

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

FEBRUARY 24, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 24, 2010 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. McCarthy.

Mr. Marshfield offered the invocation.

Ms. Molé 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 Commissioner of Social Services William Moon who presented Kathleen Curran as Employee of the Month.

Ms. Curran began her employment with the county in March 1995 as a typist and was promoted to senior typist in 1998. In 2001 she was promoted to an Administrative Aide, and works with the Administrative Assistant as the medical transportation coordinator for all non-emergency Medicaid transportation, assists with the responsibility of maintaining the department's personnel and automotive records, helps to prepare Civil Service documents and with the processing of payroll.

Commissioner Moon stated Ms. Curran brings a lively Irish spirit to the job that makes it a pleasure working with her. She is hard-working and personable, and is well thought of and respected by her co-workers. Her nomination for this honor was a unanimous selection by her co-workers. She has a broad knowledge of all the departments major programs and is always willing to lend her time and expertise as needed.

Commissioner Moon presented Ms. Curran 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.

Ms. Curran said that she enjoys her job and loves the great bunch of people she works with.

Chairman Eisel granted privilege of the floor to Planning, Recreation, Culture and Community Committee Chairman Thomas Hynes. Mr. Hynes announced that County Historian Patrick Grimes will be retiring February 28, 2010 after eight years as the county historian. Mr. Grimes has been very active as the county historian, he held regular meetings for the town historians, spent many hours updating the records, and has given of his own time and money in an effort to preserve the history of Delaware County.

Mr. Hynes expressed his appreciation to Mr. Grimes for a job well done and introduced him to address the Board of Supervisors.

Mr. Grimes thanked the Board of Supervisors for supporting the position of county historian and for all their support in helping him in his efforts to create a safe environment for the historical records. He commented on some of the interesting questions and inquiries received from all over the world addressed to the county historian. With the help of his daughter, Suzanne Grimes and his grandson Brian Grimes, they created binders capturing chronology a record of what has taken place over the past eight years. The information can be provided electronically or in hard copy form as needed.

In closing, Mr. Grimes stated that he felt privileged to hold the position of county historian and will miss the challenges the position presents. He thanked everyone he worked with for their guidance and support of his projects and programs.

Chairman Eisel thanked Mr. Grimes for his commitment and dedication to the position of county historian and presented him with a Certificate of Appreciation.

Chairman Eisel granted privilege of the floor to Human Resources Committee Chairman Samuel Rowe.

Mr. Rowe introduced Personnel Officer Teddie Storey to provide an update on the ProAct prescription discount program.

Mrs. Storey noted that 4,131 county residents used the ProAct discount card between February 2009 and January 2010, filling 8,390 prescriptions at an average savings of \$29.89 or 46 percent of the cost of the prescription for a county-wide savings of \$250,756.96.

She announced that ProAct has increased the scope of benefits to include vision and hearing products and services. County residents can visit the county web-site at www.co.delaware.ny.us, and select the *ProAct Health Benefits* link under the tab *Residents* for further information. A personalized ProAct benefit card can be printed from the ProAct web-site, www.NYRxDiscountCard.com or by contacting ProAct directly at 1-877-776-2285.

Chairman Eisel noted that the vision benefits are impressive which includes eye exams, frames and lenses and Lasik eye surgery. Currently Empire Vision and Walmart in Oneonta provide ProAct benefits. These benefits will be a real help to county residents.

Chairman Eisel granted privilege of the floor to Public Works Committee Chairman Leonard Utter. Mr. Utter introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier referenced his handout entitled "*The New York City Environmental Protection Notice of Positive Declaration, Intent to Prepare a Draft Environmental Impact Statement, Draft Scope of Work, and Notice Of Public Scoping Meetings.*"

In accordance with the State Environmental Quality Review Act (SEQRA) a public meeting will be held to receive oral and written comments on the Draft Scope of Work of the Land Acquisition Program (LAP) on Wednesday, March 24, 2010 from 7:00 p.m. to 10:00 p.m. at the Delaware County Courthouse in Delhi.

