

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**MARCH 10, 2010**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 10, 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. DuMond.

Mr. Marshfield offered the invocation.

Mrs. Capouya 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 Mr. Hynes. Mr. Hynes introduced Chief Planner Shelly Johnson-Bennett to provide an update on the next phase of the Delaware Basin Stream Management Plan Implementation.

Mrs. Johnson-Bennett introduced Delaware County Soil & Water Conservation District (DCSWCD) Executive Director Richard Weidenbach. Mr. Weidenbach announced that Stream Corridor Management Program Coordinator Scotty Gladstone retired in January 2010 and introduced Graydon Dutcher who is temporarily filling the position.

Mrs. Johnson-Bennett noted that copies of the presentation, the applications and detailed information to help complete a proposal for the Stream Corridor Management Program (SCMP) has been placed on each Supervisor's desk.

The New York City Department of Environmental Protection is providing funding in the amount of \$500,000 to the DCSWCD to start a grant program for projects or programs within the New York City Delaware River Watershed. The funded projects will be implemented no later than the end of the calendar year following the year of application. Time extensions may be granted for special circumstances.

To be eligible for this funding, the proposed project must follow the recommendations of the SCMP and the East and West Branch Delaware Basin Action Plans. The project must be with a municipality that has adopted the respective SCMP and has signed the memorandum of understanding with the DCSWCD. The applicant must be a municipality or a 501c-3 not-for-profit corporation and must have a letter of support from a host municipality.

It would be helpful for the municipalities, Mrs. Johnson-Bennett noted, if they would review their local plans and look for additional opportunities to apply for funds that would assist them in managing local streams and floodplain projects. Municipalities should also consider participating in the Project Advisory Committee (PAC) by appointing a representative to attend the PAC meetings.

Mrs. Johnson-Bennett referred the Supervisors to their handout which details the application process and deadlines for submission. In addition, she offered along with Mr. Dutcher to provide a presentation for any of the municipalities.

Mr. Dutcher commented that the process of discerning the municipalities projects and programs provides an opportunity for the municipalities to drive the DCSWCD workload.

In answer to Mr. Triolo, Mrs. Johnson-Bennett stated that the PAC will be prioritizing the projects.

In response to Mr. Marshfield, Mr. Dutcher said that an in kind contribution from the municipality would have a minimal affect on the application score.

Mr. Dutcher explained in reply to Mr. Marshfield, that the municipality has the option of hiring an engineer to design the project with DCSWCD's oversight or have the DCSWCD be the lead entity on the project and use DCSWCD's engineering services.

In answer to Mr. Marshfield, Mrs. Johnson-Bennett noted that there was no additional scoring for the dollar amount of the project.

Mr. Weidenbach stated in reply to Chairman Eisel, that a town should plan their project with the New York State Department of Environmental Conservation stream work deadline date in mind although, time extensions may be granted for special circumstances.

Mrs. Johnson-Bennett reminded the Supervisors that their protests and appeals to FEMA's proposed changes to their town's flood maps are due to FEMA by March 24<sup>th</sup>. She suggested the paperwork be in the mail by March 19<sup>th</sup> to avoid missing the deadline. Any town wanting assistance or further information should contact the County Planning Department.

Additionally, an electronic version of the New York City Watershed Economic Impact Assessment Report, the New York City Long-Term Land Acquisition Plan and the New York City Land Acquisition Draft Scope of Work has been provided to each Supervisor for their review.

Chairman Eisel granted privilege of the floor to Mr. Homovich. Mr. Homovich introduced Director of Emergency Services Richard Bell and Director of Information Technology Joe deMauro to discuss possible grant funding through the American Reinvestment Recovery Act funds to upgrade the county's public safety communication system.

Mr. Bell noted that the county has been participating in a Southern Tier Regional 911 Committee to try to reduce the cost of implementing a new public safety radio system. On Friday, March 5<sup>th</sup>, he and Mr. deMauro attended a meeting hosted by Southern Tier East Regional Planning Commission along with the consulting firm of ECC Technologies. The purpose of the meeting was to introduce what they believed to be a viable broadband stimulus application which would benefit Delaware County. Due to the rapidly approaching deadline for submission of the application, the department was given five days to review the plan in its entirety and seek the Board's approval to provide a commitment letter from the county. The completed application must be submitted by March 26<sup>th</sup>.

A multi-county local not-for-profit distribution company in which each county would have a seat on the Board of Directors was proposed. Through the use of the stimulus funds, hundreds of miles of fiberoptic network would be placed among the participating counties and

would be managed by the local distribution company.

The proposed project would provide fiber to the majority of the county's towers and eliminate much of the need for any infrastructure for those towers to communicate to each other as they would be communicating on the fiberoptic network. The county would not have to incur the cost of building and maintaining a new microwave system and would reap the benefit of a fiber system too costly for the county to implement on its own.

