

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
NOVEMBER 24, 2009

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 24, 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.

Chairman Eisel welcomed Bruce Dolph the newly appointed Supervisor for the Town of Walton.

The Clerk called the roll and all Supervisors were present except Mr. Donnelly and Mr. Valente.

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.

Chairman Eisel granted privilege of the floor to Sheriff Mills who presented Kim Smith as Employee of the Month.

Mrs. Smith was hired as a corrections officer in July 1997. Upon completion of the Law Enforcement Academy she assumed the position of a part-time Deputy Sheriff in February 2000. Through the course of time, her road patrol deputy responsibilities have expanded to include the role of evidence technician. As an evidence technician she is responsible for inventorying and maintaining the department's evidence locker in accordance with the law.

Mrs. Smith possess a police officer's instinct and determination. She is not in the position for its glory but accepts all that comes with the job. She has had her share of wet, cold and dirty assignments. Her day might consist of participating in a drug raid or handing out bike helmets and talking with children at area schools about personal safety issues they may face.

In 2004 Mrs. Smith earned the Sheriff's Office Employee of the Quarter Award in recognition of her outstanding dedication to duty and the desire to always improve herself. She is a good ambassador for the Sheriff's Office and for her profession.

Sheriff Mills presented Mrs. Smith with a \$100.00 Savings Bond. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated

service.

Mrs. Smith thanked Sheriff Mills and Undersheriff Vredenburg for recognizing her for this honor. She credits their mentoring and belief in her for making her a better police officer. She thanked her co-workers for their support and assistance as without them, she would not be able to do the job she does. She thanked her husband, children and extended family for their patience and understanding.

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

RESOLUTION NO. 197

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

WHEREAS, the following 2009 appropriation account is in need of funds

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

FROM:

10-11990-54900000	Contingency	\$40,000.00
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TO:

10-12490-54184000	Community College Tuition	\$40,000.00
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The resolution was seconded by Mr. Triolo.

Mr. Marshfield stated that this transfer should cover the remainder of the year.

The resolution was adopted by the following vote: Ayes 4393, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 198

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

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

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

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

FROM:

10-14060-51000000	CPSE 3-5 Personal Services	\$30,000.00
10-14059-51000000	EXP-EI Personal Services	\$30,000.00

TO:

10-14012-51000000	PH-Personal Services	\$60,000.00
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The resolution was seconded by Mr. Maddalone and adopted by the following vote: Ayes 4806, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 199

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

WHEREAS, the Planning Department has had three vacant positions for the majority of the year 2009; and

WHEREAS, there is a large amount of money left in the department's personal services account; and

WHEREAS, the Planning Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Budget Officer, have agreed that additional funding of appropriations is needed at this time to purchase a vehicle

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

FROM:

10-18020-51000000	Personal Services	\$15,000.00
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TO:

10-18020-52200000	Equipment	\$15,000.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4806, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 200

TITLE: APPORTIONMENT OF COUNTY SELF INSURANCE BUDGET

RESOLVED that the budget for the County Self Insurance Fund for Workers' Compensation and Volunteer Firemen's Benefits in the total amount of \$1,650,000, as set forth below be accepted as part of the records of this Board.

<u>Participant</u>	<u>Full Value Assessment</u>	<u>Apportioned Amount to Raise</u>
County of Delaware	5,723,941,824	\$765,603.16
<u>Towns</u>		
Andes	481,177,947	\$64,359.73
Bovina	133,000,999	\$17,789.49
Colchester	710,612,636	\$95,047.66
Davenport	214,737,422	\$28,722.10
Delhi	326,690,378	\$43,696.32
Deposit	245,154,765	\$32,790.56
Franklin	225,445,761	\$30,154.39
Hamden	152,333,934	\$20,375.35
Hancock	379,053,317	\$50,700.10
Harpersfield	144,621,257	\$19,343.75
Kortright	161,758,456	\$21,635.93
Masonville	90,591,038	\$12,116.96
Meredith	148,940,522	\$19,921.47
Middletown	782,479,863	\$104,660.22
Roxbury	461,376,529	\$61,711.20
Sidney	332,904,435	\$44,527.48
Stamford	168,076,996	\$22,481.06
Tompkins	190,583,791	\$25,491.45
Walton	374,401,778	\$50,077.94
<u>Villages</u>		
Delhi	99,755,895	\$13,342.80
Deposit	31,849,623	\$4,260.03
Franklin	20,374,949	\$2,725.24

Hancock	70,923,960	\$9,486.40
Stamford (Harpersfield)	31,878,371	\$4,263.88
Stamford (Stamford)	30,039,694	\$4,017.95
Fleischmanns	44,583,954	\$5,963.31
Sidney	197,836,362	\$26,461.51
Hobart	52,819,424	\$7,064.84
Walton	139,698,586	\$18,685.32
 <u>Fire Districts</u>		
Stamford, Jefferson	26,975,304	\$3,608.07
Stamford, Gilboa	47,760,158	\$6,388.14
Arena, Hardenburgh	16,442,792	\$2,199.30
Midd.-Hard., Hardenburgh	46,121,868	\$6,169.01
Deposit	31,085,913	\$4,157.88
TOTAL		\$1,650,000.00
	12,336,030,501	