The Environmental Impact Statement will focus on two issues identified in the county's Economic Impact Analysis of the New York City Land Acquisition Program, socio-economic

and community character.

The Departments of Watershed Affairs, Planning and Economic Development have developed some comments and intend to develop more. Written comments on the Draft Scope of Work will be accepted until April 5, 2010.

Chairman Eisel introduced Director of Emergency Services Richard Bell to provide an update on the upcoming storm.

Mr. Bell advised that the storm is expected to form tonight into Thursday morning with heavy wet snow falling at a rate of one to three inches per hour creating poor visibility and treacherous road conditions. An accumulation of 12 to 18 inches is anticipated before the storm changes to flurries on Friday morning. Winds are expected to be as high 15 to 25 miles per hour. Residents are encouraged to plan accordingly in the event of power outages and to have sufficient supplies for up to 72 hours. Updates will be provided as necessary.

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

RESOLUTION NO. 29

**TITLE: 2010 BUDGET AMENDMENT
EARLY INTERVENTION GRANT
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the New York State Department of Health has been awarded American Recovery and Reinvestment Act funds for the Early Intervention Program; and

WHEREAS, the New York State Department of Health will award grant monies to Delaware County Public Health Nursing Service in the amount of \$20,353 for administration and support of the Early Intervention program

THEREFORE, BE IT RESOLVED that the 2010 Budget be amended as follows:

REVENUE ACCOUNT:

10-14059-44445102/4059001/888	Federal EI Admin Grant	\$20,353.00
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APPROPRIATION ACCOUNT:

10-14059-52200001/4059001/888	Grant Equipment	\$9,303.00
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10-14059-54327195/4059001/888	Grant Consultant	\$11,050.00
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The resolution was seconded by Mr. Bracci and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 30

**TITLE: 2010 BUDGET AMENDMENT
HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local

Agency to administer the County's Home Energy Assistance Program (HEAP) for 2009-2010; and

WHEREAS, said monies are to be utilized to reimburse the county at 100% of its expenditures

THEREFORE, BE IT RESOLVED that the 2010 budget be amended as follows:

INCREASE REVENUE:

10-16141-44464100/6141010/971	HEAP	\$5,000.00
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INCREASE APPROPRIATIONS:

10-16141-52342010/6141010/971	HEAP Emergency	\$5,000.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 31

**TITLE: 2010 BUDGET AMENDMENT
RURAL HEALTH ALLIANCE GRANT
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has received \$5,400.00 in grant funding from the Rural Health Alliance of Delaware County to host a geriatric mental health forum series through its NY Connects Program; and

WHEREAS, this four part series will offer valuable training for employees from the full spectrum of services supporting the continuum of care at limited cost to their organizations and the county

THEREFORE, BE IT RESOLVED, that the 2010 budget be amended as follows:

INCREASE REVENUES:

10-16772-42270602/6772034/977	Grants From Non Profit	\$5,400.00
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INCREASE APPROPRIATIONS:

10-16772-54327000/6772034/977	General Grant Related Expenses	\$5,400.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 32

**TITLE: CHANGE ORDER NO. 1 FOR PROPOSAL NO. 35-09
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 112 of 2009 authorized the Department of Public Works to

make award to Delaney Construction Group, 2736 State Highway 30, Gloversville, NY 12078 in the amount of \$537,537.50; and

WHEREAS, the project is now complete and the final quantities have been agreed upon; and

WHEREAS, there were increases and decreases to some of the estimated quantities resulting in a net decrease in cost.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to execute Change Order No. 1 in the amount of (\$39,804.20) decreasing the total project cost to \$497,733.30.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter stated this bridge is located at the Dry Brook stream in Arkville.

The resolution was adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 33

TITLE: CHANGE ORDER NO. 1 FOR PROPOSAL NO. 37-09 DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 139 of 2009 authorized the Department of Public Works to make an award to C.A. Phillips Construction Corp., 1339 State Route 55, Eldred, NY 12732 for the supply of a Butler Building in the amount of \$198,000.00; and

WHEREAS, the erection of the building has been delayed by DPW due to weather concerns; and

WHEREAS, the building has been delivered to the site.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to execute Change Order No. 1 reducing the amount of retainage withheld from 10% to 2.5%. This change has no effect on the actual contract amount.

