

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MARCH 24, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 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, Vice Chairman Tina Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Smith and Mr. Eisel.

Mr. Marshfield offered the invocation.

Mr. Utter 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.

Vice Chairman Molé granted privilege of the floor to Delaware County Sheriff Thomas Mills who presented Evelyn Gaffney as Employee of the Month.

Mrs. Gaffney began her employment with the county in March 1987 as a part-time cook/matron at the old jail. In January 1992 she became a full-time corrections officer.

Sheriff Mills stated that Mrs. Gaffney works the 11:00 p.m. to 7:00 a.m. shift and has distinguished herself as an ambitious and dependable employee. She has taken the Sergeant's exam and passed but has chosen to remain in her current position rather than pursue a career advancement.

Sheriff Mills noted that a corrections officer must pay strict attention to detail and complete the tasks according to established policies and procedures. Mrs. Gaffney's records are accurate and well written, she is a self-starter and often serves as officer-in-charge on her shift. She has a thorough knowledge of the job, performs her tasks to the best of her ability and significantly contributes to the smooth functioning of the corrections facility.

Sheriff Mills presented Mrs. Gaffney with a \$100.00 savings bond. Vice Chairman Molé presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Mrs. Gaffney commented that she appreciates all the years she has spent with the county. She enjoys her work and her co-workers.

Vice Chairman Molé granted privilege of the floor to Director of Emergency Services Richard Bell to provide an update on area flooding as a result of the significant rainfall through the evening of March 22nd.

Mr. Bell reported that the storm was isolated to areas in the towns of Ulster and Delaware Counties. Precautionary measures were taken to ensure the safety of the residents but, thankfully the storm projections in terms of spills and the amount of water were not met. On Monday, March 22nd flooding issues were reported in the Town of Middletown and throughout the day areas around the county experienced minor flooding issues that were addressed. On Tuesday, March 23rd in the Town of Colchester the fire department performed some rescue and evacuation work in the lower lying areas and a shelter was established for residents in that area. The shelter was not used and as of this morning all emergency operations have been shut down. Damage assessments are underway.

Vice Chairman Molé granted privilege of the floor to Mr. Hynes. Mr. Hynes introduced Director of the Office for the Aging Thomas Briggs.

Mr. Briggs explained that NY Connects is a partnership of all long term care providers in the county working to bring organizations together to address the primary issues facing Delaware County residents in their effort to access long term care services. Transportation was determined to be a key issue. Through the efforts of NY Connects, Delaware County was successful in securing a grant from the Community Transportation Association of America (CTAA). CTAA is an organization serving mainly rural transportation systems in the country for the purpose of assisting with the development of a coordinated public transportation program.

Mr. Briggs introduced coordinator of the NY Connects Program Laura Stewart who introduced the Director of the CTAA Charlie Rutowski.

Mrs. Stewart noted that a folder containing today's presentation, a report from RLS Associates, Inc. and a Delaware County NY Connects Long-Term Care Services Guide has been placed on each of the Supervisor's desk. RLS Associates, Inc. is the consulting firm obtained to address the county's transportation needs and has interviewed many of the county's transportation providers to gather data that will be used to develop transportation options for Delaware County. On behalf of NY Connects she thanked Michael Labello from the Public Transportation Bureau and Assistant Director of CTAA Charlie Rutowski for their help in guiding NY Connects through the grant process.

Mr. Rutowski explained that CTAA is based in Washington DC and is a membership organization of over 4,000 members of primarily small community based transportation programs from around the country. The United Way of Delaware and Otsego Counties is the designated recipient of the Coordinating Transportation Planning grant which is funded through the U.S. Department of Agriculture and the New York State Department of Transportation (NYSDOT). The programs are designed and developed from the perspective of economic development with the intent of creating stable jobs that will remain in rural communities. CTAA believes that the resources currently devoted to transportation among the various agencies within Delaware County can be used more effectively.

Mr. Rutowski introduced consultants Laura Brown and Jane Bogard from RLS Associates, Inc. A powerpoint presentation entitled, *Coordinated Public Transportation for Delaware County* was provided.

