

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**OCTOBER 14, 2009**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 14, 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 Mrs. Capouya and Mr. Meredith.

Mr. Marshfield offered the invocation.

Mr. Hynes 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 Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton to provide an update on the swine flu known also as H1N1.

Mrs. Hamilton advised that the plan for Delaware County is to offer the H1N1 vaccine to the high risk population defined as pregnant women, children over the age of six months to eighteen years of age and the eighteen to sixty years of age with chronic health conditions. The elderly population are being encouraged to get vaccinated for the seasonal flu as they seem to be more affected by the seasonal flu rather than H1N1.

The seasonal flu and the H1N1 are not the same. The seasonal flu comes every year around late fall through December with the vaccination period beginning the end of October through the end of November. The H1N1 is a year round flu that in most cases is fairly mild, although there have been severe cases among the high risk population.

Anyone suffering from flu like symptoms now is assumed to have H1N1 as the seasonal flu has not started yet. Doctor offices do not have the H1N1 vaccination at this time, the vaccinations currently available and advertised are for the seasonal flu.

There are two types of H1N1 vaccinations; injectable which does not contain the live virus and a nose spray which contains the live virus. When available, the H1N1 vaccination will be provided free by the Center of Disease Control (CDC) and the New York State Department of Health (NYSDOH) to health departments and doctors offices.

Mrs. Hamilton advised that currently her department, the CDC, and the NYSDOH are phone conferencing weekly in an effort to develop a plan to vaccinate the county's high risk population, schedule discussions with school administrators and to determine if it is necessary to set up a point of distribution open to the public to provide the vaccination. When the vaccination programs begin, Public Health will administer the vaccinations at no cost. The necessary supplies will be provided by CDC and NYSDOH free of charge and the department will receive a grant to cover the administrative costs of the program.

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

**RESOLUTION NO. 155**

**TITLE: 2009 BUDGET AMENDMENT  
TERRORISM PREVENTION - STATE HOMELAND SECURITY GRANT  
SHERIFF'S OFFICE**

**WHEREAS**, New York State Office of Homeland Security has announced the availability of a grant that will subsidize 100% of costs associated with the fiscal year 2009 State Law Enforcement Terrorism Prevention Program for the Delaware County Sheriff's Office; and

**WHEREAS**, this grant is established to accomplish the following goals:

- To purchase communications and emergency alerting equipment
- To provide planning for citizen and community preparedness

**WHEREAS**, the Sheriff's Office will not have to supply any matching funds for this grant; and

**WHEREAS**, at the conclusion of the grant period, the county will be responsible for maintaining the equipment purchased under the terms of this grant

**THEREFORE, BE IT RESOLVED** that the Sheriff's Office is given permission to accept grant funding under the grant program identified above and the following budget amendment be authorized:

**ESTIMATED REVENUE:**

10-13110-43330500/3110032/907	State Homeland Security	\$62,000.00
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**APPROPRIATION:**

10-13110-52200001/3110032/907	Equipment Grant	\$46,500.00
10-13110-54327465/3110032/907	Grant Miscellaneous (Planning)	\$15,500.00

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 156**

**TITLE: 2009 BUDGET AMENDMENT  
TRANSITIONAL JOBS PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Transitional Jobs Program; and

**WHEREAS**, 100% federal funds are available to provide education, training and job placements for low or no income TANF eligible individuals

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

**INCREASE REVENUE:**

10-16010-44461300	Federal - Transitional Jobs Program	\$53,566.00
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**INCREASE APPROPRIATION:**

10-16010-54200057	Contracted Services - Transitional Jobs Program	\$53,566.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 157**

**TITLE: 2009 BUDGET AMENDMENT  
BACK TO SCHOOL PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated agency to administer the Back to School Program; and

**WHEREAS**, 100% federal funds are available for eligible families for a back to school supplement.

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

**INCREASE REVENUE:**

10-16109-44460900	Federal Aid - Family Assistance	\$283,000.00
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**INCREASE APPROPRIATION:**

10-16109-54113000 Family Assistance \$283,000.00

The resolution was seconded by Mr. Hynes.