The resolution was seconded by Mr. Haynes.

In answer to Chairman Eisel, Mr. Utter stated this is for the Fishs Eddy Shop.

The resolution was adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 34

**TITLE: ESTABLISHING THE TIPPING FEE SCHEDULE FOR WASTES AT
SOLID WASTE MANAGEMENT CENTER**

WHEREAS, several waste categories handled at the Delaware County Solid Waste Management Center have tipping fees for acceptance and disposal; and

WHEREAS, the tipping fee schedule is periodically adjusted in response to operating conditions;

NOW, THEREFORE BE IT RESOLVED that the existing tipping fees be adjusted to reflect the following schedule:

Friable Asbestos	\$200 per ton
Box Springs and Mattress	\$10 each
Computer units, Monitors, Televisions	\$10 each
Construction and Demolition Debris	\$87 per ton
Contaminated Soils	\$30 per ton
NYC Upgrade WWTP Sludge	\$80 per ton

BE IT FURTHER RESOLVED that the above tipping fee schedule become effective July 1, 2010.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Bracci, Mr. Utter stated that this resolution puts the county in line with the fees of our neighboring counties.

Mr. Valente noted that Otsego County lowered their fee for construction and demolition debris from \$100 to \$87. He remarked that the towns carry a greater burden now that almost nothing can be burned.

Chairman Eisel commented that he gets a permit each year to burn however, there are so many restrictions the permit is becoming useless.

Mr. Valente noted that a meeting he attended on the subject at the Association of Towns and Counties drew a good crowd. The opinion was that this is a very downstate type of government that suites their needs but, does not recognize the way we live.

Solid Waste Director Susan McIntyre explained that the fee for box springs can be avoided if the owner disassembles the box spring. The box spring binds up the equipment, so either the owner or the employee at the Solid Waste management Center has to disassemble the piece.

In answer to Mr. Valente, Commissioner of Public Works Wayne Reynolds explained that at this time there is no clean way to deal with wood. Most of the wood products brought in are massive and not in the natural state. The material would have to be ground down to pieces that could be processed but, the paint, nails, lacquer, etc. would introduce components that would affect the final compost product.

In answer to Mr. Valente, Director of Economic Development Glenn Nealis stated if Eklunds Processing was to move forward with composting of the offal on the farm site it would be used as a supplement to how they normally get rid of the waste matter. For the most part they

will use a renderer to come pick everything up.

Ms. McIntyre noted the increases in construction and demolition debris from \$70 to \$87, contaminated soils from \$20 to \$30 and New York City Upgrade Waste Water Treatment Plant sludge from \$75 to \$80.

In answer to Mr. Valente, Chairman Eisel replied that his transfer attendant is certified to handle freon. Delaware County should be proud that we lead in taking care of waste in this county.

Mr. Valente stated that he is always quick to speak of Delaware County's accomplishments in recycling and composting. We do not have to be told to be good stewards of the land, our farming tradition has made us that way. We are leaders in the field, we are innovative and proactive in our efforts to be environmentally friendly.

Chairman Eisel remarked that Delaware County is one of the poorest counties in the state and our efforts and accomplishments in this area are an example world wide.

The resolution was unanimously adopted.

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

RESOLUTION NO. 35

**TITLE: AUTHORIZATION FOR PROFESSIONAL SERVICES
CR 21 ARRA PROJECT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 213 of 2004 authorized the Department of Public Works to enter into an agreement with the New York State Department of Transportation for a Federal Funded ARRA Project on CR 21 in the Town of Franklin; and

WHEREAS, the department has used the Federal Aid Procurement Rules to select an Engineer to perform the construction inspection; and

WHEREAS, the department has negotiated with the selected engineer to define scope and fee.