Ms. Brown stated that the intent of this initiative is to provide a foundation from which providers can move forward with implementing an effective network of services. The need for

transportation has never been greater as the population is aging and health care demands are soaring. The coordination of effort will help the county do more with its existing services. A goal of the Project Steering Committee is to make transportation available to residents that have a need but are not eligible to receive services. Through the coordination of transportation this goal is obtainable without any additional cost to the county.

The county's existing transportation is based on eligibility. Twenty-six organizations from Delaware, Otsego, and Broome Counties have participated in the study to date. Thirteen organizations directly provide transportation for eligible consumers with more than 73 vehicles. Two organizations purchase transportation for eligible consumers, people with disabilities and individuals with low income. Eleven organizations arrange transportation or provide information and referral to local agencies.

Directing the Supervisors to their handout she referenced the RLS Draft Tech Memo No. 1 that detailed the analysis behind the presentation. The draft document included an introduction and overview of transportation providers in Delaware County and how the services are used, an inventory of regional transportation resources, unmet transportation needs and gaps in service, major trip generators and map summaries, and a transportation needs assessment summary. The next steps include prioritizing transportation goals and developing a feasible design and implementation plan.

Mr. Marshfield stated that he found the presentation interesting and informative. He noted that the county has worked hard to promote its resources and encourage residents to utilize them. He expressed concern that an enhanced public transportation system would provide more of an opportunity for people to leave the county. Ms. Brown stated that Mr. Marshfield presents a valid concern that will be addressed by the study.

In answer to Mr. DuMond, Mrs. Stewart stated the funding for the study came from grants received from CTAA and the NYSDOT.

Mr. DuMond questioned if the study was looking to create a public transportation system in the county similar to Otsego County. Mr. Briggs replied that currently \$3.3 million is being spent on transportation efforts. The study will look at how that money is being used and consider how coordinating with other agencies could provide a more efficient transportation system for the county. He pointed out that the Office for the Aging is now coordinating transportation with the Veterans' Service Agency and is sending non-veterans with veterans on the VA bus to the Albany for medical services. It is expected that the study will provide many transportation options from which the county could choose from.

Mrs. Stewart stated in reply to Mr. DuMond, that the study is expected to be completed by July 2010. She expressed concern that the current system provides transportation only if the individual is eligible for services. There are county residents that are unable to receive necessary services, such as dialysis and cancer treatment because they do not have transportation. She felt that county residents would benefit from the additional seats that may become available as result of the study.

Mr. DuMond stated that he is not against providing transportation for people with legitimate needs who are eligible but, that he is against creating a society dependent upon government.

In answer to Mr. DuMond, Mr. Briggs stated that the initiative creates a shifting from agencies working independently toward a coordination of activities. Another area of transportation that might be addressed is a coordination among county residents traveling to the same destinations. Often the people are following one another down the road in separate vehicles. A coordination among travelers could reduce the amount of vehicles on the road and the expenses associated with the travel.

Mr. Bracci noted that he is also opposed to creating a society dependent upon government. He referenced the presentation commenting on the per trip cost of \$15.30 in rural South Indiana and the per trip cost of \$42 in rural Delaware County. In his opinion, the high per trip cost is due to state mandates over which the county has no control.

Mr. Rutowski noted that the NY Connects application was selected in part because the county has no type of public transportation. As a result there is a great deal of duplication, overlap and waste contributing to the \$42 per trip cost.

Mr. Hynes stated that the majority of the programs providing transportation are government programs. The study will provide information the county needs in order to become more efficient regardless of the personal opinion on what government should or should not do.

Mr. Rowe noted that the study is very proactive and needs to be done. He suggested there could be more coordination between the state, county and town activities as well. As an employee of the state he drives a plow truck in the winter, on the same road are trucks from the county and towns.

The Town of Hancock is down to one grocery store and residents are being drawn to better shopping opportunities in nearby Broome County. Perhaps there could be a transportation option that would funnel our residents to one place creating a population that would bring better shopping opportunities to Delaware County. He applauds the efforts put forth by NY Connects and believes that shared services is the most efficient way to provide services to our constituents.