The local distribution company would solicit fiber for county use, provide bands and free maintenance on an ongoing basis to the counties. The remaining fiber would be available to the private sector to lease. Funds received through the leasing of the remaining bands would be used by the local distribution company to maintain the system.

He referenced his handout entitled: *Proposed OAM Route throughout Delaware County: 136:11 miles and Consolidated Fiber Routes Estimated Construction Costs*. Referencing the route he pointed out that the proposed plan did not include the lower part of the county. ION, a group that includes many of the local communication companies in the county, has an application awaiting award in that area. The application being submitted by Southern Tier East Regional Planning and ECC Technologies compliments the applications submitted by ION as it fills the voids ION is not supplying in terms of redundant network access.

The proposal has a \$3.8 million grant amount and a match that is required by the reinvestment program from local entities. The project cost for Delaware County is expected to be \$5.5 million. The State of New York has indicated to Southern Tier East Regional Planning that they will come up with 10 percent of the local match which is approximately \$384,000, leaving a local match of \$1.2 million. The county's local share can be reduced by 30 percent through in kind services lowering the county's out of pocket expense to \$800,000 or \$900,000. The local share can be distributed over a period of years as the payout is incurred over years two and three of the project after approved for implementation.

The project has to be a sustainable business model in order to be approved through the funding program. Delaware County was invited because the project requires an under served and in need of a critical public safety infrastructure upgrade to be eligible for application. It is projected that Delaware County will be a \$700,000 loss to the local distribution company. The larger counties and the other portion of the district have enough business and economic interest in this network that they show a profit in their business plan and together the overall project appears profitable. If any of our neighboring partners were to back out, Delaware County would not be invited to participate in the application based on the projected loss.

Mr. Bell felt that the project provided a viable option for the county and if awarded would complete a portion of the public safety radio upgrade. The county has to incorporate this portion of the upgrade in order to keep its towers on-line and communicating.

Mr. Triolo pointed out that the proposed project was a middle mile project and Delaware County would still have areas of public safety to address.

In answer to Mr. Triolo, Mr. Bell explained that this middle mile project for Delaware County brings the fiber directly to the tower for public safety use. The end mile service off this project is the leasing capability back to private sector business. However, the project does not directly address the county's communication problem.

Mr. Bell stated in answer to Chairman Eisel, that federal funding cannot be used to offset

local share federal funding.

In response to Mr. Hynes, Mr. Bell noted that the project is complimenting the ION project. Southern Tier East Regional Planning and ECC Technologies have worked together to create a complete plan. ION already has a plan they hope to implement in the lower portion of the county, therefore, this proposed project does not include that portion of the county.

Mr. Bell explained in answer to Chairman Eisel, that ION has already received their award in round one and has a future application in for round two of the award process. The local telephone companies, Delhi, Hancock and Margaretville, have an extensive amount of fiber in the lower part of the county already. The department has been in discussion with them about what networks they have available to help tie in the county's additional needs in that area. The local telephone companies are capable and willing to work with the county.

In answer to Mr. Marshfield, Mr. Bell stated that the county could not afford a broadband system on its own. If the county declines to participate in the project, broadband would not be an option for the county. The county would be looking at a combination microwave broadband system at a cost well over what the anticipated local share is for this project to put in a network that would be capable of meeting our needs.

In reply to Mrs. Capouya, Mr. Bell noted that the new fiber is proposed to be buried and will not replace existing fiber but fill in the voids. The proposed project would provide county to county redundancy which will allow counties to back up each other's 911 systems.

Mr. deMauro stated in answer to Mrs. Capouya, that because this network reaches across the county from end to end it creates a redundant link for communications. The option is very appealing to cell providers because they can lease the fiber and not have to come into an area and absorb the cost of laying the fiber.

In response to Mr. Utter, Mr. deMauro explained that fiber is being used in all future communication planning. It is a strong product and is compatible with existing fiber. Providers looking to lease the fiber use their own components on the end of the fiber to achieve their communication needs.

In answer to Mr. Hynes, Mr. Bell explained that L. R. Kimball has completed its job for Delaware County. The county is now in the request phase looking for an engineering firm to help develop a path forward for communications. The proposed project fits well into our plan because this has to be done no matter what system we choose. Since Kimball's presentation, several other viable options have been presented to the county for consideration.

Mr. Bell stated in response to Chairman Eisel, that the department has put together an application that is considered by Congressman Murphy's office to be very strong. The application includes funds for infrastructure build out, replacement of cell towers, and replacement of failing equipment and buildings. There is also money allocated in the application for the backbone work and tower to tower communication work. If the decision is made to participate in this proposed project the question of frequencies will have been determined for the county.

Mrs. Capouya asked if there were options other than increasing taxes to raise the funding for the local share. The project is a benefit to emergency services and infrastructure for private industry but she felt that these were difficult economic times to raise taxes.