NOW, THEREFOR BE IT RESOLVED that the Department of Public Works is herewith authorized to enter into an agreement with Delta Engineers, Architects and Land Surveyors, PC with its offices at 184 Court Street, Binghamton, NY, in the amount of \$45,180.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 36

TITLE: 2010 NON-UNION SALARIES

BE IT RESOLVED, that the following 2010 salaries are hereby approved effective January 1, 2010.

Name	Title2010	Salary
Debra Goodrich	Deputy County Clerk	\$41,320.00*
Vicki Wells	3rd Deputy County Clerk	\$33,580.00
Joyce Maddalone	Administrative Assistant	\$29,367.00
Marlene Dominguez	Secretary to DA (40hr/wk)	\$34,124.00
Linda Pinner	Personnel Technician	\$45,412.00*
Brenda Stone	Sr Human Resources Clerk I	\$34,769.00
Marsha Muller	Human Resources Clerk	\$33,418.00
Lisa Henderson	Assistant to the Commissioner Public Works	\$50,816.00
Robert Conklin	General Highway Supervisor (40 Hour Week)	\$48,266.00
Meta Russell	Senior Personnel Clerk	\$35,319.00
Jeff Bowie	Director of Social Services Investigations	\$54,768.00
Sylvia Armanno	Director of Programs	\$54,768.00
Tom Hilson	Assistant to the Commissioner WSA	\$46,665.00
Christine Boest	Clerk	\$25,071.00
Katrina Lyon	Clerk	\$25,071.00

* Includes \$1,000 longevity

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

Mr. Rowe explained that according to the Triborough Amendment to the Taylor Law any fringe benefit without a sunset clause provided under a union contract continues even when the contract expires. The CSEA contract which expired on December 31, 2009 included a provision for step increments, therefore, over 200 union employees were given step increments effective January 1, 2010. Historically, non-union employees have received the same benefits as union employees. This resolution lists the non-union employees who received step increments. The employees receiving step increments total \$155,000.

The resolution was adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 37

TITLE: AUTHORIZATION TO SETTLE A LAWSUIT COUNTY ATTORNEY

WHEREAS, there is an action pending in the Supreme Court of the State of New York brought by the Hartford Casualty Insurance Company against the County of Delaware relating to the construction of the Delaware County Public Safety Building Complex; and

WHEREAS, costs of continuing said litigation outweigh the benefits if any to be derived therefrom

NOW, THEREFORE, BE IT RESOLVED the County Attorney is authorized to settle without payment by Hartford Casualty Insurance Company to the County or by payment from the County to Hartford Casualty Insurance Company.

The resolution was seconded by Mr. Triolo.

In answer to Mr. Hynes, County Attorney Richard Spinney explained that the excavation sub-contractor on the Public Safety Facility and Correctional Complex project sued the excavation contractor and the excavation contractor's bonding company brought the county into the lawsuit as a third party defendant. The main part of the lawsuit was settled, leaving the litigation between the county and bonding company still pending. The only issue was whether or not the bonding company was liable to the county for paying our attorney fees. The county has already spent almost \$13,000 in attorney fees. In order to potentially win the law suit, which he felt may be questionable, would cause the county to spend more in attorney fees. At this point, it is in the best interest of the county to settle the case and write off the money that has already been spent.

In answer to Chairman Eisel, Mr. Spinney stated that settling the case would not imply guilt on the part of the county.

In answer to Mr. Marshfield, Mr. Spinney noted that settling the lawsuit would not involve a settlement. It would mean that the county does not have the opportunity to recover the money its already spent in attorney fees.

Mr. Spinney answered in response to Mr. Hynes, that the lawsuit will be finalized as soon as the paper work is signed.

In reply to Chairman Eisel, Mr. Spinney indicated that there are no other outstanding issues relating to this project.

The resolution was unanimously adopted.