Vice Chairman Molé thanked Mrs. Stewart for her efforts in spearheading this initiative and noted that this is not an effort to create a public transit system like Otsego County. The intention here is to use the transportation dollars more effectively and cut out the waste.

Mr. McCarthy commented on HOV lanes designed to encourage car pooling and noted that in his opinion they were not working. He did not see this effort towards coordinated transportation working either.

In response to Mr. Rowe, Mrs. Stewart advised that residents of the surrounding counties would come to Delaware County for services if they had transportation.

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

RESOLUTION NO. 61A

**TITLE: DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE
CELEBRATES NATIONAL PUBLIC HEALTH WEEK
APRIL 5 - 11, 2010**

WHEREAS, for more than a decade, communities around the country have celebrated National Public Health Week (NPHW) each April to help protect and improve our nation's health; and

WHEREAS, the NPHW 2010 theme is "*A Healthier America: One Community at a Time*" and adopting healthier lifestyles leads to healthier communities; and

WHEREAS, Delaware County Public Health is committed to providing education, information and resources about health issues; and

WHEREAS, Delaware County Public Health promotes physical activity, coordinates and implements programs and policy changes for the residents of Delaware County; and

WHEREAS, Delaware County Public Health is committed to working with individuals, community partners, families and worksites to promote physical activity, health nutrition, and provide services for Delaware County residents

NOW, THEREFORE, BE IT RESOLVED, that Delaware County recognizes April 5-11, 2010 as Public Health Week.

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

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

RESOLUTION NO. 62

**TITLE: AUTHORIZATION FOR AWARD
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 276 of 2007 authorized the Chairman of the Board of Supervisors to enter into an agreement with the New York State Department of Transportation for Federal Emergency Relief on County Route 7 (PIN 9890.58); and

WHEREAS, it has been determined that the replacement of Bridge 7-2 will be covered under this agreement at a ratio of 80% federal funds and 20% local funds; and

WHEREAS, the Department of Public Works had undertaken an approved consultant selection process and has completed the negotiation phase.

NOW, THEREFORE BE IT RESOLVED that the Delaware County Department of Public Works is authorized to make award to Modjeski and Masters, P.C., 301 Manchester Road, Suite 102, Poughkeepsie, NY 12603 for construction inspection services.

Proposal Fee: Maximum Amount Payable \$275,350.00

The resolution was seconded by Mr. Rowe.

In answer to Mr. McCarthy, Mr. Utter stated that this is the second bridge as you enter Delaware County coming from Roscoe to Cat Hollow. This award is for the overseeing of the construction of the bridge with a local share of \$55,000. The total cost of the bridge project is \$2.4 million of which the local share is \$486,000 for a grand total of the local share on this project being \$541,000.

Mr. Utter stated in response to Mr. Marshfield, that this is the last bridge on Route 7 that needs attention and asked Commissioner of Public Works Wayne Reynolds to provide an explanation of the damages that were discovered.

Commissioner Reynolds stated that the south approach slab was undermined during the flood of June 2007. The slab had to be removed and the bridge abutment backfilled before the bridge could be reopened to any emergency traffic. Once the bridge was opened, there continued to be movement in the structure. When the water receded, it was discovered that the footing had been undermined and the piles were exposed, there were scour issues and evidence that the pre-cast beams had been lifted off the bridge seat. As a result, the structure needed to be completely reconstructed with a new pile supported foundation.

As County Route 7 is eligible for Federal Highway Administration (FHWA) funding it is not eligible to receive FEMA funding. Under the FHWA funding requirements, work completed within the first 180 days of the event would have been 100 percent reimbursable. After the 180 days, reimbursement becomes 80 percent federal funds and 20 percent local funds. There was no way the replacement bridge could have been designed, bid and built within those 180 days.

Mr. Homovich pointed out that through funding from the FHWA the county saved \$1.5 million.

The resolution was adopted by the following vote: Ayes 4384, Noes 0, Absent 422 (Smith, Eisel).