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

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

RESOLUTION NO. 201

TITLE: DIRECT TOWN TAX

BE IT RESOLVED that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$155,087.60 for the assessment rolls, field books, tax bills, etc.; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

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

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

RESOLUTION NO. 202

TITLE: LEVY OF TOWN ACCOUNTS

WHEREAS, there has been presented to the Board of Supervisors the County Treasurer's 2009 Preliminary Report with the following amounts to be charged to the several towns:

<u>TOWNS</u>	<u>CHARGES</u>	<u>CREDIT</u>
Andes	\$7,182.79	
Bovina	\$3,830.96	
Colchester	\$11,723.43	
Davenport	\$6,407.32	
Delhi	\$9,657.58	
Deposit	\$311.04	
Franklin	\$8,043.46	
Hamden	\$2,098.34	
Hancock	\$18,648.97	
Harpersfield	\$3,856.63	
Kortright	\$6,418.89	
Masonville	\$4,000.23	
Meredith	\$6,124.01	
Middletown	\$16,552.96	
Roxbury	\$10,514.10	
Sidney	\$19,002.71	
Stamford	\$5,355.50	
Tompkins	\$1,115.82	
Walton	\$19,541.03	

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

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

RESOLUTION NO. 203

**TITLE: NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
SEQRA NEGATIVE DECLARATION FOR THE
RELOCATION OF COUNTY ROUTE 17 AT ELK BROOK
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the existing County Route 17 has been reduced to one-lane in the Town of Hancock due to a slope failure created by the Beaverkill River; and

WHEREAS, the Department of Public Works has studied alternatives to the existing location and has developed plans for the relocation of a short section of County Route 17; and

WHEREAS, a public hearing on the alternatives was held on October 16, 2008; and

WHEREAS, Board Resolution No. 22 of 2009 identified the Board's desire to assume lead agency status for the project and authorized the Department of Public Works to fulfill all the obligations and responsibilities associated with assuming that role; and

WHEREAS, the Department of Public Works has worked cooperatively with the Planning Department to contact involved regional, state and federal agencies; and

WHEREAS, after review of the Long Environmental Assessment Form, the Delaware County Board of Supervisors has determined that there will be no large or significant adverse impacts which cannot be appropriately mitigated; and

WHEREAS, the Delaware County Department of Public Works will apply for all required permits from involved agencies prior to commencing work.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors issue a Negative Declaration in accordance with Section 617.7 of the State Environmental Quality Review Act for the Relocation of County Route 17.

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

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

RESOLUTION NO. 204

**TITLE: PURCHASE OF HIGHWAY RIGHT OF WAY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Delaware County Route 17 has been reduced to one-lane traffic in the Town of Hancock due to a slope failure caused by the Beaverkill River; and

WHEREAS, relocation of the damaged facility will require additional right-of-way; and

WHEREAS, the Department of Public Works has negotiated with the affected property owners and has acquired signed options; and

WHEREAS, the Board of Supervisors is authorized to provide such right of way pursuant to the provisions of Section 118 of the Highway Law.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to purchase the following parcels in the Town of Hancock for the respective amounts including damages and closing costs:

Map No. 3, Parcel No. 3 John J. Piezzi Jr.	4.49 Acres \$44,900.00
Map No. 4, Parcel No. 4 Joseph and Mary Giordano	1.98 Acres \$19,800.00

The resolution was seconded by Mr. Rowe.

Mr. Utter explained that it is vitally important to relocate County Route 17 away from the Beaverkill River. River scour is causing a slope failure that has undermined the county road reducing it to one lane traffic. The longevity of the existing condition is extremely questionable. The property is required to perform the relocation. The department did not have the properties appraised. The Department had identified comparables in the Colchester and Hancock areas to get a basis for discussion. The legal, evaluation and engineering costs of eminent domain were then estimated based on past experience. The estimated sum of the comparables and the eminent domain costs were more than the cost of the negotiated amount and therefore the negotiated amount was the least cost for the county.

County Attorney Richard Spinney said the committee made a good decision to avoid condemning the property.

In answer to Mr. Marshfield, Mr. Spinney said the county would have to pay all the costs of condemning the property plus whatever a condemnation panel might award the property owner. He added there is no guarantee as to what that amount of money might be.

Mr. Utter explained that this section of County Route 17 has been an ongoing problem for many years but, after the November 2006 flood the roadway was reduced to one lane. The acquisition of the property and the relocation of the road was the only responsible and reasonable way to fix the problem.

In answer to Mr. Marshfield, Mr. Utter stated that there is no reimbursement for the acquisition of the land.