In answer to Mr. Bracci, Commissioner of Social Services William Moon explained that the purpose of this resolution is to reimburse the county for the funds that were charged against the department’s account by the state. In early August the state provided a \$200 allotment per child from the age of three to seventeen to every family receiving benefits to help them purchase back to school clothing and supplies. The money was taken from the Social Services’ budget and made available to the recipients electronically. The state acted completely on their own without input from any of the counties. The program was very controversial and the state was shocked by the number of complaints.

In reply to Chairman Eisel, Commissioner Moon said that the program was only for New York State. The funding for the program came from the HHS contingency fund that was available for a state match. The state match was made by a private individual.

The resolution was adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 158**

**TITLE: 2009 BUDGET AMENDMENT  
SUMMER FOOD SERVICE PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Youth Bureau is the designated local agency to administer the Summer Food Service Program; and

**WHEREAS**, 100% state funds are available for youth 18 and under

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

**INCREASE REVENUE:**

10-17310-4338200/7310006/987 State Youth Programs \$6,639.00

**INCREASE APPROPRIATION:**

10-17310-54200000/7310006/987 Summer Food Service Program \$6,639.00

The resolution was seconded by Mr. Marshfield.

In answer to Mr. Bracci, Commissioner Moon stated in August a summer site operational review was made by the State Department of Education which oversees the Summer Food Service Program. The review noted that the program was extremely well organized. The atmosphere at the site was very comfortable for children. The menus were adapted to meet the preferences of the children, the items on the menu were listed and also shown in pictures, and the staff provided assistance while serving nutritious meals to the children. In addition, the site served more meals than specified in the contract and spent less money. It was a flawless program. In recognition of these efforts the site was awarded the Site Excellence Award.

The First United Methodist Church of Walton was the only site in the state that received this recognition. The pastor, parishioners and Walton youth that assisted should feel honored about what they accomplished. The recognition is a positive reflection of the work done by the Youth Bureau and the Youth Board.

The resolution was adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 159**

**TITLE: 2009 BUDGET AMENDMENT  
SHERIFF'S OFFICE**

**WHEREAS**, Delaware County has recently experienced eight suspicious building fires (many of which the causes were incendiary) and four incidents of vandalism in isolated areas throughout Delaware County during the last few months; and

**WHEREAS**, the Sheriff's Office is actively soliciting funding from the general public with which to finance a reward fund to solicit information from the general public which results in the arrest and conviction of the perpetrator(s) of these crimes; and

**WHEREAS**, the Sheriff's Office plans to provide the first \$3,000 to start this fund and to solicit additional contributions from individuals and business sponsors with which to continue funding the Sheriff's reward fund; and

**WHEREAS**, the Sheriff's Office will establish a dedicated account to accommodate the proceeds of reward contributions and disbursements thereof

**THEREFORE BE IT RESOLVED**, that revenue account 10-13189-42270500 Sheriff's Reward Fund Donations be established for the acceptance of such contributions; and

**BE IT FURTHER RESOLVED** that appropriations account 10-13189-54576000 be established and increased by said contributions; and

**BE IT FURTHER RESOLVED** any unspent funding will remain in this account and will be made available for future reward disbursements

**BE IT FURTHER RESOLVED** that the following 2009 budget transfer be authorized as follows:

**TRANSFER FROM:**

10-13110-54200100	Contr Serv Informant EQTBL Sharing	\$3,000.00
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**TRANSFER TO:**

10-13189-54576000	Sheriff'S Reward Fund Exp	\$3,000.00
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The resolution was seconded by Mr. Utter.

In answer to Mr. Bracci, Sheriff Mills stated that he felt that the resolution was necessary in order to illicit more information from the public.

Chairman Eisel noted that the county has not had a reward program in the past but, believes it is a good idea. These fires caused a great deal of damage and people were becoming afraid to leave their homes unattended. He praised the excellent work of the Sheriff's Office in apprehending the alleged arsonists.

The Sheriff commented that the fire at the church in Sidney was so severe it caused considerable damage to the county foster home next door to it.

Chairman Eisel stated he learned from Commissioner Moon that as a result of the fire, the foster children had to be moved out of the home. They are now in Treadwell and are being bused to school in Sidney.

Mr. Homovich commented that from past experience he knows that the reward program can be an effective tool during an investigation.

