

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

NOVEMBER 10, 2009

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 10, 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.

Mr. Marshfield offered the invocation.

Mr. Triolo 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.

Incumbent Town of Sidney Supervisor Joseph Maddalone introduced incoming Supervisor Robert McCarthy who will take office on January 1, 2010. Chairman Eisel welcomed Mr. McCarthy to the meeting.

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

RESOLUTION NO. 188

**TITLE: 2009 BUDGET AMENDMENT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the 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 Homeland Security Program for the Delaware County Emergency Services; 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; 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 budget be amended as follows:

REVENUE ACCOUNT:

| | | |
|-------------------------------|-------------------------|--------------|
| 10-13640-43338900/3640036/911 | State Otr Public Safety | \$158,222.00 |
|-------------------------------|-------------------------|--------------|

APPROPRIATION ACCOUNT:

| | | |
|-------------------------------|-----------|--------------|
| 10-13640-52200001/3640036/911 | Equipment | \$118,666.00 |
|-------------------------------|-----------|--------------|

| | | |
|-------------------------------|------------------------|-------------|
| 10-13640-54327465/3640036/911 | Grant Misc. (Planning) | \$39,556.00 |
|-------------------------------|------------------------|-------------|

The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Director of Emergency Services Richard Bell stated the grant monies may be used towards funding the buildings for placement on top of the communications hilltops or for microwave length replacements that will be fully integrated with the county's new communication system.

In response to Chairman Eisel, Mr. Bell stated that the Federal Hill site in Delhi has recently been sold and that information will be helpful in determining if acquiring sites are in the best interest of the county.

The resolution was adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

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

RESOLUTION NO. 189

**TITLE: 2009 BUDGET AMENDMENT
DEPARTMENT OF EMERGENCY SERVICES**

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 Companion Animal Sheltering Equipment Grant Program for the Delaware County Emergency Services Office; and

WHEREAS, this grant is established to accomplish the following goals in accordance with the Pets Evacuation and Transportation Standards Act of 2006:

- To purchase a pet sheltering equipment cache and cargo trailer
- To support any applicable planning, training, and exercise activities associated with said equipment cache; 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 budget be amended as follows:

REVENUE ACCOUNT:

| | | |
|-------------------------------|-------------------------|-------------|
| 10-13640-43338900/3640037/911 | State Otr Public Safety | \$24,645.00 |
|-------------------------------|-------------------------|-------------|

APPROPRIATION ACCOUNT:

10-13640-52200001/3640037/911

Equipment

\$24,645.00

The resolution was seconded by Mr. DuMond and Mr. Axtell.

In answer to Mr. Marshfield, Mr. Bell explained that this is a fully equipped mobile trailer to be used in the event of an emergency to shelter domestic animals. As part of the memorandum of agreement, the trailer will be shared with Otsego County.

In response to Chairman Eisel, Mr. Bell advised that the trailer will be kept at the Public Safety and Correctional Facility Complex and can be transported by the county's Ford diesel Excursion.

Mr. Bell stated in reply to Mr. Bracci that the cost of maintaining the trailer would consist of routine maintenance and in his opinion would be minimal. The grant will help offset the cost to the county. The county does not have to accept the trailer, but it is obligated to provide the service under the Pets Evacuation and Transportation Standards Act of 2006. He advised that the Board of Supervisors can elect not to replace the trailer at the end of its life expectancy.

In reply to Mr. Marshfield, Mr. Bell noted that he is unaware of any grant commitments to replace the trailer once it has reached its life expectancy.

He further explained that the trailer could be mobilized to any emergency event requiring it. In a situation where there is an influx of domestic animals and the animal shelter has reached its capacity, a request to use the trailer should be made to the Office of Emergency Services.

Chairman Eisel commented that this is a very comprehensive plan which will provide a sense of security to residents and their pets in the event of an emergency.

The resolution was adopted by the following vote: Ayes 3505, Noes 604 (Bracci, DuMond), Absent 697 (Donnelly, Town of Walton).

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

RESOLUTION NO. 190

**TITLE: 2009 BUDGET AMENDMENT
TRANSFER OF FUNDS
SHERIFF'S OFFICE**

WHEREAS, by Resolution No. 108 dated July 22, 2009, the Sheriff's Office was granted funding from the New York State Office of Homeland Security, for the fiscal year 2008 State Law Enforcement Terrorism Prevention Program. This grant is for period 09/01/2008 - 08/31/2011; and

WHEREAS, this amendment redistributes the appropriations associated with this grant

into accounts that more accurately describe the purpose for which the funds were intended

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

FROM ACCOUNT:

| | | |
|-------------------------------|-----------------|-------------|
| 10-13110-52200001/3110031/907 | Equipment Grant | \$42,500.00 |
|-------------------------------|-----------------|-------------|