Mr. Bell stated that he did not have an answer for the first part of her question but, noted there would be a cost to the county whether we participate in this project or move ahead on our own. The cost of maintenance on our existing system is about \$100,000 a year. Using this example, if the county decided to participate in the proposed project it would see a long term savings of \$2 million over a period of twenty years.

In answer to Mr. Utter, Mr. Bell commented that whether participating in this project or moving ahead on our own the time restrictions were comparable. The county will meet the 2013 narrow banding deadline with minimal costs but, we are actually looking at a shorter time frame than 2013. The county is seeing more predicative interference levels which will force us to migrate from the frequencies we are using.

In reply to Mr. Dolph, Mr. deMauro said that network leasing will be available on a first come first serve basis. Any provider desiring to provide last mile services in this area could do so cost effectively creating many attractive options for local businesses.

In response to Mr. Donnelly, Mr. Bell explained that the county is in the process of interviewing engineering firms to assist with a frequency study.

Mr. Homovich commented that the county has been working on this for a long time and is now in a situation where we have to replace our current system. It is imperative that we look at all the options available both in funding and in infrastructure projects. He felt this project provided the county an opportunity for expansion and a better communication system. He thanked Mr. Bell and Mr. deMauro for all the work that has been put into this grant.

Mr. Marshfield remarked that he sees this as a step in the right direction and hoped the grant would be awarded.

In answer to Mr. Marshfield, Mr. deMauro stated if Broome County decided not to participate in the project both Otsego and Delaware Counties would be out. If Otsego drops out of the project there is a 95 percent or higher chance that Delaware County would not be asked to participate based on the projected losses.

Chairman Eisel remarked if all the counties stick together we will have a system that is far superior than what we could provide for ourselves. He apologized for presenting this as a not pre-filed resolution but, due to the time frame felt it was imperative that the Board make a decision on this matter.

Mr. Bell stated in answer to Mr. Valente, that the level of commitment at this time is the application. If the application is awarded we are committed to participating in the project.

Mr. Homovich commented that part of the eligibility requirement is an under served public safety population and our participation meets that eligibility requirement.

Chairman Eisel thanked Mr. Bell and Mr. deMauro.

Chairman Eisel advised that the census workers have been around. He has received, completed and returned his census form and encourages all county residents to do the same. The census affects the county's political representation and how the government distributes funding to the states.

Mr. Bracci noted that for several years he has been working to correct the county

population for the Town of Delhi. There are 3,000 students attending SUNY Delhi and the previous census indicates a population of 900.

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

**RESOLUTION NO. 47**

**TITLE: 2009 BUDGET AMENDMENT  
CONTRIBUTIONS FOR YOUTH AWARDS  
YOUTH BUREAU**

**WHEREAS**, contributions in the amount of \$2,886.00 have been received by the Delaware County Youth Bureau to be used for Youth Awards.

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

**INCREASE REVENUE:**

10-17310-42207000	Contributions/Youth Programs	\$2,886.00
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**INCREASE APPROPRIATION:**

10-17310-54663000	Youth Awards	\$2,886.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 48**

**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:

**REVENUE:**

10-17310-43382000/7310006/987	Summer Food Service Program	\$367.00
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**APPROPRIATION:**

10-17310-54200000/7310006/987	Summer Food Service Program	\$367.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 49**

**TITLE: 2010 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
COUNTY INSURANCE**

**WHEREAS**, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2010 incidental liability claims, administrative costs and continued funding of the insurance reserve account

**NOW, THEREFORE, BE IT RESOLVED** that the following expenditures are authorized:

**FROM:**

10-11325-54630000	County Treasurer	\$800.00
10-11410-54350200	County Clerk	5,800.00
10-11620-54350200	Buildings	1,200.00
10-11620-54350200/1620004/975	Buildings (ARC)	6,000.00
10-13110-54350200	Sheriff	34,810.00
10-13140-54350200	Probation	22,000.00
10-13144-54350200	Probation CSS	900.00
10-13150-54350200	Jail	40,000.00
10-13315-54350100	STOP DWI	400.00
10-13640-54350200	Emergency Service	1,000.00
10-14010-54350200	Public Health Nurses	24,330.00
10-14012-54350200	Public Health Nurses	2,670.00
10-14189-54350200	Emergency Medical Ser	700.00
10-14310-54350200	Mental Health Clinic	10,000.00
10-14311-54350200	Community Support Prog	2,000.00
10-14313-54350000	Kendra's Law	1,000.00
10-14317-54350200	Alcoholism	4,500.00
10-14321-54350200	Expanded Mental Health Prog	500.00
10-16010-54350200	Social Services	40,000.00
10-16326-54350200	Economic Dev	550.00
10-16510-54350200	Veteran's Service Agency	1,180.00
10-16610-54350200	Sealer of Weights & Measures	390.00
10-16772-54350200	Office for Aging	2,600.00
10-18020-54350200	Planning Department	1,700.00
10-18740-54350200	Watershed Affairs	400.00
26-15130-54350200	Highway Department	98,800.00
22-18160-54350200	Solid Waste	<u>26,000.00</u>
	Total	\$330,230.00