Mr. DuMond remarked that he supports the award program and believes it is highly effect in acquiring information. He thanked the Sheriff for creating the program for Delaware County and bringing the resolution forward. He commended the Sheriff's Office for an outstanding job in solving these horrific crimes.

The resolution was and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 160**

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

**WHEREAS**, the State Training Schools 2009 appropriation account which provides financing for youth in state operated schools is in need of funding

**NOW, THEREFORE BE IT RESOLVED** that the following budget transfer be authorized:

**FROM:**

10-16055-54200025	Day Care Services	\$14,000.00
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**TO:**

10-16129-54200015	Contracted Services - State Training Schools	\$14,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 161**

**TITLE: 2009 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
PLANNING DEPARTMENT**

**WHEREAS**, new flood maps have been issued to Delaware County by the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, the new flood maps may show property in the Special Flood Hazard Areas that were not previously designated on the old flood maps; and

**WHEREAS**, Delaware County homeowners may not be aware of the specific changes in the flood maps; and

**WHEREAS**, FEMA and the New York State Department of Environmental Conservation (NYSDEC) will be holding open houses to field questions and assist home owners with these changes; and

**WHEREAS**, the Planning Department will be mailing notices with the dates and locations of the open houses to county property owners that are affected by the Special Flood Hazard Areas at a cost of \$3,100.00

**NOW, THEREFORE, BE IT RESOLVED**, that the following budget transfer be authorized:

**TRANSFER FROM:**

10-18020- 51000000	Personal Services	\$3,300.00
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**TRANSFER TO:**

10-18020- 54520000	Postage	\$3,300.00
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The resolution was seconded by Ms. Molé and Mr. Maddalone and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 162**

**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 personal service 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 personal services; and

**WHEREAS**, it has become obvious that we will exceed budgeted lines in maintenance and engineering for personal services

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

**DECREASE REVENUE:**

34-15112-45503100	Interfund Transfers Otr.	\$500,000.00
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**DECREASE APPROPRIATION:**

34-15112-51000000	Personal Services	\$500,000.00
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**INCREASE REVENUE:**

24-15110-45503100	Interfund Transfers Otr	\$500,000.00
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**INCREASE APPROPRIATIONS:**

24-15020-51000000	Personal Services:	\$1,000.00
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24-15110-51000000

Personal Services:

\$499,000.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

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

**RESOLUTION NO. 163**

**TITLE: SUPPORT FOR MATCHING GRANT FUNDS TO THE ULSTER AND DELAWARE RAILROAD HISTORICAL SOCIETY FOR THE PURPOSE OF ACQUIRING AND RESTORING THE ULSTER AND DELAWARE RAILROAD DEPOT IN THE TOWN OF ROXBURY  
PLANNING DEPARTMENT**

**WHEREAS**, the Delaware County Departments of Planning and Economic Development have partnered to promote historic railroad sites and tourism as part of the county's overall economic development plan; and

**WHEREAS**, Delaware County, as per Resolution No. 193, adopted October 22, 2008 received funding from the A. Lindsay and Olive B. O'Connor Foundation, Inc. for future projects to be completed; and

**WHEREAS**, Resolution No. 193 appropriated \$124,100.00 of that funding for Regional Historic Rail Themed Tourism projects; and

**WHEREAS**, \$80,000 of these funds were committed to the Ulster and Delaware Railroad Depot as part of that larger project; and

**WHEREAS**, the Ulster and Delaware Railroad Historical Society has applied to various grant programs to acquire and restore the Roxbury Depot

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Delaware County Board of Supervisors supports such applications and commits the payment of \$80,000 from this account to match grants and other contributions for the aforementioned project.

The resolution was seconded by Ms. Molé and Mr. Rowe.

In answer to Mr. Donnelly, Director of Planning Nicole Franzese explained that several years ago the Planning and Economic Development Departments worked with the Ulster and Delaware Railroad Historical Society to prepare a grant to restore the Roxbury Depot. The grant was received and this resolution is pledging back the match.

In the future, Ms. Franzese stated the department will write grants which will include other towns and depots.

The resolution was adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

Mr. Maddalone called up Local Law Intro No. 1. The Local Law was seconded by Mr. DuMond.