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

RESOLUTION NO. 38

TITLE: BENEFITS FOR ACTIVE DUTY RESERVISTS PERSONNEL DEPARTMENT

WHEREAS, Resolution No.129 of 2006 established County benefits for active duty reservists as a result of the war with Iraq; and

WHEREAS, the continued fighting in Iraq has required many Reservists to have to serve multiple tours of duty overseas; and

WHEREAS, these multiple tours have been at great sacrifice on the part of the reservists and their families; and

WHEREAS, in September of 2001, Governor Pataki announced that the State was providing special military benefits for employees who were federally activated in connection with the events of September 11, 2001; and

WHEREAS, these special military benefits included an additional 30 calendar days or 22 workdays of Supplemental Military Leave at full pay for employees who had exhausted their entitlement to paid military leave under Section 242 of the State Military Law; and

WHEREAS, with Advisory Memorandum No. 2009-04 dated December 2009 the State extended those benefits through December 31, 2010; and

WHEREAS, the County Board of Supervisors supports our Reservists serving in Iraq and their families

NOW THEREFORE BE IT RESOLVED, that those County employees called to active duty in conjunction with the current crisis during 2010 will, inclusive of the time allowed by Section 242 of the Military Law and the benefits identified in resolution No. 129 of 2006, receive the following benefit:

- following exhaustion of the leave provided under section 242, employees are entitled to an additional 30 calendar days or 22 working days of military leave at full pay.

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

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

RESOLUTION NO. 39

TITLE: OPPOSING VARIOUS PROPOSED ANTI-GUN OWNERS LEGISLATION IN NEW YORK STATE

WHEREAS, the “right to bear arms” is guaranteed by the Second Amendment to the United States Constitution; and

WHEREAS, certain bills passed in the New York State Assembly will have a detrimental effect on hunters, sportsmen and legal gun owners as well as the health of wildlife, revenue to local municipalities and the Department of Environmental Conservation; and

WHEREAS, passage of said legislation would curtail the rights of law-abiding citizens as guaranteed by the Constitution

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby urges the New York State Senate and the Governor to oppose the following onerous and misleading bills:

a. A-801-A (Requires renewal of firearms licenses after five years; safety course requirement outside City of New York; sets expiration date and provided for a re-certification schedule to be developed by the Commissioner of Criminal Justice Services);

b. A-1093 (Requires imposition of restrictions on gun dealers; stringent record keeping and reporting to prevent gun sales to criminals; requires liability insurance of at least \$1 million; restricts premises of sales; requires employee training; prohibits straw purchases; imposes additional license conditions);

c. A-1326 (outlaws handguns capable of firing by a five-year old or younger, making all current handguns illegal);

d. A-2881 (Defines possession of armor piercing, frangible or devastator ammunition as criminal possession of a weapon);

e. A-2882A (Expanded compilation of firearm and ballistic data);

f. A-3076 (Institution of new training requirements for issuance of firearms permits);

- g. A-3211 (Bans sale, use or possession of 50-caliber or larger weapons);
- h. A-5844 (Enacts “children’s weapon accident prevention act”; creates crime for failure to store weapons safely; development of weapons safety program);
- i. A-6167 (Amends assault weapon definition to include “detachable magazine”, “muzzle break” and “muzzle compensator”);
- j. A-6468B (Requires semi-automatic pistols to be capable of micro-stamping ammunition);
- k. A-5078 (Amends definition of “disguised gun” to include weapon or device capable of being concealed on a person for which a shot can be discharged through energy of an explosive, which is designated and intended to appear to be a toy gun)

BE IT FURTHER RESOLVED, that the Clerk of Delaware County Board of Supervisors be and hereby is directed to send certified copies of this resolution to the New York State Governor David Paterson, United States Senators Charles Schumer and Kirsten Gillibrand, United States Congressmen Scott Murphy and Maurice Hinchey, New York State Senator John Bonacic, Assembly Speaker Sheldon Silver, Assemblymen Clifford Crouch and Peter Lopez and the New York State Association of Counties.

The resolution was seconded by Mr. Smith.

Mr. Bracci stated this resolution is a copy of the one passed by Otsego County. In his opinion, this is downstate government thinking and an indicator of our different life styles. In addition, this is an infringement of our constitutional rights and takes us further away from freedom. He briefly discussed each bill concluding that not one of them will do anything to reduce crime which he indicated was dropping nationwide. The question becomes why would we want these restrictions.