**INCREASE REVENUE:**

10-19000-42280100	Interfund Revenue Insurance	\$330,230.00
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**INCREASE APPROPRIATION:**

10-11910-54350200	Unallocated County Insurance	\$330,230.00
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**BE IT FURTHER RESOLVED**, that any unexpended year end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating Transfer (out) for transfer to the Insurance Reserve Fund.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 50**

**TITLE: 2010 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
UNEMPLOYMENT BENEFITS  
PERSONNEL DEPARTMENT**

**WHEREAS**, the 2010 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

**WHEREAS**, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this modification has been part of the past practice of the county; and

**WHEREAS**, the remaining balance in the appropriation will be rolled into the Employee Benefit Reserve at the end of the year

**NOW, THEREFORE, BE IT RESOLVED**, that the following budget modification be made:

**FROM:**

10-11040-58500000	Clerk Board	\$788.00
10-11165-58500000	District Attorney	1,921.00
10-11325-58500000	Treasurer	1,314.00
10-11327-58500000	Fiscal Affairs	1,107.00
10-11340-58500000	Budget Officer	79.00
10-11355-58500000	Real Property Tax	1,485.00
10-11364-58500000	Tax Acquired Prop	216.00
10-11410-58500000	County Clerk	4,102.00
10-11420-58500000	County Attorney	3,120.00
10-11430-58500000	Personnel	1,344.00
10-11450-58500000	Elections	1,043.00
10-11620-58500000	Buildings	3,946.00
10-11680-58500000	Information Technology	3,462.00
10-13020-58500000	Public Safety - 911	231.00
10-13110-58500000	Sheriff - Law Enforcement	6,880.00
10-13140-58500000	Probation	3,051.00
10-13144-58500000	Probation-CSS	110.00
10-13150-58500000	Sheriff Jail	13,956.00
10-13315-58500000	Stop DWI	229.00
10-13620-58500000	Safety Inspections	287.00
10-13640-58500000	Emergency Services	480.00
10-14010-58500000	Public Health	8,325.00
10-14012-58500000	Public Health	1,390.00
10-14013-58500000	Immunization	208.00
10-14035-58500000	Children Spec Health Care	115.00
10-14050-58500000	Lead	153.00



10-14059-58500000	Early Intervention	1,424.00
10-14060-58500000	Edu Physically Handi	737.00
10-141895-85000000	Emergency Medical	268.00
10-14310-58500000	Mental Health Clinic	7,018.00
10-14311-58500000	Community Support	614.00
10-14312-58500000	MH Crisis Serv Prog	314.00
10-14313-58500000	Kendras Law	306.00
10-14315-58500000	Enh Childrens Serv	285.00
10-14317-58500000	Alcoholism Clinic	3,017.00
10-14321-58500000	Exp Mental Health	684.00
10-16010-58500000	Social Services	23,342.00
10-16141-58500000/6141010/971	HEAP	318.00
10-16326-58500000	Economic Development	1,088.00
10-16510-58500000	Veterans	454.00
10-16610-58500000	Sealer	253.00
10-16772-58500000	Office for Aging	2,186.00
10-17310-58500000	Youth	2,399.00
10-18020-58500000	Planning	3,287.00
10-18740-58500000	Watershed Affairs	1,128.00
24-19050-58500000	Public Works-Road	29,281.00
22-18160-58500000	Public Works-Landfill	6,868.00
62-11710-58500000	Workers Compensation	485.00
Total:		\$145,098.00

**TO:**

10-19050-58500000	Unemployment Insurance	\$145,098.00
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The resolution was seconded by Mrs. Capouya and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 51**

**TITLE: AUTHORIZATION FOR AWARDS  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**LETTING OF FEBRUARY 10, 2010**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 1-10	Rental of Construction Equipment to: A. Montano Co., Inc., 571 Route 212, Saugerties, NY 12477; Abele Tractor & Equipment Co., Inc., 72 Everett Road, Albany, NY 12205; Admar Supply Co., Inc., 449 Commerce Rd., Vestal, NY 13850; Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760; BOTHAR Construction, 170 East Service Road, Binghamton, NY 13901; Boyle
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Excavating, Inc., 233 Boyle Road, Harpersfield, N.Y. 13786; Clark Companies, Inc., P.O. Box 427, Delhi, N.Y. 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Delaware Bulldozing Corp., 5700 Co. Hwy. 18, Bloomville, NY 13739; Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, N.Y. 13753; Doig Excavating, Inc., PO Box 277, Downsville, NY 13755; Robert H. Finke & Sons, Inc., P.O. Box 127, Selkirk, N.Y. 12158; Hubbell Inc., 46124 St. Hwy. 30, Margaretville, NY 12455; Pawlikowski's Excavating, 1215 Hamden Hill Road, Delhi, NY 13753; Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, N.Y. 12491; Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739; Seward Sand & Gravel, Inc., 532 Co. Hwy. 58, Oneonta, NY 13820; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Sullivan County Paving & Construction, Inc., 420 Bernas Road, Cochection, NY 12726; Tracey Road Equipment Inc., 6803 Manlius Center Rd., East Syracuse, NY 13057; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, NY 13206; Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, NY 14450; Waste Recovery Ent., LLC, PO Box 2189, Sidney, NY 13838.

