Department of Environmental Conservation gives Delaware County a 10% leeway to move funds within the line items

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

FROM:

10-18741-543272200/8740026/900	Contractual Services	\$10,000.00
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TO:

10-18741-510000000/8740026/900	Personal Services	\$8,000.00
10-18741-583000000/8740026/900	Social Security	1,500.00
10-18741-589000000/8740026/900	Medicare	500.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4476, Noes 0, Absent 330 (Donnelly, Triolo).

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

RESOLUTION NO. 147

**TITLE: 2009 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the flood events of recent years have caused the Department to increase capital expenditures; and

WHEREAS, the equipment rental lines in the Department's budget are based on historic figures; and

WHEREAS, the flood related activity has artificially raised the capital portion of the equipment rental; and

WHEREAS, it has become obvious that we will not be able to meet the budgeted capital obligations; and

WHEREAS, due to normal maintenance activity we have already exceeded the budgeted maintenance obligations.

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

DECREASE CONTRIBUTION FROM FUND BALANCE:

34-00000-34911000	Fund Balance Otr	\$600,000.00
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DECREASE REVENUE:

34-15112-44458903	WRDA Grant	\$100,000.00
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DECREASE APPROPRIATION:

34-15112-55000000	Equipment Rental	\$700,000.00
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TRANSFER FROM:

24-19060-58600000	Health Insurance	\$265,000.00
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24-15110-54000000	Contractual Expenses	\$435,000.00
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TRANSFER TO:

24-15110-55000000	Equipment Rental	\$700,000.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4476, Noes 0, Absent 330 (Donnelly, Triolo).

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 148

**TITLE: APPROVAL OF TRANSPORTATION BIDS FOR
EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAM
(2 - 5 YEAR OLDS)
PUBLIC HEALTH NURSING SERVICES**

WHEREAS, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by Richard B. Spinney, Esq., Delaware County Attorney

NOW, THEREFORE, BE IT RESOLVED that the bids received for transportation of preschool children with special needs from various points around Delaware County to the 4410 programs listed below, from October 1, 2009 to August 31, 2011, be accepted as follows:

Proposal No. 7-09:

Whispering Pines Preschool, 2841 Thousand Acre Rd., Delanson, NY 12053
Coxsackie Transport, Inc., 11 Wayne Drive, Coxsackie, NY 12051

Bid: \$325.00 per round trip, 1st passenger
\$25.00 per additional passenger

The resolution was seconded by Mr. Rowe.

In answer to Mr. Meredith, Mrs. Hamilton stated that Buchanan Transportation of Walton is transporting children to Carousel Children's Services and Springbrook. Coxsackie Transport is transporting children to Schoharie County.

The resolution was adopted by the following vote: Ayes 3774, Noes 702 (DuMond, Meredith), Absent 330 (Donnelly, Triolo).

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

RESOLUTION NO. 149

**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;

THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to sell by auction or sealed bid the following:

#754 - 1984 Athey Belt Loader - ID # 703494K State of New York

The resolution was seconded by Mr. Rowe and Mr. Layton and unanimously adopted.

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

RESOLUTION NO. 150

**TITLE: AUTHORIZING FOR PROFESSIONAL SERVICES
SUPPLEMENT #2 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, Resolution No. 115 of 2008 authorized Supplemental Agreement #1 bringing the maximum amount payable to \$1,235,000.00; and

WHEREAS, during the construction of the bridge it has become evident that another inspector is needed to ensure that all federal requirements of the project are being met

NOW, THEREFORE BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Supplemental Agreement #2 with Clough Harbour & Associates, LLP for \$68,225.00 which will raise the maximum amount payable to \$1,303,225.00.

The resolution was seconded Mr. Haynes and adopted by the following vote: Ayes 4476, Noes 0, Absent (Donnelly, Triolo).

Mr. Marshfield offered the following resolution:

RESOLUTION NO. 151

**TITLE: AGREEMENT WITH THE VILLAGE OF FLEISCHMANN'S
TREASURER'S OFFICE**

WHEREAS, the Village of Fleischmanns wishes to retain title to tax map number 287.17-2-11, in their pending village foreclosure, and

WHEREAS the Finance Committee approved the following proposed agreement with the Village of Fleischmanns at their August 26, 2009 meeting:

- 1) After taking title, the Village will pay the full value of the County's lien on the property together with any interest, penalties, and any other charges assessed.
- 2) Such payment will be in full satisfaction of the County's interest in the property with the exception of the tax bills rendered after the taking of title.
- 3) This agreement may be submitted to the Court when the Village makes application for default judgment.
- 4) This agreement will take effect immediately

THEREFORE BE IT RESOLVED that the County Board of Supervisors approve the above agreement.

The resolution was seconded by Ms. Molé and unanimously adopted.

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 152

**TITLE: EASEMENT FOR THE VILLAGE OF WALTON
MENTAL HEALTH FACILITY**

WHEREAS, the Village of Walton is upgrading the water lines to the Mental Health Building; and

WHEREAS, in order for the village to access County property to install the water lines an easement is necessary

THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors authorizes the Chairman of the Board to sign all necessary paperwork to accomplish the task.

The resolution was seconded by Mr. Meredith and Mr. Maddalone and unanimously adopted.

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

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

RESOLUTION NO. 153

TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES

BE IT RESOLVED that the following State Equalization Rates be adopted for the apportionment of the 2010 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	100.00
BOVINA	24.42
COLCHESTER	3.49
DAVENPORT	70.12
DELHI	56.56
DEPOSIT	5.31
FRANKLIN	77.00
HAMDEN	18.15
HANCOCK	13.99
HARPERSFIELD	27.20
KORTRIGHT	100.00
MASONVILLE	100.00
MEREDITH	100.00
MIDDLETOWN	48.00
ROXBURY	26.39
SIDNEY	73.12
STAMFORD	27.80
TOMPKINS	3.64
WALTON	26.66

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

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

RESOLUTION NO. 154

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,638,642.41 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	\$499,991.10
OET	\$114,755.01
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$751,294.06
Machinery	\$51,328.61
Capital Road & Bridge	\$95,037.18
Capital Solid Waste	\$5,085.00
Solid Waste/Landfill	\$120,932.56

The resolution was seconded by Ms. Capouya and adopted by the following vote: Ayes 4476, Noes 0, Absent 330 (Donnelly, Triolo).

Mr. Hynes noted that Robert Johnson, Director of Veterans' Service Agency is retiring at the end of September and the Planning, Recreation, Culture and Community Committee is working on a replacement. On behalf of the Board of Supervisors, he expressed appreciation for all the work Mr. Johnson has done through the years and wished him well in all his future endeavors.

Chairman Eisel noted that Mr. Johnson was recognized with appreciation at the recent department head meeting for his twenty-three years of dedicated service to the veterans of this County.

Upon a motion, the meeting was adjourned at 2:15 p.m.