Mrs. Capouya noted that she grew up with and around guns and questioned if all these bills were new restrictions.

Chairman Eisel stated the proposed restrictions are pending changes that will become new restrictions if voted into law.

Mr. Utter opined that this is a very important resolution and a most important piece of business. In the last two years, gun sales rose 15 percent and the crime rate nationally is down by 10 percent. He believed there is a movement in this country to dismantle the United States Constitution and feels this is one of the many actions being taken by the federal government that will lead to the dismantling of the Constitution that made this county so great.

Mr. Valente said that he has been around guns all his life. He purchased a lifetime pistol permit and has been faithful to his part of the contract. He feels that the pending changes constitutes a breach of contract by the government. When he was five years old, his father purchased him a gun, he did the same for his son. There are no toy guns in his opinion. He taught his son that guns are not toys, you do not play with guns. The serious nature of the weapon is inherent in him because he was taught from an early age to respect weapons. Allowing my child to have a gun is my choice, it may not be someone else’s choice.

Mr. DuMond acknowledged agreement that he is fearful of the consequences if our

second amendment rights are taken away. This legislation seems to be a reflection of what is happening as far as ideology on the state and national level. He hoped our state legislatures would be able to kill this legislation at the state level and end it completely.

Mr. Rowe stated that he was 99 percent in agreement with the resolution but expressed concern with item “d. A-2881 defining possession of armor piercing, frangible or devastator ammunition as criminal possession of a weapon.” He expressed concern regarding the safety of policemen from cop killers. He felt that voting in favor of this resolution makes him feel he is voting against the safety of our law enforcement people.

In answer to Mr. Rowe, Mr. Bracci stated that he has been in law enforcement all his life and understands and appreciates this concern. As a child he used to hunt woodchucks. He learned that armor piercing ammunition was not as effective as regular ammunition on the woodchuck. In his opinion, armor piercing ammunition is no more dangerous than any other ammunition on the market.

Mrs. Capouya said that she also felt concern about armor piercing ammunition and asked if the resolution could be amended to delete item “d”. Chairman Eisel stated that the resolution will be voted on as presented.

In answer to Mr. Hynes, Mr. Bracci stated there are a host of sponsors from Westchester County on down however, there are no sponsors from the north of Westchester County.

Mr. Valente remarked that it confuses him that somehow these urban speakers do not recognize Delaware County in the description of upstate, New York.

Chairman Eisel stated he will support this resolution. It is evident what will become of the United States if we lose our second amendment rights.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 40

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local Agency to administer the county’s Home Energy assistance Program (HEAP) for 2009-2010; and

WHEREAS, the revenues and expenses from the Social Service Administration account associated with the HEAP Program need to be transferred in order to receive the 100 percent reimbursement

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

FROM:

10-16010-44461000	Federal Social Services Admin	\$15,754.00
10-16010-43361000	State Social Services Admin	\$15,754.00
10-16010-51000000	Personal Services	\$18,465.00
10-16010-54520000	Postage	\$1,000.00
10-16010-54595320	Supplies Office	\$5,728.00
10-16010-58100000	State Retirement System	\$1,697.00
10-16010-58300000	Social Security Emplr. Contrib.	\$1,030.00
10-16010-58500000	Unemployment Insurance	\$100.00
10-16010-58550000	Disability Insurance	\$36.00
10-16010-58600000	Hospital & Medical Insurance	\$3,202.00
10-16010-58900000	Medicare Emplr. Contrib.	\$250.00

TO:

10-16141-44464100	Federal Aid- HEAP	\$31,508.00
10-16141-51000000-6141010-971	Personal Services	\$18,465.00
10-16141-54520000-6141010-971	Postage	\$1,000.00
10-16141-54595000-6141010-971	Supplies	\$5,728.00
10-16141-58100000	State Retirement System	\$1,697.00
10-16141-58300000	Social Services Emplr. Contrib.	\$1,030.00
10-16141-58500000	Unemployment Insurance	\$100.00
10-16141-58550000	Disability Insurance	\$36.00
10-16141-58600000	Hospital & Medical Insurance	\$3,202.00
10-16141-58900000	Medicare Emplr. Contrib.	\$250.00