Bid Price: See Summary Sheet

PROPOSAL NO. 2-10 Asphalt Concrete & Related Work to: Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043

Bid Price: See Summary Sheet

PROPOSAL NO. 3-10 Asphalt Concrete & Related Work for Parking Lots, Sidewalks & Misc. Small Jobs to: Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043

Bid Price: See Summary Sheet

PROPOSAL NO. 4-10 Cutting and Trimming Trees to: A-1 Home Improvement & Tree Service, 91 Bailey Road, Walton, NY 13856; ASPLUNDH Tree Expert Co., 708 Blair Mill Road, Willow Grove, PA 19090

Bid Price: See Summary Sheet

PROPOSAL NO. 5-10 Liquid Bituminous Concrete & Related Equipment Bid to: Gorman Asphalt DBA American Asphalt, Church Street, Port of Albany, Albany, NY 12202; Central Asphalt Division of Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Peckham Materials Corp., Foot of Union Street, Athens, N.Y. 12015; Vestal Asphalt Inc., 201 Stage Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

PROPOSAL NO. 25-10 Hot Mix Asphalt, Vendor Delivered, Municipally Placed:  
to Cobleskill Stone Products, Inc., P.O. Box 220  
Cobleskill, N.Y. 12043

Bid Price: See Summary Sheet

Towns may participate in these bids.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes.

Chairman Eisel granted Mr. Rowe's request to abstain from voting on this resolution.

Mr. Valente referenced the attached bid summaries and questioned the meaning of First Choice and Second Choice. Commissioner Reynolds explained that the first choice is the lowest of the two bids but if that company is unavailable for any reason the department has the option to accept the second choice. Mr. Valente asked for glossary of terms to be included with the bid summaries in the future.

The resolution was adopted by the following vote: Ayes 4320, Noes 0, Absent 141 (DuMond), Abstain 345 (Rowe).

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

**RESOLUTION NO. 52**

**TITLE: AUTHORIZATION FOR AWARDS -  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**LETTING OF FEBRUARY 17, 2010**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 6-10 Stone & Gravel Products to: Carver Sand & Gravel LLC,  
494 Western Turnpike, Altamont, NY 12009; Burton F.  
Clark, Inc., PO Box 427, Delhi, NY 13753; Cobleskill  
Stone Products, Inc., PO Box 220, Cobleskill, NY 12043;  
Delaware Bulldozing Corp., 5700 Co. Hwy 18, Bloomville,  
NY 13739; Doig Excavating, Inc., PO Box 277,  
Downsville, NY 13755; E & R Pope's Excavating, LLC,  
1073 Cty Hwy 1, Mt. Upton, NY 13809; Hanson  
Aggregates New York Inc., PO Box 513, Jamesville, NY  
13078; Johnston & Rhodes Bluestone Co., PO Box 130,  
East Branch, NY 13756; LaFaver Sand & Gravel, LLC.,

3135 County Highway 6, Bovina Center, NY 13740; Masonville Stone Inc., 12999 St. Hwy. 8, Masonville, NY 13804; Peckham Materials, 7065 Route 9w South, Catskill, NY 12414; Platterkill Sand & Gravel, Inc., 111 Back Road Spur, Gilboa, NY 12076; Schaefer Enterprises of Deposit, Inc., 315 Old Rt. 10, Deposit, NY 13754; Seward Sand & Gravel, Inc., 532 County Highway 58, Oneonta, NY 13820; Shinhopple Sand & Gravel Inc., 400 Banker Rd., Downsville, NY 13755; Stevens Excavating, 15 Stevens Lane, Otego, NY 13825

Bid Price: See Summary Sheet

PROPOSAL NO. 7-10

Gravel Processing to: Clark Companies, PO Box 427, Delhi, NY 13753; Seward Sand & Gravel, Inc., 532 County Highway 58, Oneonta, NY 13820

Bid Price: See Summary Sheet

PROPOSAL NO. 8-10

Transit Mixed Concrete to: Saunders Concrete Co., Inc., 5126 S. Onondaga, Nedrow, NY 13120; Masters, RMC, Inc., PO Box 25, Kingsley, PA 18826; Otego Ready Mix, Inc., 2 Wells Avenue, Oneonta, NY 13820; Wadler Bros., Inc., 47293 St. Hwy 28, Fleischmanns, NY 12430