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

RESOLUTION NO. 63

TITLE: AUTHORIZATION TO ACQUIRE RIGHT OF WAY FOR BRIDGE 26-1 RECONSTRUCTION DEPARTMENT OF PUBLIC WORKS

WHEREAS, County Bridge #26-1, BIN 335195, County Route 26 over Telford Hollow Brook in the Town of Colchester is in need of replacement to ensure safe and adequate use for the public and emergency services; and

WHEREAS, Resolution No. 314 of 2004 authorized the Department of Public Works to enter into an agreement with the NYSDOT for federal funding for the replacement of the bridge; and

WHEREAS, the Department of Public Works has followed the federal and state procedures for the development of the project plans which will replace the structure and make minor improvements to the approach roadway; and

WHEREAS, the Delaware County Board of Supervisors has previously complied with the mandates of the National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) (“NEPA”) review and the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) (“SEQRA”) for the Project; and

WHEREAS, pursuant to the terms of NEPA and SEQRA, the Board has determined that this process is consistent with the NEPA and SEQRA reviews and Type II determination for the Project;

WHEREAS, the County has been unable to acquire the required land by purchase as provided for under Section 118 of the Highway Law; and

WHEREAS, purchase of said land would be de minimus pursuant to Section 206(D) of the Eminent Domain Procedure Law.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board and the Attorney for DPW are herewith authorized to proceed with the acquisition of the necessary property and easements in accordance with the Eminent Domain Procedure Law.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Mr. Utter advised that there will be two landowners involved in the eminent domain process.

The resolution was adopted by the following vote: Ayes 4384, Noes 0, Absent 422 (Smith, Eisel).

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

RESOLUTION NO. 64

TITLE: AUTHORIZING SUBMISSION OF GRANT APPLICATION TO NEW YORK STATE, DEPARTMENT OF STATE, DIVISION OF LOCAL GOVERNMENT SERVICES, FOR LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM, EFFICIENCY IMPLEMENTATION GRANT, FOR THE “DELAWARE COUNTY CENTRALIZED ASSESSMENT DATABASE PROJECT” REAL PROPERTY TAX SERVICES

WHEREAS, the Director of Real Property Tax Services requests permission to submit an application to the New York State Department of State, Division of Local Government Services to apply for a Local Government Efficiency Grant, Efficiency Implementation Grant Program, for the 2009 – 2010 program year, for the Delaware County Centralized Assessment Database Project; and

WHEREAS, the purpose of this grant is for the establishment of a centralized

assessment database located in the Department of Information and Technology; and

WHEREAS, said project submitted shall be titled “Delaware County Centralized Assessment Database Project”; and

WHEREAS, the total project cost is \$122,790.00, the maximum amount of the grant being applied for is \$110,511.00 and a 10% local share shall be committed by the County in the amount of \$12,279.00 as part of the required cash match

THEREFORE, BE IT RESOLVED that Director of Real Property Tax Services Michael Sabansky is hereby authorized to submit an application to the Local Government Efficiency grant program for the 2009 – 2010 program year; and

BE IT RESOLVED that the Delaware County Board of Supervisors authorizes the Chairman of the Board James E. Eisel to sign the grant certification; and

BE IT FURTHER RESOLVED that Director of Real Property Tax Services Michael Sabansky be designated as the Lead Application Contact Person and is authorized to execute all financial and/or administrative processes relating to the grant program.

The resolution seconded by Mr. Triolo.

In answer to Mrs. Capouya, Director of Real Property Tax Services Michael Sabansky explained that the grant application is to purchase equipment that would allow a town assessor to dial into the county system and enter their assessments on a live data base. If an assessor chooses not to use the system to enter their assessments, they would be able to use the files to see their assessment information.

Mr. McCarthy commented that the Town of Sidney uses the state program and his assessor believes there may be a problem with the program as the sales price on homes in Sidney are either ridiculously high or low. Mr. Sabansky offered to meet with Mr. McCarthy and his assessor to address any questions on the state system.

Mr. Valente asked Mr. Sabansky if he had worked with Information Technology to come up with a cost analysis for the annual upkeep on the equipment. Mr. Sabansky stated that initially the equipment would be under a manufacturers warranty. As technology moves forward, the equipment may need to be updated or replaced in order to work with highspeed internet services. He pointed out that the county is already paying for repairs and upgrades to the assessors computer equipment.