The resolution was seconded by Mr. Hynes and Mr. DuMond and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 41

**TITLE: 2010 BUDGET AMENDMENT
LONG TERM CARE DEVELOPMENT GRANT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, New York State desires to continue the Long Term Care Point of Entry System that is county specific and is financially supported by state funds; and

WHEREAS, Delaware County has been provided with a grant of \$63,000 for the continuation of the Long Term Care Point of Entry System as a collaboration among the Departments of the Office for the Aging, Public Health and Social Services; and

WHEREAS, the Department of Social Services is authorized to accept a \$63,000 grant on behalf of the county to continue the County's Long Term Care Point of Entry system for the period October 1, 2000 to September 30, 2010

NOW, THEREFORE BE IT RESOLVED that the 2010 budget be amended as follows:

INCREASE REVENUE:

10-16010-43361000 LTC Dev Grant \$63,000.00

INCREASE APPROPRIATION:

10-16010-54200024 Contracted Services LTC Dev Grant \$63,000.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

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

RESOLUTION NO. 42

TITLE: AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING PROBATION DEPARTMENT

WHEREAS, the Director of Delaware County Probation Department/Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives, in order to receive grant funds in the amount of \$8,200.00

THEREFORE, BE IT RESOLVED that the Chairman of Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute and submit an application to the New York Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, New York 12205, for receipt of grant funds in the amount of \$8,200.00 for Alternatives to Incarceration Funding, for a term commencing January 1, 2010, and terminating December 31, 2010.

BE IT FURTHER RESOLVED, that upon notification of the award of said funds, the Chairman of the Delaware County Board of Supervisors be, and is hereby, authorized and directed to execute any and all grant documents on behalf of the County of Delaware relative to the above.

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

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

RESOLUTION NO. 43

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon, upon receipt of cash consideration hereinafter set forth.

SID07TX.049

ASSESSED TO:

YANG CHANG TUNG

TOWN OF:

125001:SIDNEY

TAX MAP NO:	115.12-8-4
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	1.16A ACRES
CONVEYED TO:	MASON LEE CHEN 147-29 BARCLAY AVE FLUSHING NY 11355
CASH CONSIDERATION:	\$31,038.89
TAX DEFICIT:	\$24,501.77

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

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

RESOLUTION NO. 44

**TITLE: IN OPPOSITION OF THE PROPOSED CLOSURE
OF OQUAGA CREEK STATE PARK
ECONOMIC DEVELOPMENT**

WHEREAS, State Office of Parks, Recreation and Historic Preservation has recently announced the recommendation to close the Oquaga Creek State Park in the Town of Masonville; and

WHEREAS, the primary justification for the closure of Oquaga Creek State Park is to help combat New York's budget deficit; and

WHEREAS, the cost savings recognized in the closure of state parks is minuscule since they operate close to profit; and

WHEREAS, state parks actually provide a benefit to the area's economy, the taxpayers and all the people from near and far that utilize the parks; and

WHEREAS, Oquaga Creek State Park is just 3 hours from New York City and New Jersey, which makes its beach facilities, fishing access and 95 forested campsites the perfect summer escape; and

WHEREAS, local state parks, such as Oquaga Creek State Park, are an alternative form of recreation and enjoyment for Delaware County families affected by the economic downturn; and

WHEREAS, Oquaga Creek State Park represents a major tourism draw for Delaware County

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby declare its opposition to the proposed closure of the Oquaga Creek State Park; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor David A Paterson, Senator John Bonacic, Assemblyman Clifford Crouch, Assemblyman Peter Lopez, and Assemblyman Sheldon Silver.

The resolution was seconded by Mr. Rowe.

Mr. DuMond sought the support of the Board for this resolution. The taxpayers are the ones who will be affected most with the closing of this park. It makes him sick to see a tangible benefit to the taxpayers taken away. He looks at this as another attack on upstate, NY. The savings the state will see with this closing is minimal.