TO ACCOUNT:

| | | |
|-------------------------------|--------------------------|------------|
| 10-13110-52200001/3110031/907 | Equipment Grant | \$4,050.00 |
| 10-13110-51327000/3110031/907 | Personal Services-Grants | 3,000.00 |
| 10-13110-54327196/3110031/907 | Grant Consultants | 25,000.00 |
| 10-13110-54327615/3110031/907 | Grant Training | 10,450.00 |

The resolution was seconded by Mr. Axtell and adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

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

RESOLUTION NO. 191

TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, a Project for the Flood of June 23 - 29, 2006, Multiple Damaged Sites on County Routes 1, 11, 14, 21 and 23, Delaware County, PIN 9890.37 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the federal share of the costs thereof; and

WHEREAS, Delaware County has previously executed Federal Emergency Relief Project Agreement for the construction and construction supervision and inspection work for \$711,606.26.

NOW, THEREFORE, the Delaware County Board of Supervisors, duly convened, does hereby

RESOLVE, that the Delaware County Board hereby approves the above subject project; and

IT IS FURTHER RESOLVED, that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal share of the cost of

Construction and Construction Inspection work for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$372,305.00 is hereby appropriated from 34-15112 and made available to cover the cost increase of participation in the Project; and

IT IS FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Delaware County Board of Supervisor shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

IT IS FURTHER RESOLVED, this resolution shall take effect immediately.

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

In response to Mr. Marshfield, Mr. Utter stated that this resolution will accompany the county's request to recoup money spent on repairs as a result of the 2006 flood.

Commissioner of Public Works Wayne Reynolds stated in answer to Chairman Eisel, that under the Emergency Relief Program within the first 180 days of an event reimbursement is at 100 percent, after that time, reimbursement becomes 80 percent federal, 20 percent local share. He explained that the flood caused a slope failure on County Route 14 that ran over the department's original time estimate.

The resolution was adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

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

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

RESOLUTION NO. 192

**TITLE: 2009 BUDGET AMENDMENT
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the State Education Department has been awarded a grant for Local Government Records Management Improvement Fund for Delaware County; and

WHEREAS, the State Education Department will award grant monies to Delaware County Public Health Nursing Service in the amount of \$18,000.00 to support electronic records management;

WHEREAS, the goals of the electronic records management is to create retention, storage or retrieval policies or procedures in accordance with the New York State Archives CO-2 retention and disposal schedules; and

WHEREAS, no expenses will be paid until grant money is secured

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

INCREASE REVENUE:

| | | |
|-------------------------------|-----------------|-------------|
| 10-14012-43340101/4012003/906 | State PH Grants | \$18,000.00 |
|-------------------------------|-----------------|-------------|

INCREASE APPROPRIATION:

| | | |
|-------------------------------|-----------------------|-------------|
| 10-14012-54327000/4012003/906 | Gen Grant Related Exp | \$18,000.00 |
|-------------------------------|-----------------------|-------------|

The resolution was seconded by Mrs. Capouya.

In reply to Chairman Eisel, Director of Public Health Bonnie Hamilton explained that she along with County Clerk Sharon O'Dell wrote the grant with the intention of creating an electronic records management system for the county. The Department of Public Health will be the model for this program as currently there are a number of electronic files on Information Technology's server with no method devised to track them. Once electronic filing methods are devised and departments begin to condense their paper records, there will be a significant reduction in the amount of space needed to retain county records.

The resolution was adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

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

RESOLUTION NO. 193

**TITLE: 2009 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the immunization program has been reorganized with changes in staffing patterns; and

WHEREAS, there are insufficient funds in the 2009 personal services for immunization;

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

FROM:

| | | |
|-------------------|-------------------|------------|
| 10-14010-51000000 | Personal Services | \$8,240.00 |
| 10-14010-58300000 | Fringes | \$2,931.00 |

TO:

| | | |
|-------------------|-------------------|------------|
| 10-14013-51000000 | Personal Services | \$8,240.00 |
| 10-14013-58300000 | Fringes | \$2,931.00 |

The resolution was seconded Mr. Maddalone.

Mrs. Hamilton stated in answer to Chairman Eisel that there will be a seasonal flu clinic on Thursday, November 12th from 1:00 p.m. to 5:00 p.m. at the Public Safety and Correctional Facility Complex . There is a \$15 fee payable at the time of vaccination or it can be billed to medicaid.

The county's first shipment of approximately 500 doses of H1N1 has been received and a clinic will be held on November 21st for priority groups. Information on the clinic will be posted on the Public Health website, announced on the radio and advertised in the newspapers.

In response to Mr. Homovich, Mrs. Hamilton stated that there is currently a shortage of both the H1N1 and the seasonal flu vaccines. She noted that Delaware Valley Hospital recently cancelled their seasonal flu clinics because they were out of vaccine.