Mr. Homovich acknowledged the high cost of property in the Town of Colchester, noting the state recently purchased 260 acres of inaccessible land at \$8,000 an acre. He further stated that smaller parcels around the Beaverkill River are worth more.

Mr. Utter added that New York City purchased 50 acres in the Town of Middletown paying \$10,000 an acre.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 205

**TITLE: CHANGE ORDER NUMBER TWO (2) FOR PROPOSAL NO. 24-09
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 35 of 2009, authorized the Department of Public Works to make award to ING Civil, Inc., for Proposal 24-09 Replacement of Bridge 2-2, BIN 3352470, County Route 2 over Bagley Brook; and

WHEREAS, Resolution No. 114 of 2009 authorized the Department of Public Works to execute Change Order No. 1 making necessary changes to contract quantities and increasing the total contract price \$102,808.83 to a new total of \$2,421,808.83; and

WHEREAS, the construction of the project has progressed resulting in better defined quantities and also requiring some new items of work to accommodate for unforeseen conditions

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works be authorized to execute Change Order No. 2 making the necessary changes to contract quantities and items which results in a net decrease in the contract price of \$8,565.48 bringing the new contract total to \$2,413,243.35.

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4806, Noes 0, Absent 413 (Donnelly, Valente).

Upon a motion the meeting was adjourned for a short recess. Chairman Eisel invited all to enjoy the cookies made by Planning Director Nicole Franzese's mother, Angela Rossi.

The meeting reconvened with all Supervisors present except Mr. Donnelly and Mr. Valente.

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. 206

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,285,511.48 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	\$967,557.45
OET	\$34,519.45
Highway Audits, as Follows:	
Road	\$16,290.58
Machinery	\$58,367.12
Capital Road & Bridge	\$93,903.02
Capital Solid Waste	\$3,131.11
Solid Waste/Landfill	\$111,742.75

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4806, Noes 0, Absent 413 (Donnelly, Valente).

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

RESOLUTION NO. 207

TITLE: ADOPTION OF 2010 DELAWARE COUNTY BUDGET

WHEREAS, the tentative budget for the year 2010 has been presented to the Board by the Budget Officer and duly discussed and a public hearing having been held thereon as required by law;

NOW, THEREFORE, BE IT RESOLVED that pursuant to §360 of the County Law, the Tentative Budget, as amended, for 2010 be adopted.

The resolution was seconded by Mr. Triolo and Mr. Rowe.

Mr. Homovich noted a last minute change that created an increased in the tax levy from 1.4768 to 1.4980 percent.

He advised the Board that he assured the Veterans that attended the public hearing that the Budget Oversight Committee would monitor the part-time director's position for the Veterans' Service Agency very closely. If at any time the veterans feel they are receiving less services than they have in the past they should let the Board of Supervisors know.

He expressed concern that the 2011 and 2012 budget years may present an even greater challenge due to state and federal mandates, Medicaid being a great concern. He further noted that sales tax revenues will be monitored as well.

Mr. Marshfield read a prepared statement detailing the financial circumstances facing the Budget Oversight Committee as they worked to prepare the 2010 county budget. He noted that the continuing recession has resulted in the reduction of the county's major revenue sources including sales tax, mortgage tax, interest earnings, and other economically driven revenues. Increases in employee retirement, health insurance premiums as well as state mandated programs have skyrocketed to levels the county has not seen before. In addition, the state budget will not take effect until well into next year which may contain many unknowns that are to be passed down from the state.

He believed the 2010 budget was the most difficult in all his years of public service. He felt the Budget Oversight Committee developed a modest budget and will continue to scrutinize capital projects, department's overtime, vacant positions, travel and equipment requests. The residents have called on the Board to hold the line on property taxes and with everyone's undivided help he felt that for this year the mission was accomplished.

Chairman Eisel agreed that these are difficult times. It was not an easy decision to move \$8.5 million from surplus but, it is something that had to be done. There was no way a 9 percent increase to the tax levy could have come before the Board. Maybe with the positive change in sales tax we will see a better year. He encouraged the departments to be diligent noting that anything they can do to hold spending will increase next year's surplus.

Mr. Hynes advised that the Planning, Recreation, Culture and Community committee will be interviewing to fill the director position for the Veterans' Service Agency. It is expected that there will be someone on board in January. The committee is fully aware of how the veterans feel about the director's position going from full-time to part-time and changes are already underway in the office of the Veterans' Service Agency with more anticipated in the future.

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

RESOLUTION NO. 208

TITLE: APPROPRIATION RESOLUTION

WHEREAS, this Board by Resolution No. 207, dated November 24, 2009 adopted a budget for the fiscal year 2010;

RESOLVED that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified, effective January 1, 2010.

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4806, Noes 0, Absent 413 (Donnelly, Valente).

Upon a motion, the meeting adjourned at 2:00 p.m.