In answer to Mr. Rowe, Chairman Eisel advised that Bear Spring Park has been closed. In 2009, the state closed five parks, some were reopened with county funds. At the next Board of Supervisors meeting a resolution addressing the Bear Spring closure will be brought before the Board.

Mr. Rowe said that he has a mini-van and a pop-up camper and for \$17 a night he and his family can enjoy a vacation. There is nothing else that provides so much for so little for the people.

Mr. Bracci stated that he supports this resolution completely and remarked that he sees this as a transfer of funding from our community to elsewhere. The state is putting the burden here and taking away the rewards.

Mrs. Capouya noted that there are very few public amenities available, what we have left is very precious.

Mr. Marshfield noted that the Delaware County Electric Co-Operative (DCEC) supplies electrical power to the Oquaga Park facility. The state is currently in arrears and have been billed finance charges which they informed DCEC they will not pay. A letter was sent to them letting them know they are no different from anyone else and will have to pay the finance charges.

Mr. DuMond explained that the state invested millions of dollars in the park and has been talking about adding water and sewer lines to some of the campsites. Oquaga Creek State Park is a camp that books holiday and weekend reservations a year in advance. The state is closing down 24 parks like this in an effort to save \$6 million dollars. He sees this action by the state as a slap in the face to the people of upstate, New York. With the economy being the way it is and many people staying closer to home the parks are what the people up here have left.

Mr. Rowe noted that many of the county's youth recreation programs are funneled through these parks.

Mr. Homovich said the state also put a lot of money into improvements at Bear Spring. If open space and tourism is so great perhaps the state should put them down in Manhattan or Albany. If tourism is going to be our future, it looks to be a very dim one. The state cannot keep buying land and then closing it down for use. We are going to have to draw a line in the sand and do what is best for Delaware County.

Mr. Marshfield noted that the park was very well maintained. With its closing, will come unemployment among the other impacts to the community and county.

Chairman Eisel remarked a recreational boating program has been worked on for the Cannonsville and the Pepacton Reservoirs and these types of places are very important to the people coming to enjoy the recreational activities.

Mr. Bracci commented that impact of the closure of 24 state parks will have a greater financial affect on our communities than the savings of \$6 million will have for the state budget.

Mr. Dolph pointed out that the state will be losing the revenue from the campground and they are not collecting sales tax from the dollars coming into the communities. In addition, there will be a loss of jobs and people will be leaving the state to camp because our camps are all closing down. In his opinion, the state is shooting themselves in the foot.

Mr. DuMond remarked that these actions are a calculated and well planned suicide for this area.

Mr. Dolph noted that is because we are losing control of our community, growth and development which all comes from this is being taken away by the state.

Mr. Valente considered this a cynical ploy by politicians to punish the taxpayer so they are willing to go back and give them what they want.

The resolution was unanimously adopted.

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

RESOLUTION NO. 45

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,578,443.97 were hereby presented to the Budget Oversight Committee for approval for payment on February 10, 2010 prior to presentation to the Board of Supervisors;

THEREFORE, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$1,349,062.04
OET	\$114,379.62
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$317.64
Machinery	\$70,485.10
Capital Road & Bridge	\$
Capital Solid Waste	\$
Solid Waste/Landfill	\$43,779.57

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,012,038.89 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	\$847,431.05
OET	\$92,178.34

Highway Audits, as Follows:

Road	\$390,957.18
Machinery	\$151,716.03
Capital Road & Bridge	\$387,841.10
Capital Solid Waste	\$356.12
Solid Waste/Landfill	\$141,559.07

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4059, Noes 0, Absent 747 (Donnelly, McCarthy).

Chairman Eisel commented on the number of not pre-filed resolutions and asked that department heads make every effort to pre-file their resolutions to allow ample time for the Supervisors to review the resolutions.

Chairman Eisel appointed Town of Masonville Supervisor Craig DuMond to the Traffic Safety Board.

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

RESOLUTION NO. 46

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss potential litigation.

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

The meeting reconvened in regular session with all Supervisors present except Mr. Donnelly and Mr. McCarthy.

Upon a motion, the meeting adjourned at 4:20 p.m.