**INTRO LOCAL LAW NO. 1 of 2009**

**COUNTY OF DELAWARE, NEW YORK**

**A LOCAL LAW PURSUANT TO SECTION 257-C OF THE EXECUTIVE LAW  
AUTHORIZING THE DELAWARE COUNTY PROBATION DEPARTMENT TO  
COLLECT AN ADMINISTRATIVE FEE OF \$30.00 PER MONTH**

BE IT ENACTED by the Board of Supervisors of the County of Delaware, New York, as follows:

**SECTION ONE**

Pursuant to Section 257-c of the Executive Law, Delaware County does hereby adopt this local law requiring individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law (Alcohol and Drug Related Offenses-DWI, DWAI) to pay the local Probation Department supervising such individual an administrative fee of \$30 per month. Provisions of Section 420.10(6) of the Criminal Procedure Law shall govern for purposes of collection. In the event of non-payment of any fees, the county may seek payment in any manner permitted by law for enforcement of such debt. This fee shall not constitute nor be imposed as a condition of probation. Monies collected must be utilized for probation services by the Delaware County Probation Department and will not be considered when determining regular state aid reimbursement. Monies collected shall not be used to replace federal funds otherwise available for probation services; and

**SECTION TWO**

This local law shall take effect immediately.

In answer to Mr. DuMond, Director of Probation Scott Glueckert stated that the administrative fee of \$30 is set by state statute.

Mr. Glueckert advised in response to Mr. Marshfield, that he could not put the individual in jail for not paying the administrative fee but other actions could be taken that would affect their probation privileges. He noted that there are 320 people on probation in the county, one third of them are in violation of Section 257-c under Article 31. If only half of them pay \$10 a month that would bring in approximately \$6,000 a year which would help offset the department's drug testing costs of around \$5,000.

Chairman Eisel remarked that it may be a small source of revenue but, the county can use every dollar.

Mr. Glueckert replied in answer to Mr. Marshfield, that almost every county has an administrative fee for violation of Section 257-c under Article 31. There are counties that have an administrative fee placed on all sections of probation, however, a class action lawsuit has been filed against those counties to stop. The administrative fee for DWI is legal to collect. He further stated that he feels the administrative fee is a reasonable amount that a typical offender would be able to pay.

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

**RESOLUTION NO. 164**

**TITLE: PUBLIC HEARING ON INTRO. LOCAL LAW NO. 1 OF 2009  
PROBATION DEPARTMENT**

**WHEREAS**, Intro. to Local Law No. 1 of 2009 establishing regulations authorizing the Delaware County Probation Department to collect an administrative fee of \$30.00 per month

**NOW, THEREFORE BE IT RESOLVED**, that a public hearing be held on Local Law No. 1 on October 28, 2009 at 12:45 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

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

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

**RESOLUTION NO. 165**

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990  
VETERANS SERVICE AGENCY  
OFFICE FOR THE AGING**

**WHEREAS**, Resolution No. 269 of 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 Veterans Service Agency and the Office for the Aging are experiencing difficulties in recruiting drivers; and

**WHEREAS**, from time to time employees in other county departments may be willing to work on an as needed basis

**THEREFORE, BE IT RESOLVED** that Resolution No. 269 of 1990 is hereby waived

until December 31, 2009 for county employees who are willing to work on an as needed basis for the Veterans Service Agency and the Office for the Aging.

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

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

**RESOLUTION NO. 166**

**TITLE: RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM 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 household hazardous waste programs; and

**WHEREAS**, Delaware County herein called the County, has examined and duly considered the applicable laws of the State of New York and the County 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 County be executed for such State Aid;

**NOW, THEREFORE BE IT RESOLVED** by 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 obtained in said application is hereby authorized; and

**BE IT FURTHER RESOLVED**, that the Chairman of the Board, or his designee, is authorized and directed as the official representative of the County 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 Contract is approved by the State; and

**BE IT FURTHER RESOLVED**, that the County agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs; and

**BE IT FURTHER RESOLVED**, that five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with the complete application; and

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

The resolution was seconded by Mr. Rowe.

Mr. Utter stated that this resolution is to apply for a grant to run the hazardous waste program again next year. This year's program was very successful.

Mr. Marshfield remarked that he is all for the program as long as the county is able to receive funding for it. He mentioned that Otsego County is doing away with the program.