Bid Price: See Summary Sheet

PROPOSAL NO. 9-10

Structural Steel Fasteners to: Fastenal Company, 7352 St. Hwy 23, Oneonta, NY 13820; The Woodward Company, 9 Burdick Drive, Albany, NY 12205

Bid Price: See Summary Sheet

PROPOSAL NO. 10-10

Steel Structural Shapes, Misc. to: Ben Weitsman & Son, Inc., 15 West Main St., Owego, NY 13827; Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 11-10

Used Steel Pipe & New Steel Pipe End Sections to: Allegany Pipe & Tubular, 2954 County Road 22, Andover, NY 14806-9616; Chemung Supply Corp., PO Box 527, Elmira, NY 14902.

Bid Price: See Summary Sheet

PROPOSAL NO. 12-10

Interlocking Steel Sheet Piling to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902.

Bid Price: See Summary Sheet

PROPOSAL NO. 13-10

Steel Reinforcing Bars to: Chemung Supply Corp., PO Box

527, Elmira, NY 14902.

Bid Price: See Summary Sheet

PROPOSAL NO. 14-10 Epoxy Coated Steel Reinforcing Bars to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 15-10 Guiderail Components to: Cardona & Sons, Inc., 397 Anthony St., Schenectady, NY 12308; Chemung Supply Corp., PO Box 527, Elmira, NY 14902; Expanded Supply Products, Inc., 3330 Route 9, Clod Springs, NY 10516

Bid Price: See Summary Sheet

PROPOSAL NO. 16-10 Gabions to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902.

Bid Price: See Summary Sheet

PROPOSAL NO. 17-10 Pressure Treated Timbers to: Pickett Building Materials, 6459 State Highway 23, Oneonta, NY 13820

Bid Price: See Summary Sheet

PROPOSAL NO. 18-10 Plain Elastomeric Bridge Bearing Material to: Allied Building Products, 24 Railroad Avenue, Albany, NY 12205

Bid Price: See Summary Sheet

PROPOSAL NO. 19-10 Bridge Deck Membrane to: Allied Building Products, 24 Railroad Avenue, Albany, NY 12205

Bid Price: See Summary Sheet

PROPOSAL NO. 20-10 Steel Sign Posts to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 26-10 Portland Cement to: Oneonta Block Co., 6459 State Highway 23, Oneonta, NY 13820

Bid Price: See Summary Sheet

Towns may participate in these bids.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes.

Chairman Eisel granted Mr. Rowe's request to abstain from voting on this resolution.

In answer to Mr. Triolo, Department of Public Works Commissioner Wayne Reynolds noted that the increase over last year's bidding was minimal.

Commissioner Reynolds referenced his memo enclosed with the Supervisors packet. In response to Mr. Valente he explained that past practice allowed the county to obtain a prevailing wage case number and the towns, villages and contractors used that number. The New York State Department of Labor (NYSDOL) is no longer allowing this. The towns and villages can buy off the county bid but, if there is labor involved, only after they obtain their own prevailing wage case number.

A training meeting entitled: *Educational Visit for Municipalities, County, Towns, and Villages and Cities* will be hosted by the NYSDOL on March 29, 2010, at the Public Safety Facility and Correctional Complex in Delhi from 10:00 a.m. to 12:00 p.m. Commissioner Reynolds encouraged the Board to have their town representatives sign up to attend this important training.

Commissioner Reynolds suggested using surface treatment and various roads in the town for the year when registering for a prevailing wage case number.

In answer to Mr. Marshfield, Commissioner Reynolds noted that the NYSDOL issues a prevailing wage case number for the entire bid. Owner/operators are exempt from the prevailing wage, although they need to provide the town with a document stating that they are an owner/operator. The NYSDOL suggests that the town provide the owner/operator with a copy of the prevailing wage rates at that time because if for any reason the owner/operator has to have someone fill-in, that individual would have to be paid at the prevailing wage.

The resolution was adopted by the following vote: Ayes 4320, Noes 0, Absent 141 (DuMond), Abstain 345 (Rowe).

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

**RESOLUTION NO. 53**

**TITLE: AUTHORIZATION FOR AWARDS  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**LETTING OF MARCH 2, 2010**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW1-10 Purchase of Roll-Off Containers to:

Stone Valley Welding LLC  
11582 Guyer Road  
Huntingdon, PA 16652

Bid Price:	40 CY Open Top	\$4,150.00 ea.
	40 CY Enclosed	\$5,450.00 ea.
	40 CY Rectangular Receiver	\$5,200.00 ea.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Valente, Commissioner Reynolds noted that the price of containers have come down significantly.