In answer to Mr. Hynes, Mrs. Hamilton advised that the vaccinations distributed by Public Health is the annual seasonal flu shot not the five year shot.

The resolution was adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

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

RESOLUTION NO. 194

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending September 30, 2009;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261.

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

| Town | Amount Allocated to Tax District | Amount Apportioned to Town | Amount Apportioned to Village |
|--------------|----------------------------------|----------------------------|--------------------------------|
| Andes | \$17,490.27 | \$17,490.27 | |
| Bovina | \$12,645.49 | \$12,645.49 | |
| Colchester | \$17,067.79 | \$17,067.79 | |
| Davenport | \$21,176.88 | \$21,176.88 | |
| Delhi | \$30,012.47 | \$25,388.14 | \$4,624.33 |
| Deposit | \$14,874.90 | \$13,920.69 | \$954.21 |
| Franklin | \$15,672.41 | \$14,963.36 | \$709.05 |
| Hamden | \$10,055.60 | \$10,055.60 | |
| Hancock | \$21,912.07 | \$19,870.26 | \$2,041.81 |
| Harpersfield | \$9,177.97 | \$8,167.18 | \$1,010.79 |
| Kortright | \$14,199.07 | \$14,199.07 | |
| Masonville | \$6,890.35 | \$6,890.35 | |
| Meredith | \$10,256.48 | \$10,256.48 | |
| Middletown | \$28,659.76 | \$25,185.96 | FL \$816.93 MV \$2,656.87 |
| Roxbury | \$22,411.68 | \$22,411.68 | |
| Sidney | \$36,913.57 | \$25,954.97 | \$10,958.60 |
| Stamford | \$12,467.28 | \$9,411.13 | ST \$1,104.73 HO \$1,951.42 |
| Tompkins | \$13,451.00 | \$13,451.00 | |
| Walton | \$23,516.90 | \$19,140.68 | \$4,376.22 |
| Totals ... | \$338,851.94 | \$307,646.98 | \$31,204.96 |

The resolution was seconded by Mr. Triolo.

Mr. Marshfield commented that the Town of Hamden's allocation is down about 50 percent, noting that this may be an indication of what the county will suffer.

The resolution was adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

Mr. Maddalone recalled Local Law Intro No. 1. The Local Law was seconded by Mr. Rowe and unanimously adopted.

Mr. Maddalone recalled Local Law Intro No. 2. The Local Law was seconded by Mr. Rowe and unanimously adopted.

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

RESOLUTION NO. 195

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,119,639.08 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 | \$613,184.52 |
| OET | \$264,020.02 |
| Countryside | \$420.00 |
| Highway Audits, as Follows: | |
| Road | \$12,954.27 |
| Machinery | \$51,894.07 |
| Capital Road & Bridge | \$1,126,263.36 |
| Capital Solid Waste | \$7,013.64 |
| Solid Waste/Landfill | \$43,889.20 |

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4109, Noes 0, Absent 697 (Donnelly, Town of Walton).

Chairman Eisel introduced Budget Officer Homovich to discussed the 2010 Tentative Budget.

Budget Officer Homovich provided a handout that identified the changes, additions and deletions to the 2010 Tentative Budget. The overall change totaled an appropriation increase of \$3,200 which created a change in levy from 1.4282 to 1.4768 percent over the 2009 tax levy.

He referenced the sales tax report placed on each Supervisor's desk and explained that sales tax is considered the main economic indicator of the county and reflects the well being of its business and residents. The revenue received from sales tax is used to regulate the tax levy and to help build the reserve fund. The sales tax received from the government sponsored "cash for clunkers" program helped. However, even with that program, sales tax revenue is down from 2009 by 25 percent.

Budget Officer Homovich felt encouraged by signs of growth in the logging and stone industry and remarked that Delaware County residents have always had a "can do" attitude. He believes if we all work together the county will get through these difficult times.

He thanked Chairman Eisel, Mr. Marshfield and Mrs. Schafer for their work on the budget during this very emotional and trying time.

Mr. Marshfield remarked that this year's downturn in the economy made this budget particularly difficult. He referenced a \$2.3 million dollar loss in sales tax, and an increase in retirement insurance of \$1.8 million. In addition, the plummet in mortgage tax and interest rates just add to the dilemma. Under the circumstances he thinks an increase of 1.4768 percent is reasonable. He thanked Chairman Eisel, Mr. Homovich and Mrs. Schafer for their input to the budget process.

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

RESOLUTION NO. 196

**TITLE: PUBLIC HEARING
2010 TENTATIVE BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Tentative 2010 Delaware County Budget and a public hearing be held on the 24th day of November, 2009 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. Marshfield and unanimously adopted.

Chairman Eisel made the following appointment to the Delaware River Basin Commission Flood Advisory Committee:

Director of Emergency Services Richard Bell

Upon a motion, the meeting adjourned at 1:40 p.m.