Mr. Valente stated that he would feel more comfortable if this information was run past the Director of Information Technology Joe deMauro. He questioned if after the system was implemented by the county would the assessors be required to use it. Mr. Sabansky stated that accepting the grant would not require the towns to enter their information on the county system. However, the current information would be available to any one of the towns.

Mr. Marshfield remarked that this resolution is seeking approval to submit a grant application. There will be another resolution brought before the Board for approval to purchase the equipment. Mr. Valente’s concern can be addressed after the grant is submitted.

Mr. Valente stated that he is not convinced a centralized assessment database would benefit the county. He questioned the reasoning behind presenting a resolution seeking approval to submit the grant and another resolution to purchase the equipment.

Mr. Sabansky stated that the matching county funds would come from a previous grant he was successful in obtaining from the state. There would be no additional cost to the county for this purchase. There is a very good chance of receiving the funding because the county meets the criteria for an economically depressed area. The state is moving in this direction, if the county does not take advantage of the funding we may have to purchase the equipment with taxpayer dollars.

In answer Mr. Hynes, Mr. Sabansky advised that the system would provide accurate up-to-date information on a daily basis if the towns chose to use it. In the case of the Towns of Deposit and Hancock whose assessment records were lost in the flood, if the data were in a centralized assessment database at the county it could have been easily restored. The county has received calls from banks and mortgage companies asking for information the county is unable to provide because we do not have the information.

In response to Mr. McCarthy, Mr. Sabansky stated that the Sidney assessor sends the information to the county on a CD. Mr. McCarthy noted that Sidney's assessment information is provided on their website and asked if the county would be putting the assessment information on their website. Mr. Sabansky stated that the information would not be on the county web-site and the assessment information provided by this system would only be accessed by assessors.

In reply to Mrs. Capouya, Mr. Sabansky said that the database will include everything the assessors now have and their updated information.

Mr. Valente commented that remote off-site data storage is available and not terribly expensive. He did not see the need to purchase this equipment.

Mr. Sabansky noted that data storage was only one element of the grant. The equipment allows the town assessors that participate to dial-in and do their assessments on a live system. The town assessor can still choose to store their information on their home or town computer.

Mr. Triolo commented on the different ways the towns are completing their assessments and suggested that the county look at ways to be consistent among the towns.

Mr. Valente remarked that he thought the county had received funding to begin that process. Mr. Sabansky stated that developing a county wide standard for assessments is one step in the process. He offered to meet with Mr. Valente to discuss his concerns and explain what the county was trying to achieve. He noted that he has spent a month preparing this application in order to meet the deadline.

Mr. Donnelly stated that Mr. Sabansky had discussed this with the Finance Committee. If supporting this grant application for the purchase of equipment will make it easier and more efficient for the assessors and the county he was all for it. If we do not apply for the grant and if as anticipated it becomes a state requirement the county will have to purchase the equipment with taxpayer money.

Mr. Valente noted that although the initial purchase would be free the county would be strapped with inventory that would cost a great deal of money in maintenance and upgrades.

Mr. Sabansky explained that the county already supplies computer equipment to the towns that ask for it and is billed annually for the use of the state RPS system. The amount paid in 2009 for the state software was \$22,000.

The resolution was adopted by the following vote: Ayes 3561 , Noes 823 (Valente, DuMond, Utter), Absent 422 (Smith, Eisel).

Vice Chairman Molé 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. 65

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,662,999.40 are hereby presented to the Board of Supervisors' for approval of payment;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,068,351.87
OET	\$225,515.33
Highway Audits, as Follows:	
Road	\$189,045.60
Machinery	\$78,132.93
Capital Road & Bridge	\$8,007.77
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$93,945.90

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4384, Noes 0, Absent 422 (Smith, Eisel).

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

RESOLUTION NO. 66

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present except Mr. Smith and Mr. Eisel.

Upon a motion, the meeting adjourned at 3:55 p.m.