Chairman Eisel noted that the containers are old, can no longer be welded and are in need of replacement.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 54**

**TITLE: AUTHORIZATION FOR AWARDS -  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**LETTING OF MARCH 2, 2010**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW2-10 New 6,500 Gallon Tank Trailer to:

Tri-Tank Corp  
115 Farrell Road  
Syracuse, NY 13209

Bid Price: \$46,580.00 (award will be made w/out trade)

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Haynes.

Mr. Utter stated in answer to Chairman Eisel, that these will be used for the leachate.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141

(DuMond).

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

**RESOLUTION NO. 55**

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

**WHEREAS**, the Delaware County Department of Public Works has entered into an Agreement with the New York State Department of Transportation to receive Federal Aid under PIN 9753.00 for the reconstruction of County Bridge 26-1, BIN 3351950, and its approaches; and

**WHEREAS**, the new structure and highway realignment will require additional right of way; and

**WHEREAS**, the Department of Public Works has followed all the Federal Requirements for acquiring highway right of way including certified appraisals and appraisal reviews; 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 Delaware County Department of Public Works is authorized to purchase the following parcels in the Town of Colchester for the respective amounts including damages.

Map No. 6 Parcel No. 8 Arthur C. Edel & Marcia A. Edel	0.041 Acres	Temporary Easement  \$100.00
Map No. 7 Parcel No. 9 Arden Stickle & Betsy M. Stickle	0.023 Acres	Fee  \$900.00

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 56**

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

**WHEREAS**, the Department of Public Works is proceeding with plans for the relocation of County Route 17 due to a slope failure; and

**WHEREAS**, the new alignment necessitates the purchase of new right of way and during the development of the right of way plan it was determined that the title to one parcel was unclear, and after a title search it was determined that the owner of record was deceased; and



**WHEREAS**, the descendants of the deceased have been located, and are willing to convey the parcel to the County by quit claim deed for the sum of two hundred dollars (\$200.00); 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 parcel in the Town of Hancock for the sum of two hundred dollars (\$200.00).

Map No. 5, Parcel No. 5	0.53 Acres
Jacqueline Jara-Cole	\$200.00
Max Jara	

The resolution was seconded by Mr. Rowe adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 57**

**TITLE: SALE OF SURPLUS PROPERTY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, in 1912 the County of Delaware purchased a 1.73 acre parcel from W.F. Mason for the improvement of the Delhi-Andes SH 982, also know as New York State Route 28, under Chapter 30 of the Laws of 1909 and the acts amendatory thereof; and

**WHEREAS**, in 1931 the New York State Department of Transportation made an improvement and change in alignment of said highway which resulted in the discontinuance of State maintenance and use of a portion of this section of highway; and

**WHEREAS**, title to the property is still in the County, and the property is of no use to the County; and

**WHEREAS**, the adjoining landowners have expressed interest in purchasing the unused portion from the County being 0.904 acres.

**NOW, THEREFORE, BE IT RESOLVED**, that the County is authorized to convey by quit claim deed said unused parcel to Dr. Bradley Pederson and Ruth Pederson, the adjoining landowners, for the sum of seven thousand five hundred dollars (\$7,500.00).

The resolution was seconded by Mr. Smith.

Mr. Utter explained that this is a piece of property located by the Little Delaware Church that has been sitting since the road was realigned years ago and is of no use to the county. The Pederson's are the adjoining landowners and agreed to pay the county \$7,500 for the property.

In answer to Mr. Marshfield, Mr. Utter noted that when the state abandoned the property it became the countys.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 58**

**TITLE: IN OPPOSITION TO THE PROPOSED  
CONTINUED CLOSURE OF BEAR SPRING MOUNTAIN CAMPGROUND  
ECONOMIC DEVELOPMENT**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation announced in 2009 the temporary closure of the Bear Spring Mountain State Campground in the Town of Walton; and

**WHEREAS**, the proposed New York State 2010-11 Budget calls for the continued closure of the Bear Spring Mountain campground, the justification for which is to help combat New York's budget deficit; and

**WHEREAS**, the cost savings to potentially be realized by the state through the closure of state parks is miniscule in comparison to the economic activity and tax revenues that are derived through the operation of the state park system; and

**WHEREAS**, state parks provide a substantial benefit to local businesses, the area's economy and State and local taxpayers, as well as all the people from near and far that utilize the parks; and

**WHEREAS**, the Bear Spring Mountain campground is an integral part of our historic Cannonsville recreational boating program which, along with its fishing access and forested campsites, makes Delaware County an ideal summer escape; and

**WHEREAS**, local state parks, such as Bear Spring Mountain, are an alternative form of recreation and enjoyment for families throughout the region and the NYC Metropolitan Area who have been affected by the economic downturn; and

**WHEREAS**, Bear Spring Mountain represents a major tourism draw for Delaware County and crucial source of revenue for local businesses and residents.

**NOW THEREFORE, BE IT RESOLVED**, that the Delaware County Board of Supervisors hereby declare its opposition to the proposed closure of the Bear Spring Mountain campground; 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, DEP Commissioner Caswell Holloway, Mayor Bloomberg, and NYS Senate President Pro Tempore Malcolm A. Smith.