Mr. Valente, speaking as a businessman, commented that this is a good program and is very well run.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 167**

**TITLE: POSITION ON THE FINDINGS OF THE FLOODPLAIN REGULATIONS  
EVALUATION SUB-COMMITTEE OF THE DELAWARE RIVER BASIN  
COMMISSION'S FLOOD ADVISORY COMMISSION  
PLANNING DEPARTMENT**

**WHEREAS**, the Delaware County Board of Supervisors participated in the Interstate Flood Mitigation Task Force of the Delaware River Basin Commission (DRBC) convened as a result of the 2006 flood event; and

**WHEREAS**, the DRBC established the Floodplain Regulation Evaluation Subcommittee (FRES) to review and evaluate the similarities, differences and effectiveness of floodplain regulations throughout the Delaware River Basin and to develop and present recommendations on the potential for more effective floodplain management throughout the Basin to the Flood Advisory Committee (FAC); and

**WHEREAS**, Delaware County as a member of the FRES disagreed with several of its findings and recommendations and therefore issued its own set of recommendations to the FAC that reflect the needs of New York State and more specifically Delaware County; and

**WHEREAS**, the FRES found that flood damage risks and therefore floodplain management solutions in Delaware County are different than those lower in the Delaware River watershed, given the unique topographic, climatic, and hydrologic characteristics of the county, as well as current and future patterns of development but ignored this finding when making their recommendations; and

**WHEREAS**, Delaware County's analysis concluded the current framework for regulating floodplain development has not been used to its fullest potential, and this problem is best addressed by improving local capacity to effectively administer the regulations already in place, not by creating another layer of regulation; and

**WHEREAS**, the Delaware County Board of Supervisors recognizes that regulations of the breadth and scope of those proposed by the FRES require a detailed evaluation of the environmental, economic, and social impacts of their implementation under New York State law as established by the State Administrative Procedures Act and the State Environmental Quality Review act; and

**NOW THEREFORE BE IT RESOLVED**, the Delaware County Board of Supervisors urge the Delaware River Basin Commissioners to refer any consideration of the FRES recommendations back to their respective state agencies to ensure that a socioeconomic and environmental analysis will be performed to determine the full impact of any floodplain management recommendation; and

**BE IT FURTHER RESOLVED**, that the Delaware County Board of Supervisors firmly oppose the adoption of additional floodplain regulations by the Delaware River Basin Commission.

The resolution was seconded by Mr. Maddalone.

Mr. Homovich remarked that this is where common sense comes against the experts. If federal dollars are to be saved the state, counties and towns need to be allowed to maintain the waterways. He expressed concern that the local solutions are not being heard. In his opinion, this is a program that will not work from the start. He felt the DRBC is a deterrent to the area and that the county cannot afford any more of these bureaucratic hits.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 168**

**TITLE: ENCOURAGING IMMEDIATE RELIEF FOR DAIRY FARMERS AND SUPPORTING CHANGES AT THE FEDERAL LEVEL ESTABLISHING THE PRICE OF FLUID MILK AT THE FARM GATE**

**WHEREAS**, dairy is the largest agricultural industry in terms of product value in Delaware County and whereas fluid milk and other products generate over 75% of the \$72 million in cash receipts in agriculture; and

**WHEREAS**, the current price of milk at the farm gate is well below the cost of production; and

**WHEREAS**, the impact of these low prices on Delaware County's economy, along with that of New York State and the nation is significant and cannot be ignored; and

**WHEREAS**, there has been a nationwide effort by dairy farmers to address the

bureaucratic structure of establishing milk prices, and

**WHEREAS**, this is an issue that significantly impacts our processing facilities, agricultural infrastructure dependent on dairy farming and the entire local economy; and

**WHEREAS**, this issue no longer can just be carried forward by the will power of the farming community, but must involve all those who understand the economic impact of agriculture

**NOW THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors supports efforts to change the current basis on which the farm gate price of milk is established; and

**BE IT FURTHER RESOLVED**, that the Delaware County Board of Supervisors supports efforts to provide immediate aid to dairy farmers; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be provided to President Barack Obama, New York State Governor David Patterson, the Secretary of Agriculture Tom Vilsac, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Maurice Hinchey, Congressman Scott Murphy, Senator John Bonacic, Assemblyman Peter Lopez, Assemblyman Clifford Crouch, Commissioner of Agriculture and Markets Patrick Hooker and all Counties in New York State.

The resolution was seconded by Mr. Valente.

Mr. Smith explained that this is a difficult situation to solve as there are many factors involved. He has heard comments that the solution is to kill the cows and he supposed that if you killed enough of them it might make a difference. On the other hand, he did not want the United States to end up buying their dairy products from China as a result.

Mr. Marshfield noted that it is a known fact that the dairy farmers are struggling. He has heard that some farmers are taking their calves to market and selling them.

In reply to Mr. Marshfield, Mr. Smith stated that there are days at the market when a farmer could get a check for their calves but, he also knows that there have been times when the market cannot take any more calves. The dairy farmers are hurting and they are selling the calves or going to the bank for money to continue to operate, which is not a long term solution.

Chairman Eisel remarked that this problem is nationwide and not specific to Delaware County.

Mr. Utter shared that in discussion with Commissioner of Watershed Affairs Dean Frazier, he learned that farmers are more apt to consider the watershed easement programs because they are desperate to survive and are grasping at anything to keep them financially stable. He pointed out that these may be people who might never have considered such a move

otherwise. In addition, the farmers are selling the easements at a much lower price per acre just to survive.

Chairman Eisel commented that the easement program appears to be a bailout for them. Mr. Marshfield added that it would only bail them out once.

Mr. Utter expressed concern that once the decision to enter into the watershed easement program is made it leaves the farmers no future bailout.

Mr. Marshfield said that he has family in the dairy business and they are also trying to hold on. He spoke of a farm neighboring his brothers farm who borrowed \$1 million a year ago to operate and has gone through all of it. They are in a difficult place as they cannot keep borrowing money.

Chairman Eisel remarked that the federal government is aware of the problem and he had no explanation as to why the prices were not going up.

In reply to Chairman Eisel, Mr. Marshfield stated that when the prices go up dairy farmers add more cows, production goes up and as a result the market goes the other way.

Mr. Homovich stated that people are so disconnected from the farmers that they do not know how much work goes into putting food on the table. He questioned if the Catskill Watershed Corporation (CWC) could provide financial assistance in a one time property tax payment for the farmers as some of the CWC money is for economic development.

Chairman Eisel pointed out that Senator Bonacic is aware of the problem with taxes and is trying to bring up a bill that would allow farmers to make two or three payments against their taxes without penalties. He added that he would bring this matter to CWC for discussion.

Mr. Triolo remarked the industry is not producing for the market. Solving the problem will be difficult but, the industry cannot continue producing for a market that has no demand. He believed CWC would do what they could to help but, noted that it is not a give away program.

Mr. Homovich commented that he felt the country could send farm products for foreign aid as so many people are starving around the world and keep the money in our country. Mr. Triolo said that would be difficult as the demographic factors of each country would have to be considered to determine what farm products would be appropriate for each of the countries.

The resolution was unanimously adopted.

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. 169**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$3,126,287.03 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	\$1,527,121.83
OET	\$104,819.87
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$66,112.88
Machinery	\$357,733.15
Capital Road & Bridge	\$942,282.41
Capital Solid Waste	\$5,954.50
Solid Waste/Landfill	\$121,842.39

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4086, Noes 0, Absent 720 (Capouya, Meredith).

Mr. Rowe stated that the New York State Department of Environmental Conservation (NYSDEC) released a draft of its Supplemental Generic Environmental Impact Statement governing the potential natural gas drilling activities. He read the first 80 pages of the 800 page document and believes the NYSDEC is in favor of it. Natural gas drilling could be the economic opportunity the county needs.

Mr. Marshfield stated that the Catskill Watershed Corporation handed out a summary of the draft document that would be a good paper for the Supervisors to read. He pointed out that it listed specific regulations to the watershed versus outside of the watershed.

Chairman Eisel noted that he had a copy of the summary and would provide copies to the Supervisors. He further commented that it is good news that the watershed was not denied the opportunity to allow gas drilling.

Mr. Hynes referenced the memorandum enclosed in the Supervisor’s packet and asked that the Supervisors get back to Planning as soon as possible with any comments they may have on the draft letter as the county will be sending it to property owners who may be affected by the new digital flood insurance rates maps done by the Federal Emergency Management Agency.

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