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

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

**RESOLUTION NO. 59**

**TITLE: IN OPPOSITION TO SENATE BILL S.2247-B & ASSEMBLY BILL A.1867-A  
AN ACT TO AMEND NEW YORK STATE LABOR LAW  
REQUIRING COLLECTIVE BARGAINING, OVERTIME, UNEMPLOYMENT AND  
DISABILITY BENEFITS FOR FARM EMPLOYEES**

**WHEREAS**, producing food is a basic need, and unless the legislature seriously rethinks the aforementioned legislation it will jeopardize our farmers' ability to produce locally grown food for our people; and

**WHEREAS**, this proposal forces mandates on our family farms that will put New York at an extreme competitive disadvantage, seriously jeopardizing the long-term viability of the upstate economy before passing legislation that wrecks it; and

**WHEREAS**, the amended Senate Labor Bill would have a tremendous impact on New York's smaller farmers, while also putting unsustainable pressure on larger family farms that provide the bulk of the fresh New York grown products; and

**WHEREAS**, the Bill creates an overtime regulation that is more stringent than the vast majority of other states. The only other state with more strict labor mandates is California, which has an agricultural industry more than triple the size of New York's family farms; and

**WHEREAS**, the new Senate Bill also pushes for collective bargaining. Ninety-nine percent of New York's farms are owned by families - not huge corporate manufacturers with staff to negotiate with New York's powerful unions; and

**WHEREAS**, food is a basic human need, and this legislation seeks to ensure that local farms will not be around to produce locally grown food for local people. This bill would force us to turn our farms into factories, to meet these onerous labor mandates that virtually no other state in the union has. It's yet another example of Albany seeking to drive businesses - and farmers - out of New York.

**NOW, THEREFORE BE IT RESOLVED**, the Board of Supervisors strongly opposes the aforesaid Bill as said Bill will put New York agriculture at a disadvantage, will hurt our ability to thrive and sustain our most important state industry.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to New York State Governor David A. Patterson, Senators John Bonacic and James Seward, Assemblymen Peter Lopez and Clifford Crouch, Assembly Speaker Sheldon Silver and the New York State Association of Counties.

The resolution was seconded by Mr. Valente.

Mr. Smith noted that the mandates presented in these bills will place an added hardship on our farmers. The bills were brought to his attention by the President of the Delaware County Farm Bureau Roger Hamilton. This resolution is in opposition to these mandates.

Mr. Valente commented that he runs a seasonal flower and greenhouse business and is required to pay unemployment to his employees even though they are aware at the time they are hired that they are seasonal. Farming does not fit the traditional thinking of what is considered a seasonal business and these mandates will prove to be difficult to impossible for our local farmers to meet.

Mr. Bracci commented that these mandates along with the prevailing wage are just another attack on upstate New Yorkers.

Senator Bonacic's Community Liaison Tina Molé, advised that Senator Bonacic is in opposition of these bills.

Mr. Marshfield stated that within the past few weeks three dairy farms were sold, one in the Town of Kortright and two in the Town of Delhi. He felt if these bills passed it would be another nail in the coffin for the farmers.

Mrs. Capouya commented that she felt laws like these come out of the experience of states with large factory farms. Many of the legislators are not aware of the differences in farming. She opined that these bills appear to be more of a mistake in thinking than malice.

Mr. Valente remarked that this is another example of the urban mentality.

Mr. Utter offered an example of urban thinking from his time as President of the Farm Bureau. The Secretary of Agricultural at the time was speaking in an urban area in support of raising the parody of dairy products. The audience was very sympathetic to the plight of the farmer but, just could not understand the purpose of funding the farmers when everything they grow could be purchased at the grocery store.

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. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 60**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,258,576.66 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	\$953,856.49
OET	\$9,752.89
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$99,429.22
Machinery	\$80,952.55
Capital Road & Bridge	\$29,688.67
Capital Solid Waste	\$28,400.00
Solid Waste/Landfill	\$56,076.84

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

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

**RESOLUTION NO. 61**

**TITLE: APPLICATION TO UNITED STATES OF AMERICA FOR  
BROADBAND COMMUNICATION AID**

**WHEREAS**, there are funds available through the American Reinvestment Recovery Act of 2009; and

**WHEREAS**, the county desires to upgrade its communication system as the current system does not adequately address the needs of public safety for this county

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is authorized to submit an application pursuant to the United States of American Reinvestment Recovery Act of 2009; and

**BE IT FURTHER RESOLVED** that a letter be submitted to Southern Tier East Planning which will commit the county should the grant be approved to spend \$1,263,528 less 30% in kind services.

The resolution was seconded by Mr. Donnelly and Mr. Utter and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Upon a motion, the meeting adjourned at 2:30 p.m.